FOI DOF/2023-0410

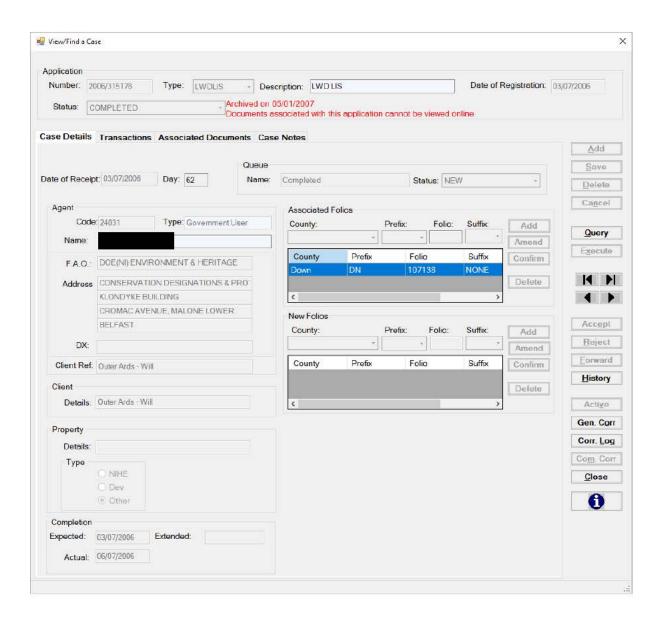
[re Registration Folio]
Can I ask who requested dn107138 in particular a document 2003/132930A.
Who requested this
What date

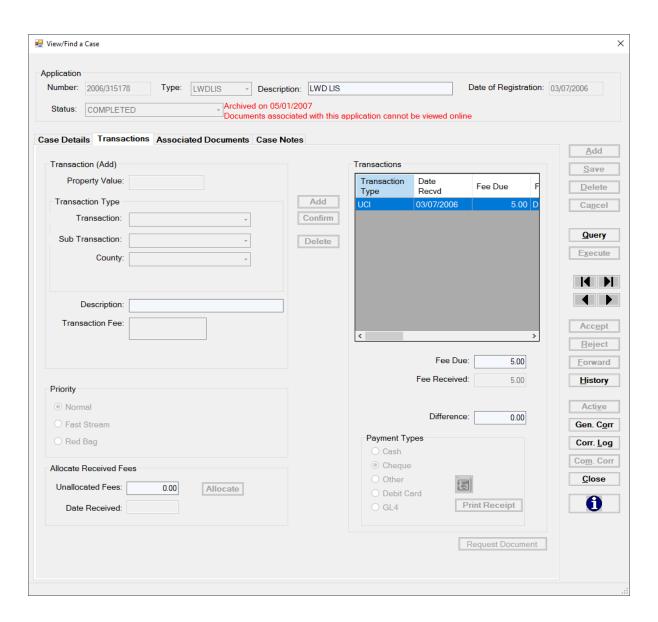
DoF response

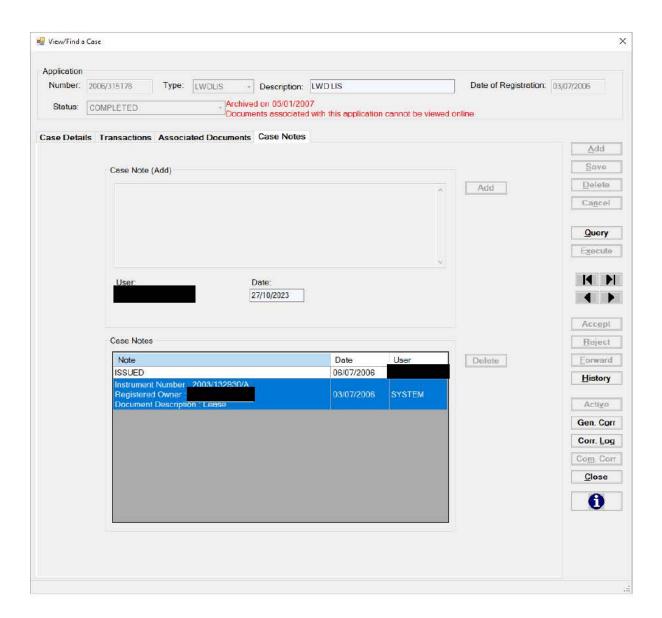
The department can confirm it holds the information that would fall within the scope of the request. The information is provided as Annex B – entitled screenshots of document applications.

