

Dé Céadaoin, 15 Meán Fómhair, 2021
Wednesday, 15th September, 2021

2 p.m.

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS

Fógra i dtaobh leasú ar Thairiscint : Notice of Amendment to Motion

a180. “That Dáil Éireann:

recognises the importance of a well-functioning Freedom of Information (FOI) regime in establishing trust and transparency in public life;

notes, with concern:

- the recent admissions that the Tánaiste and the Minister for Foreign Affairs have both deleted relevant material from their mobile phones; and
- that public confidence in political life has been eroded and will continue to be eroded without action; and

calls on the Government to:

- establish robust procedures in each Department to ensure that Ministers are no longer destroying records that should be maintained by the Department;
- ensure that all Ministers are aware of their responsibilities under FOI legislation, all relevant documents and materials are retained as required and all FOI requests are appropriately dealt with, and all relevant material is provided when requested;
- enhance the powers of the Information Commissioner’s Office to allow the Commissioner to refer complaints under FOI legislation to the Standards in Public Office Commission for investigation, where it is believed that a public body, Minister or relevant person has intentionally or recklessly failed to fulfil their obligations under FOI legislation;
- ensure that all public bodies, including those established under Companies Acts, are immediately brought under the remit of FOI legislation upon establishment;
- commit to an annual review of all bodies to which FOI legislation applies, including any bodies to which a partial exclusion applies and whether this is consistent with the Act's principles of oversight, transparency and accountability; and
- bring pension payments related to former Taoisigh, Ministers, Presidents and Office holders under the remit of the FOI legislation.” — *Mairéad Farrell, Chris Andrews, John Brady, Martin Browne, Pat Buckley, Matt Carthy, Sorca Clarke, Rose Conway-Walsh, Réada Cronin, Seán Crowe, David Cullinane, Pa Daly, Pearse Doherty, Paul*

Donnelly, Dessie Ellis, Kathleen Funchion, Thomas Gould, Johnny Guirke, Martin Kenny, Claire Kerrane, Pádraig Mac Lochlainn, Mary Lou McDonald, Denise Mitchell, Imelda Munster, Johnny Mythen, Eoin Ó Broin, Donnchadh Ó Laoghaire, Ruairí Ó Murchú, Louise O'Reilly, Darren O'Rourke, Aengus Ó Snodaigh, Maurice Quinlivan, Patricia Ryan, Brian Stanley, Pauline Tully, Mark Ward, Violet-Anne Wynne.

Leasú:

Amendment:

1. To delete all words after “Dáil Éireann” and substitute the following:

“recognises the importance of a well-functioning Freedom of Information (FOI) regime in establishing trust and transparency in public life; and

notes that:

- the objective of Freedom of Information legislation is to ensure openness and transparency around the conduct of the business of public bodies and to enable members of the public to obtain access to their personal information;
- in broad terms, indications are that Ireland’s FOI system is functioning well;
- the number of FOI requests dealt with by relevant bodies increased from approximately 15,000 in 2010 to over 41,000 in 2019;
- the FOI regime covers a wide range of sectors, including Government Departments, State bodies, the Health Service Executive, voluntary hospitals, mental health services, third level institutions and local authorities;
- the Freedom of Information Act 2014 provides that FOI applies to an entity by default where it meets certain criteria;
- in 2020, even as every individual and organisation in the country was significantly impacted by the Covid-19 pandemic, 32,652 FOI requests were processed by public bodies;
- approximately four out of every five FOI requests were granted in full or in part, which is broadly in line with previous years and over half of the requests processed are for individuals’ personal information;
- review mechanisms are available for those who are not satisfied with the FOI decision received and internal reviews - those conducted at a more senior level on a particular request with the relevant public body - account for about three per cent of requests in most years and independent reviews by the Information Commissioner are sought in about one per cent of cases annually;
- there is scope to improve and strengthen the FOI regime;
- the Minister for Public Expenditure and Reform announced in June 2021 that his Department will undertake a comprehensive and careful review of the Freedom of Information Act 2014 that will:
 - consider the experience of all stakeholders;
 - take account of the transformation in the manner in which people seek, consume and interact with information since the Freedom of Information Act 2014 came into effect;
 - review international good practice and developments; and
 - consult with the Office of the Information Commissioner and other key stakeholders in the data/information space;

- a consultation on the scope of the review will take place later this year, with further consultations to be undertaken in 2022; and
- while it is intended that the scoping consultation will determine the key themes of the review, the interaction between the FOI legislation, data protection legislation and records management requirements will be considered as part of the review.” — *An tAire Caiteachais Phoiblí agus Athchóirithe*.