



An Chomhairle Náisiúnta Eacnamaíoch agus Shóisialta
National Economic & Social Council

GUIDE TO THE FUNCTIONS AND INFORMATION HELD BY THE NATIONAL ECONOMIC AND SOCIAL COUNCIL

AND

INFORMATION ON THE RULES AND PRACTICES

OF THE COUNCIL

Freedom of Information Act 1997

Section 15 & Section 16 Reference Book

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PART A: SECTION 15 REFERENCE BOOK

FUNCTIONS AND INFORMATION

1.1 Preamble

1.1.1 The Freedom of Information Act, 1997 and the Freedom of Information (Amendment) Act 2003

From June 2002 the National Economic and Social Council (hereafter Council) is scheduled as a public body under the Freedom of Information Act, 1997 and 2003.

The Freedom of Information (FOI) Act, 1997 and 2003 establishes three new 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 him/herself amended where it is incomplete, incorrect or misleading; and
- a legal right to obtain reasons for decisions affecting oneself.

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.

The overall concept of the FOI is underpinned by the following broad principles:

- that decisions by public bodies should be more open to public scrutiny;
- that groups and individuals who are affected by decisions of public bodies should have the right to know the criteria used in making those decisions;
- that every citizen should have a right to know what information is held by Government records about him/her; that s/he should have the right to inspect files held about or relating to him/her; that s/he should have the right to have inaccurate material on file corrected; and

- that citizens, as shareholders in public bodies, should have the right to examine and review the deliberations and process of public bodies.

This part of the manual has been prepared and published in accordance with the requirements under Section 15 of the Act. Its purpose is to facilitate access to official information held by the Council through outlining:

- the structure and functions of the Council;
- the services provided and how they may be availed of;
- information on the classes of records held; and
- information on how to make a request to the Council under the Freedom of Information Act, 1997.

1.2 Routinely Available Information

The Council currently makes information routinely available to the public on its functions and activities. Its internet site (www.nesc.ie) provides up-to-date information on membership and publications in addition to information on the establishment and Terms of Reference of the Council. Copies of recent publications are also available from the Council website and from the Government Publications Office. Such information will continue to be made available without the need to use the FOI Act.

The FOI Act is designed to allow public access to information held by public bodies which is NOT routinely available through other sources. Access to information under the Act is subject to certain exemptions and involves specific procedures and time limits. This manual provides a guide to the structure of the Council so as to help the public access to information under the Act.

A list of contact names and telephone numbers is included in Appendix A. (See 1.6 for instructions on how to make a formal application under the FOI Act).

1.3 Statement of Policy with Regard to Confidentiality and FOI

The National Economic and Social Council undertakes to use its best endeavours to treat as confidential any information provided to it in confidence by individuals or others, subject to our obligations under law, including the Freedom of Information Act, 1997. When supplying confidential or sensitive information to the Council that you do not wish to be disclosed, you should make this clear and specify the reasons for its sensitivity. The Council will consult with you before making a decision on any Freedom of Information request received, involving confidential information that you may have supplied.

As a general rule, a request under the FOI Act for access to a record which would involve the disclosure of personal information, other than the requester's own personal information, would be refused. Before any such personal records could be released to a third party, where the public interest is deemed to outweigh the right of privacy, the Council is obliged, in accordance with the provisions of section 29 of the Act, to seek the views of the person to whom the information relates regarding the release of same. If the Council decides to disclose personal information, against the wishes of the person consulted, that person will be advised of his or her right to seek a review of the Council's decision by the Information Commissioner before the information is released.

1.4 Descriptions and Functions

The Council was established in 1973. Its main tasks are to advise the Government on the development of the national economy and the achievement of social justice. In addition to advising the Government, the Council provides a forum in which views can be exchanged between people who have a common interest in the development of the economy and in the pursuit of social justice.

Membership

The Council is representative of the major economic and social interests in society. Up to 1997 the Social Partners represented on the NESC were the Trade Unions, Business and Employer Organisations and Agricultural and

Farming Organisations. Since 1998 the Community and Voluntary Sector has representation on the Council. Since 2009 the Environment Pillar has representation on the Council. The Government also nominates a number of public servants and independent members to the Council (see Appendix B).

