

Legislation

On 14 October 2014, the Freedom of Information Act 2014 ("the Act") came into effect and repealed the 1997 and 2003 Acts. The new Act introduced a number of changes to the Freedom of Information (FOI) scheme and widened the range of bodies to which the FOI legislation applies to all public bodies, unless specifically exempt.

The Freedom of Information Act 2014 provides that every person has the following legal rights:

- the right to access official records held by public bodies prescribed under the Act (FOI bodies);
- 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 FOI bodies that affect them.

Any person may make an FOI Request under the Act, and the public body in question must normally respond within 4 weeks after acknowledging the request. In the case of large and/or complex requests this timeframe may be extended by a further 4 weeks. In LCETB the processing of FOI requests will be facilitated by the FOI Officer.

Following retrieval and examination of the requested records the FOI Officer may grant full access to the information requested, or may refuse access to some or all of the information requested based on specific grounds detailed within the Act.

Under the Act, the person who has requested the information has the right to appeal an FOI body's decision - firstly to a more senior staff member within the FOI body than the staff member who made the original decision (referred to as an Internal Reviewer), and then to the Office of the Information Commissioner if the decision is still not satisfactory. The Information Commissioner's decision in this instance is binding.

Fees

Section 27 of the Freedom of Information Act 2014 provides for fees and charges. The current fees 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 will apply in respect of medical card holders and third parties who appeal a decision to release their information on public interest grounds.

No fees apply where the request or internal review involves access to your personal records.

Charges for search, retrieval and copying of records

Charges may be applied by the body for the time spent searching for and retrieving records, and for any copying costs incurred in providing requesters with the copies of the records requested. It is unlikely that any charges will be applied in respect of personal records, except where a large number of records are involved.

If the cost of search, retrieval and copying is €100 or less, under the Act no fee is applicable. If the charge exceeds €100, full fees will be requested. The maximum charge for any one request must not exceed €500, however if the estimated cost of search, retrieval and copying is more than €700 the request can be refused, unless it is refined 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

Key Links

- Office of the Information Commissioner <http://www.oic.gov.ie/en/>
- Freedom of Information Act, 2014
<http://www.irishstatutebook.ie/eli/2014/act/30/enacted/en/html>
- Regulations and Orders issued under the Acts <http://foi.gov.ie/regulations/>