

## Manual 15

**A guide to the structure, functions, powers, duties, services, records that are held, arrangements for enabling public access, staff responsible for carrying out arrangements and rights of review and appeal.**

The Freedom of Information Acts 1997 and 2003 assert the right of members of the public to obtain access to official information to the greatest possible extent consistent with the public interest and the right of privacy of individuals.

The main objective of the Acts is to develop and foster a culture of openness, transparency and accountability in public bodies. The Acts are designed to allow access to information held by public bodies, which is **NOT** routinely available through other sources. Access to information under the Acts is subject to certain exemptions and involves specific procedures and time limits.

The Freedom of Information (FOI) Acts, 1997 and 2003, establishes three new statutory rights:

1. a legal right for each person to access information held by public bodies (*Section 6*)
2. a legal right for each person to have official information relating to himself/herself amended where it is incomplete, incorrect or misleading; (*Section 17*)
3. a legal right to obtain reasons for decisions affecting oneself (*Section 18*)

**The following records come within the scope of the Acts: -**

- All records relating to personal information held by Laois Education Centre irrespective of when created
- All other records created from commencement date – 21<sup>st</sup> April 1998
- Any other records necessary to the understanding of a current record.
- Personnel records created from 21<sup>st</sup> April, 1995, as well as those created prior to that date where they are being used or proposed to be used in a way that adversely affects or may affect the person involved.

**The following information is not covered by the Acts: -**

- Information that has already been published and is available from the Centre
- Non-personal information created before commencement date – 21<sup>st</sup> April 1998
- Personal information relating to anyone other than the person requesting the information (there are some exceptions)
- Sensitive information excluded by the Minister under the terms of the Act.



## **Functions, Powers and Duties**

Under the Education Act 1998 Education Centres are required to:

- Provide training, development and support for teachers and the wider school community, both in terms of meeting locally researched and identified teacher and school community needs and also through involvement in national in-service programmes
  
- Be involved, as a major strategic resource within education, in a range of national and other projects, programmes and initiatives as may be decided by the Minister, following consultation and in partnership with the Centres, for implementation in the education system from time to time
  
- Act as far as possible as a resource and meeting centre for the local education community and to actively promote its role.
  
- To plan for the development of expertise in key areas and to share such expertise throughout the Education Centre network and the educational system in general.
  
- Co-operate and engage with other Education Centres, full and part-time, so as to ensure that an effective network of Centres is established
  
- To develop expertise in key areas as agreed by the Centres in consultation and partnership with the DES and to share such throughout the Education Centre network and the education system in general
  
- To provide other services and supports as may be requested by the Minister

### **Services Provided by Laois Education Centre**

- Local delivery of national Programmes of in-service.
- Evening, weekend and summer elective courses for primary and post primary teachers.
- Courses for parents that relate to the education of their children
- Courses for members of Boards of Management of primary and post primary schools
- School Based Courses (Primary and Post primary)
- Local Initiatives (Primary and Post primary)

#### Facilities are provided for

- Subject Associations (Post primary)
- Principals Groups Primary and Post primary
- Parents Associations Primary and Post primary

#### Other services:

- Library
- Software: A wide range of software is available for teachers to consult.
- Substitute Teachers list
- The centre's web-site contains up to date information on activities, links to other sites.
- Photocopying, laminating and binding are available.
- Rooms are available for school planning days and other events for members of school staff.

### **Rules and Guidelines used in implementing programmes**

See Manual 16

### **Records held and arrangements for enabling public access to records**

1. School names, roll numbers, phone numbers, email addresses, principals' names, number of teachers on staff, number of Special Needs Assistants, Learning Support and Resource teachers attached to schools.
2. National programme in-service sessions and rolls of teachers attending
3. Local, summer and ICT courses organised and rolls of teachers attending
4. Names and contact details of personnel delivering programmes in 2 and 3
5. Evaluation of all courses
6. Financial records of all Education Centre activities
7. Audited annual accounts
8. Annual report of Centre activities

The request for information should

- Be in writing or E-mail;
- Your application should indicate that the request is being made under the Freedom of Information Acts 1997 & 2003;
- Should indicate that the information is sought under the Freedom of Information Act.
- Specify if the information is desired in a particular form, i.e. photocopy, computer disc, etc.
- Give as much detail as possible to enable staff of Laois Education Centre to identify the records required and, where possible, covering dates of the records sought. Where the requester has difficulty in preparing or identifying the precise records required, the FOI Office is available to provide assistance.
- You may be required to prove your identity, especially when requesting personal information.
- Contact details should be included to enable contact if it is necessary to clarify details of the request.

Laois Education Centre is obliged to respond to the request under FOI within twenty working days.

Applications for information under FOI should be addressed to:

Yvonne Nolan – Freedom of Information Officer

(t) 0502-72400

(f) 0502-61137

Email: ynolan@eircom.net

## **Rights of review and appeal against the decisions of Laois Education Centre**

Under the Freedom of Information Act, a person generally has a right to appeal a decision taken by a public body. The appeal is to a higher authority within the body and/or to the Information Commissioner. A request for internal review must be submitted within 4 weeks of the initial decision.

Laois Education Centre must complete the review within 3 weeks. Internal reviews must normally be completed before an appeal may be made to the Information Commissioner.