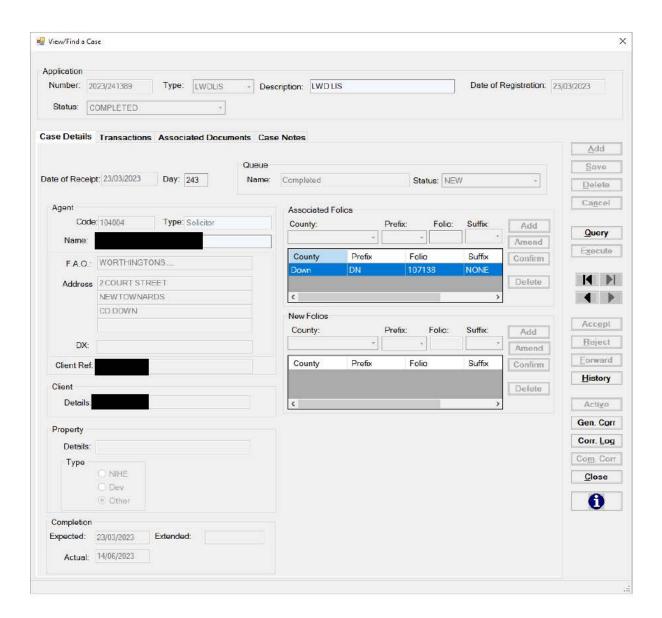
Some of the information is withheld (redacted) as it is exempt under Section 40(2) of the Freedom of Information Act (personal data which is not the personal data of the requestor i.e. third party personal data). Such disclosure would contravene the first principle of the Data Protection Act 2018. Section 40(2) requires that personal data must be processed lawfully, fairly and in a transparent manner. Disclosure would be unfair, because the individual would not expect that this information would be made available to others. Staff and customer information is withheld in this instance.

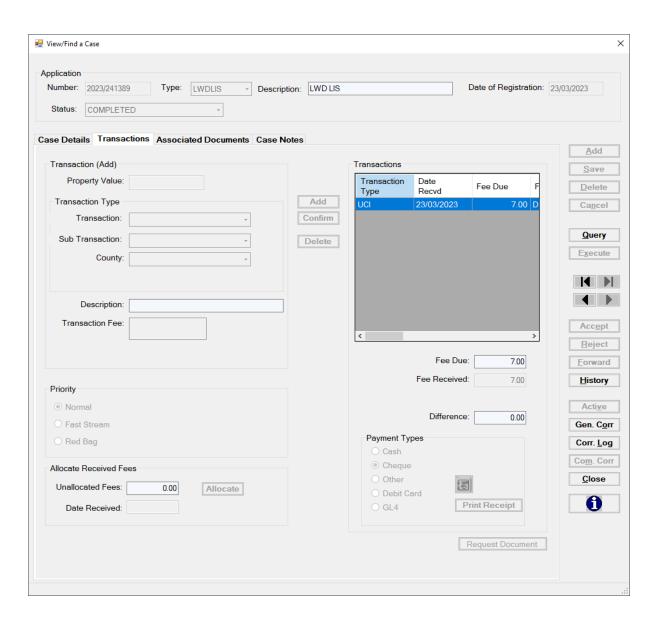
Having considered all the information contained within the Lawfulness, Fairness and Transparency Test (Annex C), the department has established that, on balance, there is no lawful basis for the disclosure of third-party personal data falling within the scope of the request of which the requester is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

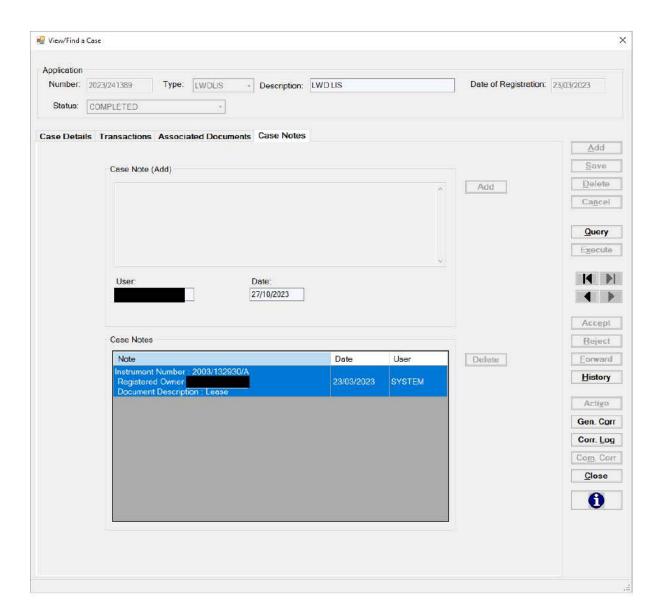












LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

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

DOF/2023-0410

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

[re Registration Folio] - who requested dn107138 in particular a document 2003/132930A.

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:

Third party personal information including staff names (staff in) and that of clients/customers.

Lawfulness

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

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.

☐ **Consent:** This applies when the data subject(s) clear consent exists,

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).