Constitution and Terms of Reference

- i. The main tasks of the National Economic and Social Council shall be to analyse and report on strategic issues relating to the efficient development of the economy and the achievement of social justice.
- ii. The Council may consider such matters either on its own initiative or at the request of the Government.
- iii. Any reports which the Council may produce shall be laid before each House of the Oireachtas and published.
- iv. The membership of the Council shall comprise a Chairperson appointed by the Government in consultation with the interests represented on the Council,
Four persons nominated by agricultural and farming organisations;
Four persons nominated by business and employers organisations;
Four persons nominated by the Irish Congress of Trade Unions;
Four persons nominated by community and voluntary organisations;
Four persons nominated by environment organisations.
Twelve other persons nominated by the Government, including the Secretaries General of the Department of Finance, the Department of Enterprise, Trade and Innovation, the Department of Environment, Heritage and Local Government and the Department of Education and Skills;
- v. Any other Government Department shall have the right of audience at Council meetings if warranted by the Council's agenda, subject to the right of the Chairperson to regulate the numbers attending.
- vi. The term of office of members shall be for three years. Casual vacancies shall be filled by the Government or by the nominating body as

- appropriate. Members filling casual vacancies may hold office until the expiry of the other members' current term of office.
- vii. The numbers, remuneration and conditions of service of staff are subject to the approval of the Taoiseach.
 - viii. The Council shall regulate its own procedure.

Funding

The Council is under the aegis of the Department of the Taoiseach. It is funded primarily through a Grant-in-Aid which is part of the overall Estimate for the Department. The Annual Accounts of the Council are audited by the Comptroller and Auditor General and laid before both Houses of the Oireachtas.

Publications

Over one hundred reports on a wide variety of economic and social topics have been published by the Council on areas such as general economic and social policy, industrial policy, housing, social service priorities, agriculture, rural development and emigration. The Council has undertaken pioneering work in a number of areas. In the early 1980s the Council's work on industrial policy was the first fundamental review of a set of policies which had been in place since the 1960s. In 1989 the Council published a review of Ireland's EC membership and in 1997 a report on EU integration and enlargement. Over one hundred reports on a wide variety of economic and social topics have been published by the Council on areas such as general economic and social policy, industrial policy, housing, social service priorities, agriculture, rural development and emigration. The Council has undertaken pioneering work in a number of areas. In the early 1980s the Council's work on industrial policy was the first fundamental review of a set of policies which had been in place since the 1960s. In 1989 the Council published a review of Ireland's EC membership and in 1997 a report on EU integration and enlargement.

Since the mid-1980s, the Council has published a series of strategy reports which have identified inter-related policy measures, appropriate to the time: A Strategy for Development 1986-1990 (1986); A Strategy for the Nineties: Economic Stability and Structural Change (1990); A Strategy for Competitiveness, Growth and Employment (1993) and Strategy into the 21st Century (1996). It published its latest strategy report - Opportunities, Challenges and Capacities for Choice - in December, 1999. These reports have

provided the framework for negotiation of the national agreements between Government and the Social Partners since 1987.

In addition to Council reports the NESC also publishes a Research Series. These publications are based on work that is considered to be a potential contribution to wider policy debate but on which the Council has not adopted a position. This allows the Council to make a contribution to public policy discussions in areas where definitive conclusions by the Council are not appropriate.

1.5 Structure and Organisations

Councils Working Arrangements

The NESC has its own independent Chairperson, Director and Secretariat. The Secretariat is composed of both Economic and Social Policy Analysts. NESC works through monthly meeting of the Council members, which are attended also by the Director and Secretariat.

Meetings are generally held on the third Friday of every month in Government Buildings. They are chaired by Martin Fraser, Secretary General to the Taoiseach, who is currently Chairperson of the Council. Papers, prepared by the Secretariat in accordance with the work programme of the NESC, are circulated prior to the meetings and then presented at the meetings by the relevant member of the Secretariat. Comments and observations are invited from the Council members in verbal or written format.

1.6 How to get Information

1.6.1 Applications under the FOI Act

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

- access to records held by the NESC;
- correction of personal information relating to oneself held by the NESC where it is inaccurate, incomplete or misleading;

- access to reasons for decisions made by the NESC directly affecting oneself.

The following records come within the scope of the Act:

- all records relating to personal information held by the NESC, irrespective of when created;
- all other records created from the commencement date of the Act (i.e. from 21 April 1998);
- all personnel records of staff in public bodies created less than 3 years before commencement (i.e. from 21 April 1995); and
- any other records necessary to the understanding of a current record, even if created prior to 21 April 1998.

