

Freedom of Information Act 2014

The Freedom of Information Act 2014 came into effect in October 2014 and repealed the 1997 and 2003 Acts. The 2014 Act introduced several changes to the Freedom of Information system, including the requirement for FOI bodies to provide a website publication scheme. The Act has also widened the range of bodies to which the FOI legislation applies - it now applies to all public bodies, unless they are specifically exempt. It also allows for the Government to prescribe (or designate) other bodies receiving significant public funds, so that the FOI legislation applies to them also.

Publication scheme

Section 8 of the Act requires FOI bodies to prepare a publication scheme concerning the publication of information by the body in conformity with a model publication scheme and guidelines. This provides for the publication of information on an FOI body's website outside of FOI. An FOI body is required to:

- Publish information to assist members of the public in their understanding of the body and its functions
- Publish the information that it holds grouped under the information headings set out in the model publication scheme
- Explain the procedures to get access to information or to establish what information the body holds

The 2014 Act provides the following statutory rights:

- A legal right for each person to access information held by a body to which FOI legislation applies – known as an FOI body
- A legal right for each person to have official information relating to himself/herself amended where it is incomplete, incorrect or misleading
- A legal right for each person to obtain reasons for decisions affecting himself/herself.

Requests for information under the FOI Act should be in writing and sent to:

By Email: foi@grireland.ie

By Post:

Freedom of Information Unit
Rásaíocht Con Éireann / Greyhound Racing Ireland
Green Park | Dock Road,
Limerick
V94 Y17X

Telephone contact: 061 448000

In making your request:

- Specify that the request is being made under the Freedom of Information Act 2014.
- The request should be clear enough to enable GRI/RCÉ to identify the records sought.
- The request should specify the time period for which records are being sought (e.g., from January 2017-January 2018)

- Where it is not clear as to what records are being requested, staff will endeavour to assist in identifying the relevant records.
- Proof of identity will be sought where the request relates to personal data.
- Assistance for members of the public with special needs will be provided upon request.
- Your request will be acknowledged within two weeks of receipt and a response will be issued, in most cases, within 4 weeks or 20 working days. Where a third party is involved, it may be a further 3 weeks before you receive a response. This is to allow the FOI body consult with the third party before it makes its decision regarding the third-party information.

Fees

Section 27 of the Freedom of Information Act 2014 provides for fees and charges. No fees apply where the request involves access to your personal records.

The current fees for non-personal requests are:

Type of request or application	Standard fee*	Reduced fee**
Initial request for a record	Free	Free
Internal review	€30	€10
Review by Information Commissioner	€50	€15
Application for amendment containing incorrect information	Free	Free
Application for reasons for a decision affecting individual	Free	Free

* There are no fees where you appeal a decision to charge a fee or deposit, or a fee or deposit of a specific amount.

** Reduced fees apply in respect of medical card holders and their dependants. They also apply in respect of third parties who appeal a decision to release their information on public interest grounds.

Charges for search, retrieval and copying of records

Charges may apply for the time spent finding and retrieving records, and for any copying costs incurred by it in providing you with the material requested. It is very unlikely that any charges will be applied in respect of personal records, except where many records are involved.

If the cost of search, retrieval and copying is €100 or less, no charge applies. If the charge exceeds €100, full fees apply, but you cannot be charged more than €500.

If the estimated cost of search, retrieval and copying is more than €700, the FOI body can refuse to process your request, unless you revise your request to bring the search, retrieval and copying fees below this limit.

Type of charge

Standard charge

Search and retrieval of records	€20 per hour
Photocopying	4 cent per sheet
CD-ROM containing copy of documents	€10
Radiograph (X-ray) containing copy documents	€6

Further explanation regarding fees can be found on foi.gov.ie

It is important to note that you may not need to use the Freedom of Information Act to request information from an FOI body. A large amount of material is already available to the public through the website's publications.

Exemptions

Any official information can be sought under the Act. However, in certain circumstances it may be necessary for the FOI body to exempt information from release. Sections 28-41 of the Act outline exemptions which must be considered. Key exemptions include:

- Meetings of Government
- Deliberations of FOI bodies
- Functions and negotiations of FOI bodies
- Parliamentary court and other certain matters
- Law enforcement and public safety
- Security defence and international relations
- Conclusiveness of decisions pursuant to (32 and 33)
- Information obtained in confidence
- Commercially sensitive information
- Personal information (other than the person making the request)
- Third party formal consultation
- Research and natural resources

- Financial and economic interests of the State
- Enactments relating to non-disclosure of records

Many of the exemptions are not absolute but are subject to a 'harm' test and whether it is in the public interest to release or withhold the information requested.

FOI internal review procedures

If you are not satisfied with the response regarding any aspect of your request for information (for example, refusal of information, for of access, or charges) you can have the decision examined. If you have not received a reply within 4 weeks of your initial application, this is deemed a refusal of your request and you can seek to have the decision re-examined.

The internal review of an FOI decision is carried out by a more senior member of staff within the body, the review decision must be made within 3 weeks. An application for an internal review of a decision should be addressed to the FOI Unit.

FOI appeals to the Office of the Information Commissioner

If you are still not satisfied with the decision, you have a right to appeal to the Information Commissioner. The Information Commissioner investigates complaints of non-compliance with FOI legislation and generally promotes a freedom of information culture in the public service.

When appealing to the Information Commissioner you should address your appeal to:

Office of the Information Commissioner, 6 Earlsfort Terrace, Dublin 2, D02 W773

Opening Hours: 9.15 am to 5 pm, Monday to Friday

Tel: +353 (0)1 639 5689

Homepage: <http://www.oic.ie>

Contact Form: <http://www.oic.ie/contact/>

Email: info@oic.ie