



## Data Protection Technical Guidance:

### Freedom of Information: access to information about public authorities' employees

This technical guidance gives public authorities practical advice about dealing with requests made under the Freedom of Information Act 2000 for access to information about their employees. It should be read in conjunction with our Freedom of Information awareness guidance 1 on Personal Information.

#### Factors for public authorities to consider when deciding whether to release information identifying an employee:

- 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, for example 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? This will depend on the nature of the organisation and the seniority and role of the employees who are the subject of the information. In general, more senior staff and those carrying out public functions should expect more information about them to be disclosed.
- Has the employee objected to the disclosure of 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 within it. For example, the release of the names of staff working for certain law enforcement agencies could endanger them. Public authorities 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 measures 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 sickness absence. Build this into a disclosure policy and make staff aware of it.
- 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. Public authorities should consider linking their policy for the disclosure of information to staff seniority or function and should communicate this to their employees.
- Inform staff of the policy for disclosing information about them. Information should be put in staff handbooks and any necessary training should be carried out. The rules relating to disclosure should be made clear to individuals commencing employment with the public authority.
- When a request for disclosure is received, tell any staff members affected about it and take any objections into account. Remember that public authorities may have to deal with cases where information is disclosed despite an employee's objection to this, be prepared to deal with such situations.
- Public authorities should include in their publication scheme any information about their employees that they would disclose as a matter of routine.

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