

## LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

### Application of FOI exemption Section 40(2) and EIR exception 12(3) 13(1)

DOF/2024-0149

A Lawfulness, Fairness and Transparency Test must be carried out by the Department of Finance when considering disclosure of third-party personal data which falls within the scope of an FOI or EIR request.

#### FOI / EIR request

Please supply all data or information of any kind relating to the Victoria square apartments and or the Victoria square shopping complex regarding the situation of any concerns for the safety of the building. This should include, inspections by Land and Property Services, notes by LPS and when they were accompanying inspections by others.

#### Consideration of the personal data falling within the scope of the request

Guidance from the Information Commissioner's office states that personal data only includes information relating to natural persons who:

- can be identified or who are identifiable, directly from the information in question; or
- who can be indirectly identified from that information in combination with other information.

#### Description of personal data/issue(s) under consideration:

Rating database information is personal information and so is withheld. Third party names on valuation reports is also withheld.

#### Lawfulness

Do either of the two lawful basis below, which allow for the disclosure of personal data, apply? **No**

- Consent:** This applies when the data subject(s) clear consent exists, allowing the department to disclose personal data falling within the scope of this request.
- Legitimate interests:** This applies when disclosure is necessary for the department's legitimate interests or the legitimate interests of a third party

that overrides the data subject(s) rights and freedoms, particularly their right to privacy.

## **Conclusion**

Having considered all the information contained within the Lawfulness, Fairness and Transparency Test, the department has established that, on balance, there is no lawful basis for the disclosure of third-party personal data falling within the scope of the request (of which the requester is not the data subject).