



Houses of the
Oireachtas
Tithe an Oireachtais

HOUSES OF THE OIREACTHAS COMMISSION
HOUSES OF THE OIREACTHAS SERVICE

FREEDOM OF INFORMATION

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1. HOW TO USE THIS MANUAL

This manual has been prepared in respect of both the Houses of the Oireachtas Commission and the Houses of the Oireachtas Service to inform you of your rights under the Freedom of Information Act 2014.

The layout of the manual is as follows:

Chapter 2 gives full details of the rights given to members of the public under the Freedom of Information Acts.

Chapter 3 informs you on how to make a Freedom of Information (FOI) request and the time constraints applying to its processing, and the various circumstances that can arise in relation to deposits, fees, consultation with third parties and appeal mechanisms. It also makes reference to the exemptions and restrictions in the Act that may prevent the disclosure of certain records.

2. YOUR RIGHTS UNDER THE FREEDOM OF INFORMATION ACTS

The new Freedom of Information Act 2014 came into effect on 14th October 2014.

The Freedom of Information Acts assert the right of members of the public to obtain access to official information to the greatest extent possible consistent with the public interest and the right to privacy of individuals.

The Act established **three statutory rights**:

- A legal right for each person to access information held by public bodies;
- A legal right for each person to have official information relating to himself or herself amended when it is incomplete, incorrect or misleading; and
- A legal right to obtain reasons for decisions affecting oneself.

Under the Freedom of Information Acts, everyone is entitled to apply for access to information not otherwise publicly available. **You have a right to request:**

- Access to records held by this Service;
- Correction of personal information held by the Service concerning yourself wherever it is inaccurate, incomplete or misleading;
- Access to reasons for decisions made by the Service directly affecting you.

The following **categories of records come within the scope of the Acts**:

- All records relating to personal information held by the Service irrespective of when created;
- All other records created after 21st April 1998, which is the commencement date of the Freedom of Information Act; and
- All other records necessary for the understanding of a current record.

The Act asserts the right of members of the public to obtain access to official information to the greatest extent possible, consistent with the public interest and the right to privacy of individuals.

Members of the public do not have to give any reason for seeking access to a record, and the FOI Act prohibits the denial of access to a record based on the requester's real or imagined motives in requesting a record.

Access to information under the Act is subject to certain exemptions and restrictions and involves specific procedures and time limits, further details of which are available in Chapters 3 and 5.

3. HOW TO MAKE AN FOI REQUEST

3.1 How to make an FOI Request

Under the FOI Act, anyone is entitled to apply for access to records not otherwise publicly available. Each person has a right to:

- Access to records held by each body.
- Correction of personal information relating to oneself held by that body where it is inaccurate, incomplete or misleading.
- Access to reasons for decisions made by the body directly affecting oneself.

The following records come within the scope of the Act:

- All records containing personal information held irrespective of when created.
- All records created after 21st April, 1998.
- Any other record necessary to the understanding of a current record.

Applications for access to Commission or Service records under the FOI Act, or any query in relation to the application of the FOI Act in either body should be addressed to:

Ms Jennifer McGrath, FOI Co-ordinator, Houses of the Oireachtas Service, Leinster House, Dublin 2. Phone: +353 1 618 4712 Fax: Email: FOI@oireachtas.ie

If you wish to seek access to information within the Department using the Freedom of Information Acts you will need to:

- Make your request in writing or via email.
- Indicate that the information is being sought under the Freedom of Information Act 2014.
- Be as clear and specific as possible in making your request and provide as much information as possible to enable the Service to identify the records that you require.
- If you would like to receive access to the information/records requested in a particular format, (e.g. photocopies, electronically etc), please mention this when submitting your request.
- Include a daytime telephone number or email address and your postal address to help us to contact you if any queries arise in relation to your request.
- Requests should be posted or emailed to the FOI Co-ordinator (contact details as above).

Please note that the €15 initial application fee was abolished on 14th October 2014, when the new Freedom of Information Act 2014 was enacted.

The Service will acknowledge receipt of your request in writing within 10 working days. The acknowledgement letter will also provide you with the name and contact details of the person who will be making the decision in relation to your request and will advise you when you can expect to receive this decision.

If you are having difficulty in identifying the precise records that you require, the staff of the Service will be happy to help you.

A standard application form for making an FOI request is attached at **Appendix 1**.

In the event of our being asked, under FOI, for the name of the requester i.e. the name of the person seeking information under the FOI Acts, the Service will act in accordance with the rulings of the Information Commissioner and available legal advice in this regard and release the name accordingly.

3.2 Time Constraints

We are obliged to acknowledge a request for access to records within 2 weeks, and to make a decision on the request within 4 weeks.

