



Freedom of Information Policy & Procedures

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- Updated by: Helen Boles
- Authorised by: Patricia Orme
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FREEDOM OF INFORMATION POLICY

The Freedom of Information Act 2014 gives each individual legal rights to access both personal and non-personal (corporate) records, to have personal records amended or deleted where the information is incorrect or misleading and the right to seek reasons for decisions that affect him/her.

These rights extend to your own personal records and in specific circumstances, to those of your children and deceased relatives. There are exemptions provided for in the Acts, this means that there are specific circumstances when the requested information will not be released, e.g. to protect confidentiality. If any of these exemptions are used to withhold information, the reasons will be clearly explained to you.

Entitlements under the FOI Acts:

- Receipt of your request must be acknowledged within 10 working days
- A response will, in normal circumstances, be issued within 20 working days of receipt of the request
- All decisions must be clearly explained, setting out the sections of the Act used in reaching these decisions
- Details of your entitlements to Internal Review and appeal will be included in the decision letter

Why was the Freedom of Information Act Introduced?

The Freedom of Information Act was introduced to:

- Increase openness
- Improve accountability
- Increase public appreciation of issues involved in policy decisions
- Give stronger public ownership and acceptance of decisions made
- Permit people access to their records and allow them to amend records if incorrect

The Act sets out three new legal rights

- A legal right for each person to access information held by public bodies
- A legal right to have official information relating to him/herself amended where it is incomplete, incorrect or misleading
- A legal right to be given reasons for decisions affecting them

What records can accessed under FOI?

- All records created after the Act commenced
- All personal records of clients, whenever created
- All records of staff created after 21st October 1995
- Earlier records if needed to understand later records which are accessed

A person may make a request for access to records. This request must be in writing stating that the request is made under the Act and containing sufficient particulars in relation to the information concerned to enable the record to be identified.

A member of the public has the right to request information regarding acts of public bodies affecting them. A Freedom of Information request is a very formal procedure and the public body is required

to respond within four weeks. The request will be considered in accordance with the Act having regard to the exemptions provided for which include:

- Personal information (other than information relating to the person making the request)
- Information supplied to the Marine Institute in confidence
- Law enforcement and public safety
- Commercially sensitive information
- Deliberations of public bodies
- Functions and negotiations of public bodies

While the Marine Institute will seek to protect the privacy of individuals and information supplied in confidence, in certain circumstances it may be in the public interest to release such information.

Cost

There is no fee for making a request under the FOI Act. However, you may have to pay some fees for administration and reviews.

The Freedom of Information Act 2014 provides for a completely new FOI fees regime. The Ministerial Order establishing the new fees regime (S.I. 531 of 2014) can be found [here](#). The following is a summary of the new fee structure in respect of non-personal requests:

- The €15 application fee has been abolished;
- There is a minimum threshold of €101 below which no search, retrieval and copying fees can be charged. Once the charge reaches €101, full fees apply;
- There is a cap on the amount of search, retrieval and copying fees that can be charged of €500;
- There is a further upper limit on estimated search, retrieval and copying fees at €700 above which an FOI body can refuse to process a request, unless the requester is prepared to refine the request to bring the search, retrieval and copying fees below the limit;
- The fee for internal review under Section 21 is now €30 (€10 for medical card holders and their dependants)
- The fee for appeals to the Information Commissioner under Section 22 is now €50 (€15 for medical card holders and their dependants)

Dissatisfied with the Decision

The applicant may seek an 'internal review' of the decision from the Marine Institute who shall designate a person unconnected with the original decision whose rank is the same as, or higher than, that of the original decision-maker to review the decision. Applications for review of a decision on a request must be made within four weeks, and should be addressed to:

FOI Officer
Marine Institute
Rinville
Oranmore
Co. Galway

Email: foi@marine.ie