

Gender and Sexual Orientation Equality Unit

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Office of the
**First Minister and
Deputy First Minister**
www.ofmdfmni.gov.uk

Mr Hugh McCloy

Your Ref:

**Mailto:request-28697-0a94e99a@whatdo
theyknow.com**

Our Ref: FOI 21610

Date: 2 March 2010

Dear Mr McCloy

Freedom of Information Act 2000

I refer to your request which we received on 10 February 2010 for information relating to staffing and expenses of the Gender Equality Unit. Your email requested details of expenses claimed by all staff currently employed by the Gender Equality Unit for the last 4 years. For each person, you requested name, job title, gender, Directorate and Service, current salary and details of total expenses claim per year and full details of any expenses claim exceeding £250. Your request specified that if we could not release names due to Data Protection rules, you would still like the rest of the information.

I am writing to confirm that OFMDFM has now completed its consideration of your request. While most of the information can be provided, I wish to advise you that some of the information cannot be disclosed. There is an absolute exemption relating to personal data, provided for at section 40(2) of the Freedom of Information Act 2000. Information which is protected from disclosure under the Data Protection Act 1998 cannot be obtained using the Freedom of Information Act 2000. The names of the relevant staff, are being withheld as these fall under the terms of the exemption in section 40(2) of the Freedom of Information Act.

Section 1(1) of the Data Protection Act (DPA) defines the "processing" of information or data as including its disclosure. The first data protection principle (set out in Schedule 1 of the DPA) requires that -

Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –

(a) at least one of the conditions in Schedule 2 is met, and

(b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

In this case, none of the conditions in Schedule 2 of the DPA have been met and therefore to release this information would be in breach of the first data protection principle.

Furthermore, Section 7(4) of the Data Protection Act states that:

“Where a data controller cannot comply with the request without disclosing information relating to another individual who can be identified from that information, he is not obliged to comply with the request unless –

(a) the other individual has consented to the disclosure of the information to the person making the request; or

(b) it is reasonable in all the circumstances to comply with the request without the consent of the other individual.

Consent to disclosure has not been received and we consider that there are no circumstances which would render disclosure reasonable without the consent of the third parties concerned. As these third parties would have had no expectation that this information would be released to the public domain, to release it would represent unfair processing which again would be in breach of the first data protection principle.

In short the personal information scoped by your request is being withheld as it constitutes information which falls under the terms absolute exemption relating to personal data, as provided for at section 40(2) of the freedom of information act 2000. Information which is protected from disclosure under the Data Protection Act 1998 cannot be obtained using the Freedom of Information Act 2000.

Nevertheless there is a presumption of a general public interest in disclosure, and recognising the benefits of openness and transparency, for organisations and for the public, in responding to this request we have sought to give full, clear, and relevant information. This is consistent with our commitment to good customer service and the effective fulfilment of our statutory responsibilities.

Disclosed Information

Over the four year period there have been a number of organisational and personnel changes. We have however assessed and listed as accurately as possible, below, the grades and numbers of staff working in the Gender Equality Unit (which is part of OFMDFM's Equality Directorate) over the past four years. Over the years both men and women have worked in the Gender Equality Unit, although over the past four years the staffing has been women. I have provided information relating to salaries based on average annual costs to the Department. I have also provided information on expenses, and individual expenses over £250 incurred by the Unit.

Costs for 2006-07

Grade 7	0.5 of average salary cost	£54,957 =	£27,478.50
DP	0.5 of average salary cost	£41,599 =	<u>£20,799.50</u>
	Total average salary cost		£48,278.00

Individual Expenses over £250:	None
Total expenses for 2006-07:	£1,477.00

Costs for 2007-08

Grade 7	0.5 of average salary cost	£57,155 =	£28,577.50
DP	0.5 of average salary cost	£43,263 =	<u>£21,631.50</u>
	Total average salary cost		£50,209.00

Individual Expenses over £250 - these costs relate to the cost of participation in the NI delegation to Brussels in connection with Barroso Taskforce discussions.

Air Fares	£554.35
Hotel	£431.89
Total expenses for 2007-08	£2,145.00

Costs for 2008-09

Grade 7	0.5 of average salary cost	£58,397 =	£29,198.50
DP	0.9 of average salary cost	£44,203 =	<u>£39,782.70</u>
	Total average salary cost		£68,981.20

Individual Expenses over £250: These relate to participation in the UK delegation to New York giving evidence to the United Nations Committee on the Elimination of all Forms of Discrimination against Women.

Air Fares (New York)	£825.00
Hotel	£402.00
Total expenses for 2008-09	£1,760.00

Expenses for 2009-10 (estimated)

Grade 7	0.7 of average salary cost	£60,441 =	£42,308.70
DP	1 of average salary cost	£45,750 =	<u>£45,750.00</u>
	Total average salary cost		£88,058.70

Individual Expenses over £250	Nil
Total expenses for 2009 (estimated)	£1,200.00

If 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 Corporate Services
Room E4.20
Castle Buildings
Stormont Estate
BELFAST
BT4 3SR

Tel - 028 9052 8157
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 –

Information Commissioner's Office
Wycliffe House
Water Lane
WILMSLOW
Cheshire
SK9 5AF

The Information Commissioner will not investigate a complaint unless the internal review procedure outlined above has been completed.

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

Yours sincerely

Eileen Sung
Head of Gender and Sexual Orientation Equality Unit