However, there are certain provisions in the Act that can result in the time period for decision being extended [including, for example, consultation with third parties who may be affected by the release of the records in question]. Should this arise in your case, you will be so informed within the initial 4 week period.

3.3 Fees

Application Fees / Search and Retrieval Fees including Deposits

Fees may be charged for search, retrieval and copying of the records requested. This process involves two stages:

1. Locating the broad set of records in which those requested might be found.
2. Identifying, extracting and assembling the particular records sought for examination.

Fees for the estimated cost of searching for and retrieving records and copying the records can only be charged with respect to records being released. €20 is charged for each hour spent searching for and retrieving records and €0.04 is charged per sheet for a photocopy of the records released.

Bands for estimating search & retrieval (€20 per hour) and photocopying fees (€0.04 per sheet) :

<u>Hours</u>	<u>Estimate</u>	<u>Action</u>
Less than 5	€100 or less	No fees can be charged for search & retrieval or copying
Between 5 & 25	€101 - €500	Search & retrieval and copying fees apply
Between 25 & 35	€501 - €700	No more than €500 can be charged for search & retrieval or copying
More than 35	More than €700	The decision maker will contact the requester to ask him/her to refine/amend the request to ensure that the search & retrieval & copying charges are below €700. If the requester refuses to refine/amend the request

		then the request can be refused under Section 27 (12)(iii)
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In cases where search and retrieval fees apply, we are obliged to charge a deposit of at least 20% of the estimate to the requester.

Internal Review

- A standard fee of €30 must accompany an application for internal review.
- A reduced fee of €10 applies if the person bringing the application is a medical card holder or a dependent of a medical card holder.

The following internal review applications are exempt from application fee:

- An application in relation to a decision concerning records containing only personal information related to the applicant (including a request made by a parent or guardian on behalf of a minor or disabled person or the next-of-kin or personal representative on behalf of a deceased person).
- An application to amend records relating to personal information.
- An application in relation to a decision regarding the right of a person to information regarding acts of public bodies affecting the person.
- An application in relation to a decision to charge a fee or deposit, or a fee or deposit of a particular amount.

Review by Information Commissioner

A standard fee of **€50** must accompany applications to the Information Commissioner.

A reduced fee of **€15** applies if the person bringing the application is a medical card holder or a dependant of a medical card holder,

3.4 Exempt Records and Disclosure Restrictions

The FOI Act sets out a series of exemptions, some of which are administrative and some of which are designed to protect sensitive information where its disclosure may damage key interests of the State or of third parties, these are set out in Part III of the Act. These provisions may be invoked to withhold records or parts of records. In addition, exemptions apply to drafts of the strategic plan of the Houses of the Oireachtas Commission and restrictions apply to official documents of the Houses of the Oireachtas, details of which are set out in Chapter 5.

3.5 Rights of Review

Decisions in relation to withholding records or parts of records, deferral of access, charges, forms of access, etc. may be the subject of appeal. Details of the appeals mechanisms are set out below.

3.6 Internal Review

You may seek internal review of the initial decision on your FOI request if you are dissatisfied with the initial response received i.e. refusal of access to records or parts of records, form of access, charges, etc. In addition, if

you have not received a reply within 4 weeks of your initial application it is deemed to be a refusal of your request and you may proceed to internal review. Internal review will be carried out by a more senior official than the original decision maker, and is a full and new consideration of the request.

Requests for internal review should be submitted in writing to:

*FOI and Records Management Unit,
Library & Research Service
Houses of the Oireachtas Service
Leinster House,
Kildare Street,
Dublin 2.*

Requests for internal review must be submitted within 4 weeks of the initial decision. Reviews must be completed within 3 weeks. Internal review must normally be completed before an appeal may be made to the Information Commissioner

3.7 Review by the Information Commissioner

Following completion of internal review, you may request the Information Commissioner to carry out an independent review of that decision. Also, if you have not received a reply to your application for internal review within 3 weeks, this is deemed to be a refusal and you may apply to the Information Commissioner for a review.

Applications for review in writing may be made directly to the Information Commissioner at the following address:

Office of the Information Commissioner, 18 Lower Leeson Street, Dublin 2. Phone: +353 1

APPENDIX 1

FOI APPLICATION FORM

Request for Access to records held by the Houses of the Oireachtas Commission or the Houses of the Oireachtas Service under the Freedom of Information Act 2014

Jennifer McGrath, Houses of the Oireachtas Service, Kildare House Extension, Kildare Street, Dublin 2.

Dear Ms McGrath,

In accordance with the Freedom of Information Act, 2014, I wish to request access to the following records that I believe to be held by your organisation:

My preferred form of access to these records is: (Tick whichever is appropriate)

Receive copies by post

Receive copies by e-mail

Name (Block capitals):

Address:

Signature:

Date:

Telephone: Home: _____