



SEANAD ÉIREANN

**AN BILLE UM SHAORÁIL FAISNÉISE, 2013
FREEDOM OF INFORMATION BILL 2013**

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM SHAORÁIL FAISNÉISE, 2013 —AN TUARASCÁIL

FREEDOM OF INFORMATION BILL 2013 —REPORT

*Leasuithe
Amendments*

1. In page 14, between lines 16 and 17, to insert the following:

“(e) any correspondence electronic or otherwise even if such correspondence is not carried out on the official networks of the public body.”.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Donohoe, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

2. In page 15, to delete lines 13 to 18 and substitute the following:

“(3) Every order or regulation under this Act shall be brought before each House of the Oireachtas for approval by both Houses and if a resolution approving such regulation or order is not passed by both Houses, the regulation or order shall be annulled accordingly.”.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Donohoe, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

3. In page 15, between lines 32 and 33, to insert the following:

“(b) the Office of the President;”.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Donohoe, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

4. In page 15, between lines 32 and 33, to insert the following:

“(b) the administrative functions of Tourism Ireland;”.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

5. In page 15, between lines 32 and 33, to insert the following:

“(b) the functions of Bus Éireann that directly relate to the provision by it of school transport services for the Department of Education and Skills on a contract agency basis;”.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

6. In page 25, between lines 35 and 36, to insert the following:

“11. The Minister shall, within 12 months of the enactment of this Act, make provision for the establishment of a database to include all information released under the Act and such database shall be made available to the public.”.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Donohoe, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

7. In page 25, to delete line 37 and substitute the following:

“11. (1) An FOI body shall ensure that all staff employed by that body dealing with FOI requests shall be provided with adequate training in that field.

(2) Subject to this Act, every person has a right to and shall, on request therefor, be”.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

8. In page 27, between lines 20 and 21, to insert the following:

“(10) The Minister shall, within 3 months of the enactment of this Act, provide a list of the service providers contemplated under *subsection (9)*.”.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Donohoe, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

9. In page 47, between lines 26 and 27, to insert the following:

“(a) consists of a private communication between two or more members of the Government,”.

—*Senators David Norris, Sean D. Barrett.*

10. In page 50, line 11, after “member” where it firstly occurs to insert “of Dáil Éireann, Seanad Éireann, or”.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Donohoe, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

11. In page 59, between lines 36 and 37, to insert the following:

“(10) Subject to *subsections (1) to (9)*, where the information relates to personal information of the requester, such information shall be released even where the information is provided by a third party.”.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Donohoe, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

12. In page 63, to delete line 10 and substitute the following:

“41. (1) The 52 non-disclosure provisions recommended for exclusion in *Schedule 3*, where the Information Commissioner disagreed with the views of the relevant Departments, shall be deleted from *Schedule 3*.

(2) A head shall refuse to grant an FOI request if—”.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Donohoe, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

13. In page 66, to delete line 40.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Donohoe, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

14. In page 71, line 4, to delete “The Minister may draw up and publish a code of practice” and substitute the following:

“The Minister shall, within 3 months of the enactment of this Act, draw up and publish a code of practice”.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Donohoe, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

15. In page 71, lines 8 and 9, to delete “The code may include provisions to promote the publication of official and other information” and substitute “The code shall include provisions to promote the publication of official and other information”.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

16. In page 73, line 7, after “fine” to insert “and/or 6 months in prison”.

—*Senators David Norris, Sean D. Barrett.*

17. In page 76, to delete lines 20 to 41.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

18. In page 77, to delete lines 15 to 19 and substitute the following:

“functions;”.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

19. In page 79, to delete line 7.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

20. In page 79, to delete line 9.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

21. In page 79, to delete line 14.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

22. In page 79, to delete line 17.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

23. In page 79, to delete line 20.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

24. In page 79, to delete line 21.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

25. In page 79, to delete line 29.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

26. In page 80, line 5, after “Ireland” to insert “, excluding its administrative functions”.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

27. In page 80, to delete line 8.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

28. In page 80, to delete line 9.

—*Senators Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*