

Privacy work sheet

Important note

This summary work sheet will help you to decide whether there is good reason to withhold official information under section 9(2)(a) of the OIA / 7(2)(a) of the LGOIMA, because it is necessary to protect the privacy of natural persons, including deceased natural persons. Detailed guidance on this withholding ground is found in our guide: [Privacy](#).

1. Is withholding necessary to protect the privacy of living or deceased natural persons?

(NB a natural person is a human being.)

- For withholding to be necessary to protect personal privacy, there must be a reason to believe release would, to some degree, affect the privacy of the individual. The effect doesn't have to be significant, unreasonable or unwarranted, but it should be more than negligible.
- Agencies should assess:
 - a. whether there is a privacy interest in the information and, if so;
 - b. how strong that interest is.
- Factors to consider in assessing the privacy interest include:
 - The nature and content of the information.
 - The circumstances in which the information was obtained.
 - Who the information relates to.
 - Whether the individual is identifiable.
 - Reasonable expectations about use or disclosure.
 - The views of the individual. Agencies should consult with affected individuals before releasing information that could affect their privacy. More advice and template letters can be found in our guide [Consulting third parties](#).
 - The consequences of disclosure.
 - The extent to which the information is publicly available.
 - Whether disclosure would be fair.
- If withholding is necessary to protect the privacy of living or deceased natural persons, go to step 2. Otherwise release the information, or consider whether another withholding ground

	<p>applies. See our website for guidance on other withholding grounds.</p>
<p>2. Apply the public interest test</p>	<ul style="list-style-type: none"> • Identify any public interest considerations in favour of disclosure, for example accountability for how agencies have made decisions and performed their functions, spent public money, and taken appropriate action when things go wrong. Find more information in our public interest guide. • Consider whether these outweigh the need to withhold. If they do the information must be released. Otherwise go to step 3.
<p>3. Consider options to protect privacy and/or address the public interest</p>	<ul style="list-style-type: none"> • Consider whether privacy could be protected and/or the public interest addressed by: <ul style="list-style-type: none"> - Deleting personal information that is private or sensitive, or would identify individuals. - Releasing key information rather than everything requested. - Releasing an excerpt or summary of the information. - Providing the information in an alternative form, for instance allowing information to be inspected rather than providing a copy. - Imposing conditions on how the information can be used or disseminated. - Releasing other information. • If this is not possible, go to step 4.
<p>4. Consider whether to refuse the request</p>	<ul style="list-style-type: none"> • If withholding is necessary to protect the privacy of natural persons, and the need to withhold is not outweighed by the public interest in release, then it is open to the agency to refuse the request. • See our template Letter communicating the decision on a request.