

## Introduction

The new Freedom of Information Act 2014 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 Act established **three statutory rights**:

- A legal right for each person to access information held by public bodies;
- A legal right for each person to have official information relating to himself or herself amended when it is incomplete, incorrect or misleading; and
- A legal right to obtain reasons for decisions affecting oneself.

Under the Freedom of Information Acts, everyone is entitled to apply for access to information not otherwise publicly available. **You have a right to request:**

- Access to records held by the Law Reform Commission;
- Correction of personal information held by the Law Reform Commission concerning yourself wherever it is inaccurate, incomplete or misleading;
- Access to reasons for decisions made by the Law Reform Commission directly affecting you.

The Act asserts 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. Members of the public do not have to give any reason for seeking access to a record, and the FOI Act prohibits the denial of access to a record based on the requester's real or imagined motives in requesting a record.

Access to information under the Act is subject to certain exemptions and restrictions and involves specific procedures and time limits

## How to make a FOI Request?

Under the FOI Act, anyone is entitled to apply for access to records not otherwise publicly available. Each person has a right to:

- Access to records held by each body.
- Correction of personal information relating to oneself held by that body where it is inaccurate, incomplete or misleading.
- Access to reasons for decisions made by the body directly affecting oneself.

The following records come within the scope of the Act:

- All records containing personal information held irrespective of when created.
- All records created 21 April, 2008
- Any other record necessary to the understanding of a current record.

Applications for access to the Law Reform Commission records under the FOI Act, or any query in relation to the application of the FOI Act in either body should be addressed to:

**Ms Deirdre Fleming, FOI Co-ordinator, Law Reform Commission, 35-39 Shelbourne Road, Ballsbridge, Dublin 4. Phone: +353 1 637 7624 Email: [dfleming@lawreform.ie](mailto:dfleming@lawreform.ie)**

If you wish to seek access to information from the Law Reform Commission using the Freedom of Information Acts you will need to:

- Make your request in writing or via email.
- Indicate that the information is being sought under the Freedom of Information Acts.
- Be as clear and specific as possible in making your request and provide as much information as possible to enable the Law Reform Commission to identify the records that you require.
- If you would like to receive access to the information/records requested in a particular format, (e.g. photocopies, electronically etc), please mention this when submitting your request.
- Include a daytime telephone number or email address and your postal address to help us to contact you if any queries arise in relation to your request.
- Requests should be posted or emailed to the FOI Co-ordinator (contact details as above).

The Law Reform Commission 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.

A standard application form for making an FOI request. In the event of our being asked, under FOI, for the name of the requester i.e. the name of the person seeking information under the FOI Acts, the Commission will act in accordance with the rulings of the Information Commissioner and available legal advice in this regard and release the name accordingly.

## **Time Constraints**

The Law Reform Commission are obliged to acknowledge a request for access to records within 2 weeks, and to make a decision on the request within 4 weeks.

However, there are certain provisions in the Act that can result in the time period for decision being extended [including, for example, consultation with third parties who may be affected by the release of the records in question]. Should this arise in your case, you will be so informed within the initial 4 week period.

## **Fees**

Please note that the €15 initial application fee was abolished on 14<sup>th</sup> October 2014, when the new Freedom of Information Act 2014 was enacted.

Fees may be charged for search, retrieval and copying of the records requested. This process involves two stages:

1. Locating the broad set of records in which those requested might be found.
2. Identifying, extracting and assembling the particular records sought for examination.

Fees for the estimated cost of searching for and retrieving records and copying the records can only be charged with respect to records being released. €20 is charged for each hour spent searching for and retrieving records and €0.04 is charged per sheet for a photocopy of the records released.

<b>Bands for estimating search &amp; retrieval (€20 per hour) and photocopying fees (€0.04 per sheet) : Hours</b>	<b>Estimate</b>	<b>Action</b>
Less than 5	€100 or less	No fees can be charged for search & retrieval or copying
Between 5 & 25	€101 - €500	Search & retrieval and copying fees apply
Between 25 & 35	€501 - €700	No more than €500 can be charged for search & retrieval or copying
More than 35	More than €700	The decision maker will contact the requester to ask him/her to refine/amend the request to ensure that the search & retrieval & coping

In cases where search and retrieval fees apply, we are obliged to charge a deposit of at least 20% of the estimate to the requester.

#### **Internal Review**

- A standard fee of €30 must accompany an application for internal review.
- A reduced fee of €10 applies if the person bringing the application is a medical card holder or a dependent of a medical card holder.

**The following internal review applications are exempt from application fee:**

- An application in relation to a decision concerning records containing only personal information related to the applicant (including a request made by a parent or guardian on behalf of a minor or disabled person or the next-of-kin or personal representative on behalf of a deceased person).
- An application to amend records relating to personal information.
- An application in relation to a decision regarding the right of a person to information regarding acts of public bodies affecting the person.
- An application in relation to a decision to charge a fee or deposit, or a fee or deposit of a particular amount.

#### **Review by Information Commissioner**

- A standard fee of **€50** must accompany applications to the Information Commissioner.
- A reduced fee of **€15** applies if the person bringing the application is a medical card holder or a dependant of a medical card holder

## **Exempt Records and Disclosure Restrictions**

The FOI Act sets out a series of exemptions, some of which are administrative and some of which are designed to protect sensitive information where its disclosure may damage key interests of the State or of third parties. These provisions may be invoked to withhold records or parts of records.

## **Rights of Review**

Decisions in relation to withholding records or parts of records, deferral of access, charges, forms of access, etc. may be the subject of appeal. Details of the appeals mechanisms are set out below.

### **Internal Review**

You may seek internal review of the initial decision on your FOI request if you are dissatisfied with the initial response received i.e. refusal of access to records or parts of records, form of access, charges, etc. In addition, if you have not received a reply within 4 weeks of your initial application it is deemed to be a refusal of your request and you may proceed to internal review. Internal review will be carried out by a more senior official than the original decision maker, and is a full and new consideration of the request.

Requests for internal review should be submitted in writing to:

**Ms Ray Byrne, Freedom of Information Internal Reviewer, Law Reform Commission, 35-39 Shelbourne Road, Ballsbridge, Dublin 4 Phone: +353 1 637 2602**

E-Mail: [rbyrne@lawreform.ie](mailto:rbyrne@lawreform.ie)

Requests for internal review must be submitted within 4 weeks of the initial decision. Reviews must be completed within 3 weeks. Internal review must normally be completed before an appeal may be made to the Information Commissioner

### **Review by the Information Commissioner**

Following completion of internal review, you may request the Information Commissioner to carry out an independent review of that decision. Also, if you have not received a reply to your application for internal review within 3 weeks, this is deemed to be a refusal and you may apply to the Information Commissioner for a review. Applications for review in writing may be made directly to the Information Commissioner at the following address:

**Office of the Information Commissioner, 18 Lower Leeson Street, Dublin 2. Phone: +353 1 6395689 Fax : +353 1 6395674 E-mail: [foi@ombudsman.gov.ie](mailto:foi@ombudsman.gov.ie)**