

25th April 2023**BY EMAIL**
**Our Ref: FOI 1932**Dear 

Your request for information was received on 25th March 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 information held relating to the vacancy for the Southern Health and Social Care Trust (SHSCT) Assistant Head of Estate Development Services.

Please find this information below:

Could you please provide copies of all hand-written notes taken by the panel at interview stage (all candidates called for interview).

This request involves information relating to a third party. 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.

Provide dates and times when each candidate was interviewed.

The dates and times are as follows:

Start Time	End Time	Date
10:00:00	11:00:00	20/01/2023
11:30:00	12:30:00	20/01/2023
13:30:00	14:30:00	20/01/2023

Also provide all forms, paperwork and correspondence used to select or reject each candidate



This request involves information relating to a third party. 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.

Please provide scoring matrix used by the panel to select the candidate

This request involves information relating to a third party. 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.

Also provide all paperwork /correspondence used when offering or rejecting the candidates for the post above.

This request involves information relating to a third party. 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.

Give date time above role was filled

The outcomes were issued on 25th January 2023

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.

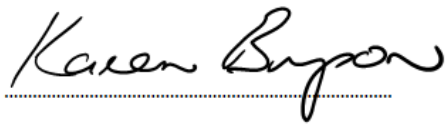
You can contact Information Commissioner at:

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 black ink, reading "Karen Bailey". The signature is written in a cursive style. Below the signature is a horizontal dotted line.

for Karen Bailey
Chief Executive

Chief Executive

2 Franklin Street
BELFAST
BT2 8DQ

Tel: 028 9536 3863

Email: FOI.BSO@hscni.net

22nd May 2023

BY EMAIL



Our Ref: FOI 1932

Dear 

We are writing to you in response to your request for a review of the above referenced Freedom of Information (FOI) request, which review request was received by the Business Services Organisation (BSO) on 27th April 2023.

We can advise that a review panel was convened on 19th May 2023 to review this matter. This panel consisted of Ms Julie Erskine (Chair, BSO) and Ms Lesley Young (Director of Operations, BSO).

The review panel reviewed your original Freedom of Information request, the BSO's formal response to it, as well as the points raised within your request for a review panel to be convened.

The panel first considered whether the interview notes, even in redacted form, would be considered personal data of the interviewed candidates. In doing so, the panel reviewed [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, the panel noted 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"*.

The panel is satisfied, therefore, that even in redacted form, the interview notes requested represent the personal data of the applicants.

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*”), the panel then considered [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*”.

The panel reviewed the [Health and Social Care \(HSC\) Recruitment and Selection Framework](#) which 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*”.

The panel therefore concluded that there is an expectation, and indeed duty, of confidentiality, and that disclosure of the requested personal data, would contravene at least one of the data protection principles.

The review panel hope that the outcome of this review panel has been of assistance to you.

If, however, following this 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: icocasework@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, appearing to read 'J Erskine'.

Ms Julie Erskine
BSO Chair , BSO

A handwritten signature in cursive script, appearing to read 'Lesley Young'.

Ms Lesley Young
Director of Operations, BSO