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# Freedom of Information

The Freedom of Information Act 2014 enables 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'.

## 1. Statutory Rights

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The act establishes three statutory rights:

- (i) a legal right for each person to access information/a record held by public bodies (Section 11);
- (ii) a legal right for each person to have official information relating to him/herself amended where it is incomplete, incorrect or misleading (Section 12);
- (iii) a right to obtain reasons for decisions affecting oneself (Section 10).

In addition, the Act provides that the independent Office of Information Commissioner can review decisions relating to FOI made by public bodies. Under the Act a record includes any memorandum, text or other document, any photograph, film or recording, or any form in which data are held (whether manual, mechanical or electronic), and anything that is a part, or a copy, or a combination of the foregoing.

## 2. Information that does not come under the scope of the act

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Information that is:

- (a) already publicly available.
- (b) available under another enactment (except the Data Protection Act: requests for personal data may be made under either Act).
- (c) excluded under section 42 of this Act (legal and other restrictions).

## 3. How is an FOI request made?

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A person who wishes to exercise the right of access under the Act shall make a request, in writing, to the head of the public body concerned for access to the record concerned.

The requester must:

- (i) state that the request is made under the FOI Act.
- (ii) set out sufficient particulars to enable the record to be identified.
- (iii) specify the preferred form of access, if he or she has such a preference (e.g. photocopy or computer disc)

If you are looking for a record you should provide as much information as possible to allow us to find it. If you want it in a particular format you should state this clearly in your request.

If you are looking for an amendment to a record, your request should identify the record concerned, the amendment required, and provide evidence that the amendment is necessary.

#### 4. Can an FOI request be refused?

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Requests to access records may be refused for any of three reasons:

- (i) the record is exempt under Part IV (Exempt records) of the Act.
- (ii) the record is excluded under Section 42.
- (iii) refusal for the following administrative reasons (Section 15):
  - (a) the record does not exist or cannot be found.
  - (b) the request does not include sufficient details to identify the record sought.
  - (c) the request is of a voluminous nature.
  - (d) the information requested is in the public domain or is likely to be published within 12 weeks.
  - (e) the request is frivolous or vexatious.

The public body must consult with the requester to ascertain more clearly what information is being sought, before refusing a request on the grounds that it does not contain sufficient particulars or is a voluminous request (Section 15(4)).

#### 5. Fees

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There is no application fee for making an FOI request regardless of whether the request is for personal or non-personal records.

For requests for personal records, no application fee applies in the event that an internal review or review by the Information Commissioner is sought.

In the event that a requester wishes to have a decision reviewed for a request involving non-personal records, the following application fees apply:

- (i) Internal Review - €30 (€10 for medical card holders),
- (ii) Review by the Information Commissioner - €50 (€15 for medical card holders).

#### **Section 27 of the FOI Act 2014 provides for Search, Retrieval and Copying fees.**

Fees apply in respect of the time spent searching and retrieving records that are released to you as a result of an FOI request and in respect of the copying of any records released.

#### **The following charges apply in relation to requests for records made under the FOI Act:**

- (a) If your request is for personal records, no fees will be charged for copying the records requested unless a large number of records are involved.
- (b) The rates of these fees are as follows:
  - €20.00 per hour - search and retrieval
  - €0.04 per sheet for a photocopy
- (c) Search, retrieval and copying fees will apply where the preparation time for a request exceeds 5 hours, that is, there is a minimum threshold of €100 below which, no such fees will be charged.
- (d) A deposit may be sought.

Where search, retrieval and copying fees are deemed to apply, NUI will, if requested, assist the requester to amend the request so as to reduce or eliminate the amount of the deposit.

Charges may be waived in the following circumstances:

- Where the cost of collecting and accounting for the fee would exceed the amount of the fee
- Where the information would be of particular assistance to the understanding of an issue of national importance
- In the case of personal information, where such charges would not be reasonable having regard to the means of the requester.