

6th June 2023

BY EMAIL


Our Ref: FOI 1965

Dear 

Your request for information was received on 11th May 2023 and was dealt with under the terms of the Freedom of Information Act 2000. Please be advised that the Business Services Organisation (BSO) has now completed its search for the information you requested with regards to the following:

I am writing to make a Freedom of Information request for appropriately redacted data in respect of all interview notes/information recorded about the two successful candidates by the three person panel (named below) during the interview process (Ref: 534138541) for the Senior Practitioner posts in Mount Oriel and Grove Physical Health and Disability teams.

Named individuals:


I should advise you that as this request involves information relating to third parties, the BSO deems this information to be exempt from disclosure on the grounds of Section 40 (3A) (a) (personal information) of the Freedom of Information Act 2000.

This exemption is absolute and no public interest test is required.

Interview notes, even in redacted form, would be considered personal data of the interviewed candidates. I would draw your attention to previous published decision notices from the Information Commissioner's Office (ICO) relating to the disclosure of third-party interview notes, where in all cases the decision to withhold interview notes was upheld by the ICO. In particular, I would refer you



to the ICO's comments in relation to decision notice FS50662159, which states that interview notes are "either personal data in its own right, or for example in the case of specific scenarios described by the candidate, when combined with other information known about the individual". The ICO further states within this decision notice that in their view, even if direct identifiers (such as names) are removed, "an individual could still be linked to the information".

In order to be satisfied of whether Section 40(3A) (a) of the FOI Act is engaged (i.e. if release of this personal data "would contravene any of the data protection principles"), consideration is given to Schedule 2, Part 3, Paragraph 16 of the Data Protection Act (DPA) 2018 ('Protection of the rights of others').

This advises that access where disclosing information "would involve disclosing information to another individual who can be identified from the information", there is no obligation to disclose unless those individuals have consented, or it is "reasonable in all the circumstances" to disclose without the consent of the other individuals. One such circumstance is the "duty of confidentiality owed to the other individual".

Furthermore, the Health and Social Care (HSC) Recruitment and Selection Framework states that "Information regarding other candidates' results or performance must be kept strictly confidential", and that "All correspondence and information arising out of the recruitment and selection process must be treated by all concerned in strictest confidence".

I hope that the information provided assists you. If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter, as the BSO, along with all other public authorities are not obliged to accept internal review requests after this period has lapsed.

In the event that you require a review to be undertaken, you can do so by writing to

Information Governance Manager,
2 Franklin Street,
Belfast,
BT2 8DQ

If, following an internal review, carried out by an independent decision-making panel, you remain dissatisfied in any way with the handling of the request, you may make a complaint under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the BSO has complied with the terms of the Freedom of Information Act.

You can contact Information Commissioner at:

Website: www.ico.org.uk
Phone: 0303 123 1113
Email: casework@ico.org.uk
Post: Information Commissioner's Office

3rd Floor, 14 Cromac Place
Belfast
BT7 2JB

In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out. However, the Commissioner has the option to investigate the matter at his discretion.

Yours Sincerely,

A handwritten signature in cursive script that reads "Karen Bailey".

Karen Bailey
Chief Executive