Dear Ms McCracken

Freedom of Information Act 2000

Thank you for your recent request which we received on 14 March 2013. You asked for information about conflicts of interest declared by staff in OFMDFM over the last five years. I am writing to confirm that OFMDFM has now completed its consideration of your request and wish to advise you that this information cannot be disclosed.

The information you requested is being withheld as it falls under the terms of the exemptions in sections 21(1) and 22(1) of the Freedom of Information Act.

Section 21(1) of the Freedom of Information (FOI) Act states that:

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

Departmental declarations of interests are published annually on our internet site for the financial years 2008/09 – 2011/12. You can access this information at:

http://www.ofmdfmni.gov.uk/department/departmental_board_and_senior_management_team

In relation to the Departmental declaration of interests for 2012/13, the information you requested is being withheld as it falls under the terms of the exemption in section 22 (1) of the Freedom of Information Act (Information Intended for Future Publication). This information is due for release in the future.

Section 22 (1) states that:
(1) Information is exempt information if –

(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
(b) the information was already held with a view to such publication at the time when the request for information was made, and
(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

In applying this exemption, we have had to balance the public interest in withholding this information against the public interest in disclosing it. The factors we considered when deciding where the public interest lay are explained below.

**Arguments in favour of disclosing the information**

There is a presumption of a general public interest in disclosure.

There is a public interest in the transparency and accountability of public authority staff.

**Arguments in favour of withholding the information**

The information is in the process of being compiled into our standard publication format and is incomplete at this point in time. It is still subject to verification prior to publication, and to release it prematurely would be misleading to the public.

**Balancing the public interest**

After weighing the various factors in favour of disclosing or withholding this information, on balance we believe that it is reasonable in all the circumstances of this case for the information to be withheld until the intended dates of publication.

I hope this is helpful. If however you are unhappy with the level of service you have received in relation to our handling of this request, you may ask for an internal review within two calendar months of the date of this letter. You should contact –

Director of HR and Corporate Services
Room E4.20
Castle Buildings
Stormont Estate
BELFAST
BT4 3SR

Tel - 028 9052 0694
Email - foi@ofmdfmni.gov.uk

If you are not content with the outcome of the internal review, you then have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at –
The Information Commissioner will not investigate a complaint unless the internal review procedure outlined above has been completed.

The supply of information in response to a freedom of information request does not confer an automatic right to re-use the information. Under UK copyright law you can use any information supplied for the purposes of private study and non-commercial research without requiring permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs.

For other forms of re-use, for example publishing the information, you would need the permission of the organisation or person who owns the copyright. In the case of information produced by government departments and agencies you can re-use the information under the Open Government Licence. For information about this please see http://www.nationalarchives.gov.uk/doc/open-government-licence/open-government-licence.htm

If, however, the copyright is identified as belonging to somebody else, you will need to apply for permission. For information about how to obtain permission from a third party, please go to Intellectual Property Office’s website at http://www.ipo.gov.uk/types/copy/c-other.htm

Please contact me if you have any queries about this letter, remembering to quote the reference number above in any future communications.

Yours sincerely

Ena Stanfield