

FOI – Access to Information

Freedom of Information

Further to its new status as an independent body the Education Research Centre (ERC) is subject to the new Freedom of Information Act 2014 which 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 FOI Act 1997, amended in 2003 and 2014, provides that every person has the following legal rights:

- the right to access official records held by Government Departments and all public bodies that conform to the provisions of Section 6 of the Act;
- the right to have personal information held on them corrected or updated where such information is incomplete, incorrect or misleading; and
- the right to be given reasons for decisions taken by public bodies that affect them.

Some exemptions exist, for instance where disclosure of sensitive information may damage the interest of the State, the authority or relate to personal information of another individual.

The Act covers the following records:

- All records relating to personal information held by the Centre irrespective of when created
- All other records created from the commencement of the FOI Act (21 April, 1998)
- Any records necessary to the understanding of a current record, even if created prior to 21 April, 1998

The following records are not covered by the act:

- Personal information relating to anyone other than the person requesting the information (there are some exceptions).
- Information that has already been published and is available from the ERC
- Non personal information created before 21st April 1998.
- Some categories of records as set out in the Act.

How does FOI work?

The Act requires public bodies to respond to requests from the public for information they hold. In most cases, public bodies must give their decision on a request within 4 weeks of receiving it. A week is defined in the Act to mean five consecutive weekdays, excluding Saturday, Sundays and public holidays.

How can I make a FOI Request to the ERC?

You should send a written request either by post or by email, to

Freedom of Information Office

Educational Research Centre

St Patrick' College Campus

Drumcondra

Dublin 9

Email anne.comey@erc.ie

What should my request include?

- A statement that the request is being made under the FOI Act;
- As much information as possible about the records being sought in order to enable the ERC to identify the records you require and the timeframe which applies to your request and;
 - Include a telephone number or e-mail address and your postal address; this will assist should the ERC need to contact you
 - In what format you wish to receive any records released (e.g. photocopies)
 - When seeking personal information, you will be required to prove your identity and will be requested to provide a copy of your driving license, passport or other form of identification. Please include a copy of this identification with any personal information FOI requests.

The ERC is happy to provide assistance to members of the public who seek advice on making a request.

The ERC 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.

Is there a charge for getting information under the FOI Act?

There is **no charge** for submitting a request (the original €15 application fees has been abolished)

In respect of non-personal requests, other charges may be applied for the time spent finding records and for any reproduction costs incurred in providing you with the material requested (search, retrieval and copying charges).

- There is a minimum threshold of €101 below which no search, retrieval or copying fees can be charged. Once the charges reach €101, full fees apply.
- There is a cap on the amount of search, retrieval and copying fees that can be charged of €500

- There is a further upper limit on estimated search, retrieval and copying fees at €700 above which an FOI body can refuse to process a request, unless the requester is prepared to refine the request to bring the search and copying below the limit.

Right to appeal?

You may appeal any decision issued by writing to Freedom of Information, ERC, St Patrick College Campus, Drumcondra, Dublin 9, seeking an Internal Review of the matter.

If you have not received a reply within four weeks of the initial application, this is deemed to be a refusal of the request and allows the applicant to request a review.

A fee of €30 (€10 for medical card holders) may apply for appeal. There is no fee for internal review applications concerning only personal information relating to oneself or in relation to a decision to impose a fee or deposit.

You should make your appeal within 4 weeks from the date of response (although late appeals may be permitted in certain circumstances). The appeal will involve a complete reconsideration of the matter by a more senior member of staff of the ERC and a decision will be communicated to you within 3 weeks.

What if I am not satisfied with the decision on internal review?

You may appeal the decision within six months by writing to the Office of the Information Commissioner. The Information Commissioner will fully investigate and consider the matter and issue a fresh decision. All appeals should be addressed to:

***The Information Commissioner,
18 Lower Leeson Street,
Dublin 2.
Tel: +353 (1) 639 5689
Locall: 1890 22 30 30
Fax: +353 (1) 639 5674
E-mail: info@oic.ie***

Is there a fee?

A fee of €50 (€15 for medical card holders) may apply for such an application. Again, there is no fee for appeals to the Office of the Information Commissioner concerning only personal information relating to oneself or in relation to a decision to impose a fee or deposit.

Where can I get more information on FOI?

For more information on Freedom of Information including the text of the FOI Acts, please visit www.foi.gov.ie