**ANNEX A**

**LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST**

**DAERA/26-807** Freedom of Information Act 2000

**Request details:**

Information concerning the humane destruction of cattle at a farm in Fivemiletown.

**Brief description of the Personal Data falling within the scope of the request:**
Personal data of third party individuals

**LAWFULNESS**

**Please identify the lawful bases for processing**
Personal data is processed when it is lawfully disclosed in response to an FOI request. The lawful bases for processing are 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**
As the disclosure of personal data under FOI is 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 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.

**CONCLUSION**
Having considered all of the information contained within this 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.

**VSAHG**