

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 12th July 2005

Name of Public Authority: Department of Finance and Personnel
Northern Ireland (DFPNI)

Address of Public Authority: DFPNI
Corporate Services Group
Rathgael House
Balloo Road
Bangor, County Down
BT19 7NA

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 10th January 2005 the following information was requested from the Department of Finance and Personnel Northern Ireland (DFPNI) under section 1 of the Freedom of Information Act 2000 (the "Act"):

"Details of the full qualifications, experience and duties of each member of the Department's Web Design Team by grade".

It is alleged by the complainant that the public authority incorrectly applied the exemption in Section 40 (2) of the Act to withhold some of the information requested on the basis that the requested information about the qualifications and experience of members of the web design team is personal information and therefore exempt under Section 40 (2) of the Act.

The Commissioner's Decision

Under Section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner is satisfied that the public authority has dealt with this request in accordance with the requirements of Part 1 of the Act.

In particular, the Commissioner is satisfied that the disclosure of information about the full qualifications and experience of each member of the web design team by grade would breach the provisions of the Data Protection Act 1998 in that it could be linked to identifiable individuals. In these circumstances the Commissioner is satisfied that the public authority has applied the exemption in Section 40 (2) of the Act correctly to withhold the information in question.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 12th day of July 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Statement of reasons.

The complainant made a request for information from the Department of Finance and Personnel (DFPNI) in January 2005. He requested details of the full qualifications, experience and duties by grade of each member of the Department's Web Development Team by grade. The Team is comprised of six members of staff.

DFPNI provided the complainant with information about the duties and responsibilities by grade and the minimum educational qualifications required for all of the roles within the Web Development Team. However, DFPNI declined to provide information about the qualifications and experience of the Web Development Team members by grade as that information was considered to be personal information and exempt under Section 40 (2) of the Freedom of Information Act 2000 (the "Act").

DFPNI maintained that the information about qualifications and experience could be used to identify individual members of the team as it would be possible to link that information to particular team members via the Department's staff directory or simply by telephoning the Department and asking to speak to team members by grade or role. The information of identity, linked to information about qualifications and experience, could then be used to identify the religious persuasion of individual team members.

The Commissioner is satisfied that the disclosure of information about the full qualifications and experience of each member of the web design team by grade would breach the provisions of the Data Protection Act 1998 in that it could be used to identify those individuals and sensitive personal information about them. In these circumstances the Commissioner is satisfied that the public authority has applied the exemption in Section 40 (2) of the Act correctly to withhold the information in question.