

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-358 - Freedom of Information Act 2000 (FOIA)

Request Details:

Civil Service number of the person who received the FOI and who their supervisor was. A chronological chain of the names of the Civil Service person who dealt with the request as it passed through the organisation and the number of the supervisor in each case who was overseeing my request up to and including this request.

Brief description of the Personal Data falling within the scope of the request

Names of junior officials and their Civil Service numbers. These names and Civil Service numbers are for junior members of staff below Grade 5 /Senior Civil Service level.

LAWFULNESS

Please identify the lawful basis for processing

Personal data is processed when it is lawfully disclosed in response to an FOI / EIR request.

The lawful basis for processing is set out in Article 6 of the GDPR and the ICO expects at least one of two lawful bases (Consent / Legitimate Interest) to apply before the personal data held can be disclosed.

- Consent:** This will apply when the data subject(s) clear consent exists that allows you to disclose the personal data falling within the scope of this request.
- Legitimate interests:** the processing 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.

Consideration of Legitimate Interests

1. PURPOSE

Section 40(2) of the FOIA engaged – Personal Data of which you are not the data subject.

As the disclosure of personal data under FOIA is a disclosure to the world at large, doing so on the strength of a requester's private interests alone could constitute a disproportionate and unwarranted level of interference with the data subject(s) rights and freedoms, particularly their right to privacy and family life under the Human Rights Act 1998.

2. NECESSITY

The right of access under FOI or EIR does not in itself constitute a **pressing social need**.

The Department has considered and not identified any such need for the data subject's right to privacy to be interfered with.