The following decisions may be addressed by internal review:

- Decision to refuse all or part of a request.
- Decision to defer access to records prepared solely for the Oireachtas
- Decision to grant access in a form other than that requested
- Decisions to delete certain exempt material from a record
- Decisions refusing the correction of personal information which the requester believes is incomplete, incorrect or misleading
- Decisions relating to the rights of a person to obtain reasons for decisions on acts of the public body affecting that person
- Decisions relating to the charging of a fee or deposit

### Decisions which Bypass Internal Review

The following are decisions which are referred directly to the Information Commissioner without going through the process of internal review:

- Section 29 matters i.e. where the public body is required to consult with a third party.
- any initial decision made by a head of a public body
- deferral of access under section 11(1)(b) and (c)
- extension of time limit for deciding on a request (section 9)

### Procedures on Internal Review

The review will:

- be undertaken at a higher level than that at which the original decision was taken
- be completed within 15 working days from receipt of the request for a review
- uphold, annul or vary the original decision

Following review, Laois Education Centre will issue details in writing of its decision to the requester. The notice will include details of:

- date of decision
- if decision is to grant request – form or manner of access and any fees payable
- if access is refused, reasons for refusal unless Laois Education Centre is entitled to refuse to confirm or deny existence of material (sections 19(5), 22(2), 23(3), 24(4), 26(4), 27(4), (28(5A))
- relevant material issues
- if access is deferred, reasons for deferral
- details of rights of appeal to Information Commissioner, High Court and Supreme Court

An application for internal review must be made within 20 working days of the initial decision, but the Director of Laois Education Centre has discretion to extend this period. If no decision is made within 15 working days, non-reply is deemed to be a refusal and the applicant may proceed with an appeal to the Information Commissioner.

Section 33 of the Act establishes the Office of Information Commissioner.

The Commissioner may review the following:

- decisions made on internal review under section 14
- initial decisions on requests made personally by a head of a public body
- decisions on charges
- decisions to extend the time for consideration of requests under section 9
- decisions to defer the provision of access to a record falling within section 20(2) or a matter of such public interest that the Minister first wishes to inform the Houses of the Oireachtas
- decisions to which the consultation procedures outlined in section 29 apply
- decisions to refuse a request for a record on the grounds that section 46 (restriction of Act) applies

The Commissioner may not review under section 34:

- initial decisions taken by a member of staff acting under a delegation (internal review must first be completed)
- a decision to refuse a request for a record that is the subject of a certificate of a Secretary General under section 20(1A)
- matters subject to a ministerial certificate under section 25 (review is instead undertaken by the Taoiseach and other Ministers)
- FOI decisions in respect of a record relating to the Office of the Information Commissioner, or where the Ombudsman is also the incumbent of that office, the Office of Ombudsman (section 42 provides a direct right of appeal to the courts in this case).

Decisions of the Information Commissioner are binding on the parties concerned (section 34(14)), subject to appeal to the High Court on a point of law under section 42. A decision of the High Court may be subsequently appealed to the Supreme Court.

The Information Commissioner may be contacted at:

**Office of the Information Commissioner,**

**18 Lower Leeson Street,**

**Dublin 2.**

**Tel: - Ireland 01/ 678 5222**

**Fax: - Ireland 01/ 661 0570**

**Email: - [ombudsman@ombudsman.irlgov.ie](mailto:ombudsman@ombudsman.irlgov.ie)**

The FOI Act sets out charges for information requested and released under the FOI Act. Two types of charges apply: - (i) "up-front" fees that must accompany a request for a non-personal record under section 7 (or a subsequent application for review) and (ii) fees/deposits in relation to search and retrieval and reproduction costs of records released to a requester. Full details of all FOI charges are contained in CPU Notice 11, a copy of which is available on the FOI website at [www.foi.gov.ie](http://www.foi.gov.ie). A summary of FOI fees is set out below.

**'Up-Front' Fees**

<b>Type of Request/Application</b>	<b><u>Standard Fee*</u></b>	<b><u>Reduced Fee * **</u></b>
<u>Request for a non-personal record</u> Initial Request Review Review by Information Commissioner	€15 €75 €150	€10 €25 €50
<u>Request for a personal record</u>	No charge	No charge
<u>Application under section 17 for amendment of a record containing incorrect, incomplete or misleading personal information</u>	No charge	No charge
<u>Application under section 18 for the reasons for a decision affecting the individual</u>	No charge	No charge

\* Fee will not apply where a person appeals a decision to charge a fee or deposit, or a fee or deposit of a particular amount.

\*\* Reduced fee will apply in respect of persons covered by a medical card and third parties who appeal a decision of a public body to release their information on public interest grounds

### **Fees for search and retrieval and copying of records released**

- Search and retrieval: €20.95 per hour\*
- Copying charges \*\*
  - Photocopy per sheet: €0.04
  - Floppy disk: €0.51
  - CD Rom: €10.16
- Radiograph: €6.35

*\* Disregarded if only personal information is contained in the record except where the grant of the request relates to a significant amount of records.*

*\*\* Disregarded if only personal information is contained in recorded and it would not be reasonable, having regard to the means of the requester, to apply a charge.*

### **CONFIDENTIALITY**

Laois Education Centre undertakes to use its best endeavors to hold confidential any information provided to it in confidence, subject to its obligations under law, including the Freedom of Information Acts 1997 and 2003. Any person wishing that any of the information supplied to the Centre should not be disclosed because of its sensitivity, should when providing information, identify the same and specify the reasons for its sensitivity. The Centre will consult about this sensitive information before making a decision on any Freedom of Information request received.

### **Mission Statement**

Laois Education Centre aims to provide support to the wider education community, and to be an accessible and welcoming place of learning, reflection and social interaction.