

## LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/21-192 - Freedom of Information Act 2000

### Request Details:

Information regarding the contracts between Balcas Timber Limited and Forest Service and further details of documents, e-mails and meetings with reference to Old Castle Archdale.

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

Names and contact details of DAERA staff, third party customers and contractors.

## 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

#### 1. PURPOSE

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 Department **does not** consider that a **pressing social need** exists that would justify interference with the data subject's right to privacy.

## CONCLUSION

Having considered all of the information contained within this test, the Department has established that, on balance, no lawful basis exists for the disclosure of third party personal data falling within the scope of the request of which the requester is not the data subject.

Forest Service Corporate Services