

What is the Freedom of Information Act 1997?

The Act provides, that from April 21st 1998, every person has the following new legal rights:

- The right to access official records held by Government Departments and other Public Bodies Scheduled under the Act e.g. Health Boards and Local Authorities;
- The right to have personal information amended where such information is incomplete; incorrect or misleading;
- The right to given reasons for decisions taken by PUBLIC BODIES that affect them.

The Freedom of Information Act has been extended to cover many voluntary organisations in addition to Government Departments, Health Boards, and Local Authorities. The ACT now lists major and national organisations providing a range of services in the intellectual disability sector, and from the 21st October 2000 the following voluntary organisations in the physical and sensory sector will be scheduled as Public Bodies under the Act

- Cheshire Foundation in Ireland
- Enable Ireland
- Irish Wheelchair Association
- Multiple Sclerosis Society of Ireland
- National Association for Deaf People
- National Council for the Blind of Ireland

With effect from the 21st October 2000 members of the public may seek access to person information held about them, regardless of when the information was created, subject to availability, having regard to the public interest and the right to privacy. In addition, members of the public may seek access to records held by the organisations which were created on or after April 21st 1998.

To obtain information?

Organisations and professionals provide information and access to records as a matter of good practice as clear communication is essential to any service. Where you need additional information approach the professional or

organisation directly. They will advise you if the circumstances are such that a formal request under the Act is necessary.

Access to personal information

Under the Act a person may seek access to records relating to their own personal information, such as treatment records, regardless of when the information was created. Where records are available, the access will have regard to the public interest and the right to privacy.

How does it work?

The Act requires scheduled bodies to respond to requests from the public for information which they hold.

Each Voluntary Organisation listed under the Act must publish a guide to itself. This describes the organisation, its structure and its services. It includes general descriptions of the arrangements and procedures for obtaining these services (section 15 manual).

The Voluntary Organisation must also publish the detailed rules and procedures regarding access to services (section 16 manual).

Some bodies incorporate both manuals into one publication.

How can a request be made?

Requests must:

- be in writing;
- State that the request is made under the Act;
- Identify as clearly as possible the records requested.

Requests should, in the first instance, be directed to the Chief Executive or the Freedom of Information Officer.

Each organisation will have nominated its own freedom of information personnel taking into account its branch and/or regional structures and requesters will be notified of this by the organisation at the time of request.

Proof of identity must be established before access to personal information is granted.

Staff will assist members of the public seeking access to information under the Act. It is often necessary to clarify a request before proceeding with the work. On receipt of a request the organisation will acknowledge it in writing within two weeks. In exceptional circumstances additional time may be required to allow for clarification, to process large volumes of records, or to formally consult third parties affected by the release.

You will receive a written decision on your request, and in most cases copies of the released records will be enclosed with it.

In order to allow scheduled bodies to properly conduct their business it will sometimes be necessary to exempt certain types of information from release. These are set out in sections 19 to 32 of the Act. The body (Voluntary Organisation) will at all times seek to protect the privacy of individuals and information supplied in confidence. However, in certain circumstances it may be in the public interest to release such information.

Is there a charge for accessing information under the Act

In relation to personal information a photocopying charge may apply to copies of records provided. Where non personal information is provided a search and copying charge will usually apply. Section 47 of the Freedom of Information Act provides for fees as follows: £16.50 per hour – search and retrieval fee; 3p per sheet in relation to a photocopy; 40p in relation to a 3 inch computer diskette; and £8.00 in relation to a CD ROM. Requests can not be charged for the time spent on deciding whether or not to grant their request.

What can I do if I am unhappy with a decision my request, e.g. where access has been refused, deferred or only partially granted?

You are entitled to appeal to the scheduled voluntary bodies Internal Reviewer to re-examine your case. If you are still unhappy with the outcome you may appeal to the

Information Commissioner,
18 Lower Leeson Street, Dublin 2
Phone: 01 6785222; Fax: 01 6610570.
E-mail: foi@ombudsman.irlgov.ie.

There is a provision to appeal to the High Court on a point of law only.

Is it always necessary to make an FOI request to obtain information?

No- You may be able to obtain the information you require in the normal course of events through

- Discussion with the relevant members of staff of the Voluntary Organisation;
- Information leaflets, brochures, annual reports etc;
- By administrative access i.e. by writing to the appropriate officer within the Voluntary Organisation stating information / record requested.

Summary

The introduction of the Freedom of Information Act is a significant development. It will improve openness and transparency in decision making processes and facilitate better access to personal and general information. It requires scheduled bodies to make their records as accessible as possible, especially where they relate to personal information and provides a statutory right to access to personal information while protecting the privacy of the individual.

Requests for information under the Act should be address to: