

Freedom of Information Guide

1. Access to Information under the Act

The FOI Act provides that since 21 April 1998, every person has the following legal rights:

- the right to access official records held by Government Departments or certain other public 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 public bodies that affect them.

These rights mean that people can seek access to personal information held on them no matter when the information was created, and to other records created after 21 April 1998. Access to information under the Act is subject to certain exemptions and involves specific procedures and time limits.

2. Making a Request

Applications should be in writing and should indicate that the records are being sought under the FOI Act. Please give as much detail as possible to enable staff of the Social Welfare Appeals Office to identify the records sought. If you have difficulty in identifying the precise records that you require, the staff of the Social Welfare Appeals Office will be happy to assist you in preparing your request.

3. Where to Submit a Request

Personal Request for information on your appeal(s)

Applications for information under the FOI Act should be addressed to:

Freedom of Information Officer

Social Welfare Appeals Office

D'Olier House

D'Olier Street

Dublin 2

DO2 XY31

Telephone: Locall 1890 74 74 34 Monday to Friday, 10am to 12.30pm and 2.30pm to 4pm

Fax: 01-6718391

E-mail: swappeals@welfare.ie

Non-Personal/Mixed Records

Requests for access to non-personal/mixed records should also be addressed to the Freedom of Information Officer.

4. Upfront fees

Where the request is for personal information there are no charges unless there are a significant number of records.

An upfront fee no longer applies to Non-Personal or Mixed Requests since 14 October 2014.

Search and Retrieval/Photocopying fees (from 14 October 2014):

Fees may be charged in respect of the time spent in locating and copying records, based on a standard hourly rate of €20.95 for search and retrieval and €0.04 for copying per page. The first 5 hours (€100) of search and retrieval is free. Once the charge exceeds €101, fees apply.

There is a cap on the amount of search and retrieval and copying fees that can be charged of €500 (25 hours approx) i.e. an FOI request that costs €650 is charged at €500. There is a further upper limit on estimated search and retrieval and copying fees at €700 (35 hours) above which an FOI body can refuse to process the request, unless you are prepared to refine the request to bring the search and retrieval and copying fees below the limit.

A deposit is payable where the total fee for search and retrieval is likely to exceed €101. In these circumstances, the Department will notify you.

5. Third Party Information

The Act sets out a series of exemptions to protect sensitive information where its disclosure may damage key interests of the State or of third parties. Where the Department invokes these provisions to withhold information, the decision may be appealed. Decisions in relation to the deferral of access, charges, forms of access, etc. may also be the subject of appeal.

6. Internal Review

If you are dissatisfied with the initial decision, you may seek an internal review which will be carried out by an official at a higher level in the Department. You may also seek an internal review if you have not received a reply within 4 weeks of your initial application.

A request for internal review must be submitted within 4 weeks of the initial decision (or the date the decision was due in the case of non-reply). The Department must complete the review within 3 weeks.

There is no upfront fee for a request for a review in relation to personal records. However, a fee of €30 must accompany most applications for internal review of a decision in relation to non-personal records. A reduced fee of €10 applies if you are covered by a medical card. There is no fee payable for cases where a review is sought due to the non-reply of the initial request.

Applications for Internal Review should be addressed to:

FOI Reviewing Officer

Social Welfare Appeals Office

D'Olier House

D'Olier Street

Dublin 2

DO2 XY31

7. Appeal to the Information Commissioner

Following completion of internal review, you may seek independent review of the decision by the Information Commissioner. Also, if you have not received a reply to your application for internal review within 3 weeks, this is deemed a refusal and you may appeal the matter to the Commissioner. The Commissioner's decision is final and can only be appealed to the High Court on a point of law.

Appeals to the Information Commissioner should be made in writing to the following address:

Office of the Information Commissioner,

18 Lower Leeson Street,

Dublin 2

There is no upfront fee for a request for an appeal in relation to personal records. However, a fee of €50 must accompany most applications for review by the Information Commissioner in relation to non-personal records. A reduced fee of €15 applies if you are covered by a medical card. There is no fee payable for cases where an appeal is being sought due to the non-reply of the internal review request.