LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

AE6-26-800 Environmental Information Regulations 2004

Request Details:

Requested information the Department holds in relation to FSN 1/052/013 Fields 11 and 12A.

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

The personal data within the scope of the request relates to claimant information the Department holds, of which the requester is not the data subject.

LAWFULNESS

Please identify the lawful bases for processing

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

PURPOSE

As the disclosure of personal data under EIR 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 or EIR does not in itself constitute a **pressing social need**. Decision makers should consider if there a pressing social 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 there is no lawful basis for the disclosure of third-party personal data falling within the scope of the request.

[redacted]

AESD Information Management Team