

15. ACCESS TO INFORMATION ABOUT EMPLOYEES

This section provides practical advice on dealing with requests made under the Freedom of Information Act for access to information about Departmental employees.

When deciding whether to release information identifying an employee, the following factors should be considered:

- Is the information requested about an employee's professional or personal life? The threshold for releasing professional information will generally be lower than that for releasing truly personal or sensitive information, e.g. that found in an employee's occupational health record.
- Can the information requested be edited to remove personally identifiable information? In some cases, it may be possible to redact information identifying a specific employee without reducing the value of the information released. In other cases, this approach will not be feasible, e.g. where the information requested is specifically about the activities of a named employee.
- Have employees been told that information about them will be disclosed? What information, if any, will they expect to be disclosed? Amongst other things, this will depend on the seniority and role of the employees. In general, more senior staff (usually Grade 7 and above) should expect more information about them to be disclosed.
- Has the employee objected to the disclosure of the information? If so, what are his or her reasons for doing so? An employee's objection to the disclosure of information does not necessarily mean that it cannot be released. It is good practice, though, to inform employees that a request for access to information about them has been made and to take any objections into account.
- Would disclosure of the information be damaging to the employee? The likelihood of damage being caused to an employee will depend on the nature of the organisation and the employee's role in it. For example, the release of the names of staff working for certain law enforcement agencies could endanger them. The Department should assess such risks as part of the Disclosure decision.
- How sensitive is the information? In general, the more sensitive the information about an employee, the higher the threshold for its release. It is difficult to envisage circumstances in which information such as that concerning an employee's health, racial/ethnic origin, religious belief or sexual life could be disclosed in response to an access request.

Some practical issues for managing requests

- Draw a distinction between professional information, e.g. job titles or sectoral responsibilities, and genuinely personal or sensitive information, e.g. reasons for sick leave absence.
- Audit the information kept about employees. Can any reassurances be given to them that certain information will never be disclosed in response to an access request? Is there any information that will always be provided on request or included in a publication scheme? This needs to be explained to staff.
- Consider any differences in the degree of access that should be given to information about senior/junior staff, or ones in particular roles.
- Staff should be informed of the policy for disclosing information about them. This is set out in Departmental policy and staff handbooks. The rules relating to disclosure should be made clear to individuals commencing employment with the Department.
- When a request for disclosure is received, tell any staff members affected about it and take any objections into account. Remember that the Department may have to deal with cases where information is disclosed despite an employee's objection to this. Be prepared to deal with such situations.
- Any information about employees that would be disclosed as a matter of routine should be included in the Department's publication scheme.

