

Our ref: DAERA/23-198

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DAERA Private Office
Room 438
Dundonald House
Upper Newtownards Road
Ballymiscaw
Belfast
BT4 3SB
Tel: ██████████

E-mail: Private.Office@daera-ni.gov.uk

22 June 2023

Dear ██████████

Freedom of Information Act 2000

With regard to your request for information received by the Department on 12 June 2023 which sought the following information:

Please disclose the following for the period from November 2022 to present:

- 1. The make and model of the ministerial car.*
- 2. The number of journeys made using the ministerial car.*
- 3. A breakdown of these journeys, providing for each:*
 - The date of the journey*
 - The broad start location (pick-up point) and end location (drop-off point)*
 - The name and/or job title of the civil servant(s) or others who were transported.*

I can advise that the Department has completed its search and can confirm that it holds some of the information you requested.

You should note that the 'Ministerial car' referred to in your request is an 'Official car' for use by the Minister and members of the Senior Civil Service to enable them to effectively perform their public duties. This is standard NICS-wide policy and the DAERA provides one vehicle for this purpose. To ensure the utilisation of resources, in the absence of a Minister, the car has been made available to officials across the Department on occasion.

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If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.



The Department has decided not to disclose some of the information as it is considered to be third party personal data. As a result, Section 40(2) has been engaged. Some of the information held constitutes personal data of which you are not the data subject. In these instances, the Department is required to consider if disclosure would breach the first Data Protection Principle which states that processing must be lawful, fair and transparent. The Department has considered this element and has determined that no lawful basis for disclosure under FOI exists, bearing in mind that any such disclosure must be considered in terms of disclosure to the “world at large”, and not just you the requester. Consequently, the personal data falling within the scope of this request has been withheld. A copy of the Lawfulness test is attached.

Responses to your questions are as follows:

1. The make and model of the ministerial car- **Skoda Superb**
2. The number of journeys made using the ministerial car- **6 Journeys**
3. A breakdown of these journeys, providing for each:
 - The date of the journey
 - The broad start location (pick-up point) and end location (drop-off point)
 - The name and/or job title of the civil servant(s) or others who were transported

DATE	NAME / NUMBER OF CIVIL SERVANTS TRANSPORTED	PICK UP & DROP OFF POINTS
07/12/2022	3	Stormont Estate - Cookstown – Stormont Estate
24/03/2023	Katrina Godfrey, Permanent Secretary	Stormont Estate – Belfast City Centre -Stormont Estate
28/04/2023	3	Stormont Estate – Lisburn – Stormont Estate
02/05/2023	4	Stormont Estate - Armagh - Stormont Estate
10/05/2023	Katrina Godfrey, Permanent Secretary	Saintfield – Lisburn - Saintfield
11/05/2023	Katrina Godfrey, Permanent Secretary	Saintfield – Lisburn - Saintfield

If you require any clarification, believe that any part of your request has been overlooked, misunderstood or misinterpreted, please contact me in the first instance to see if it is a matter that can be resolved.

If you are unhappy with the manner in which your request for information has been handled or the decision to release/withhold information, you have the right to request a formal review by the Department.

If you wish to do so, please contact The Review Section either by e-mailing daera.informationmanager@daera-ni.gov.uk or by post at The Department of Agriculture, ***Sustainability at the heart of a living, working, active landscape valued by everyone.***

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Environment and Rural Affairs, Data Protection & Information Management Branch, Floor 2, Ballykelly House, 111 Ballykelly Road, Ballykelly, Limavady BT49 9HP, within two months from the date of this letter.

If after such an internal review you are still unhappy with the response, you have the right to appeal to the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, CHESHIRE, SK9 5AF, who will undertake an independent review of the Department's decision.

Yours sincerely,

[Redacted signature]

[Redacted name]

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LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/23-198 Freedom of Information Act 2000

Request Details:

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2. The number of journeys made using the ministerial car.
3. A breakdown of these journeys, providing for each:
 - The date of the journey
 - The broad start location (pick-up point) and end location (drop-off point)
 - The name and/or job title of the civil servant(s) or others who were transported.

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

Information identifying Departmental Staff below Director level who were transported in car provided for section 3 of the request.

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:** The data subject(s) have not given consent that allows disclosure of the personal data falling within the scope of this request. Staff and employees could not have anticipated that this information would be released under FOI.
- 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

Disclosure of the identity of staff would be a disclosure of personal data to the world at large and could constitute a disproportionate and unwarranted level of interference with the data subject(s) rights and freedoms.

2. NECESSITY

Whilst we recognise there is some local interest in the decision taken the right of access under FOI or EIR does not in itself constitute a **pressing social need**.

CONCLUSION

The release of Personal Data would 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. The Department has established that, on balance, there is no lawful basis for the disclosure of personal data falling within the scope of the request of which the requester is not the data subject.