The Council is obliged to respond to the request within 4 weeks. Applications for information under the FOI Act should be addressed to:

Mr. Brendan Ward,
National Economic and Social Development Office,
16 Parnell Square,
Dublin 1.
Tel: +353 1 814 303
Fax: +353 1 814 6301
email: brendan.ward@nesdo.ie

Applications should be in writing and should clearly indicate that the information is sought under the Freedom of Information Act.

Please give as much detail as possible to enable the Secretariat staff to identify the record quickly and efficiently. If you have difficulty in identifying the precise record that you require, the staff of the NESC will be happy to assist in preparing your request. Please include a daytime telephone number and / or an e-mail address so that you can be contacted if it is necessary to clarify details of your request.

People with disabilities will be facilitated by means of appropriate access arrangements.

1.6.2 Rights of Review and Appeal

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

1.6.3 Internal Review

You may seek internal review of the initial decision, which will be carried out by an official at a higher level, if:

- i. you are dissatisfied with the initial response received i.e. refusal of information, form of access, charges, etc. or;
- ii. you have not received a reply within 4 weeks of your initial application. This is deemed to be a refusal of your request and allows you to proceed to internal review.

Requests for internal review should be submitted in writing to:

Dr. Rory O'Donnell, Director,
National Economic and Social Council,
16 Parnell Square,
Dublin 1.

Tel: +353 1 8146332
Fax: +353 1 8146301
email: rory.odonnell@nesc.ie

Such a request for internal review must be submitted within four weeks of the initial decision. The Council must complete the review within three weeks. Internal review must normally be completed before an appeal may be made to the Information Commissioner.

1.6.4 Review by the Information Commissioner

Following completion of an internal review, you may seek independent review of the decision from the Information Commissioner.

You may seek this independent review if you are not satisfied with the decision of the internal review. 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 appeal the matter to the Commissioner. The Commissioner's decision can only be appealed to the High Court on a point of law.

Appeals 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.
Tel: +353 1 6395689
Fax: +353 1 6395674
email: info@oic.ie

1.7 Fees

Section 47 of the Freedom of Information Act, 1997 and 2003 provides for fees. Fees are currently set in accordance with Statutory Instrument Nos. 139 of 1998 and 13 of 1997:

- €20.95 per hour – search and retrieval
- €0.04 per sheet for a photocopy
- €0.51 for a 3.5 inch computer diskette
- €10.16 for a CD-ROM
- €6.35 for a radiograph (X-ray)

Fees maybe charged as follows:-

- in respect of personal records, except where a large number of records are involved, fees in respect of the cost of search and retrieval of the records requested will not apply;

- in respect of other (non-personal) information, fees may be charged in respect of the time spent in efficiently locating and copying records. No charges may apply in respect of time spent by public bodies in considering requests.

A deposit may be payable where the total fee is likely to exceed €50.79. In these circumstances, the public body must, if requested, assist the member of the public to amend the request so as to reduce or eliminate the amount of the deposit.

Charges may be waived in the following circumstances:

- where the cost of collecting the fee is greater than the fee itself;
- where the information would be of particular assistance to the understanding of an issue of national importance; or
- in the case of personal information, where such charges would not be reasonable having regard to the means of the requester.

1.8 Classes of Records

Records held by the Council fall mainly into the following categories:

Correspondence (general)

Council Meetings (minutes and papers in relation to meetings)

Financial Information and Accounts

- Annual Accounts
- Travel and Subsistence
- Tenders

Human Resource Development (e.g. staffing, recruitment, training and development, health and safety)

Council membership

Conference and Seminars Attended

Administration (e.g. furniture, telecommunications, security, orders, quotations)

Computer Network (e.g. maintenance, development, tenders and purchase)

Information

- General information about the Council
- Website
- Media (press releases and press coverage)

Appendix A

CONTACT NAMES FOR GENERAL REQUESTS FOR INFORMATION, OTHER THAN FOI

Dr. Rory O'Donnell	Director	01 8146332 rory.odonnell@nesc.ie
Dr. John Sweeney	Senior Social Analyst	01 8146335 john.sweeney@nesc.ie
Dr. Larry O'Connell	Senior Economist	01 8146331 larry.oconnell@nesc.ie
Dr. Helen Johnston	Senior Social Policy Analyst	01 8146333 helen.johnston@nesc.ie
Dr. Damian Thomas	Senior Policy Analyst	01 8146393 damian.thomas@nesc.ie
Noel Cahill	Economist	01 8146235 noel.cahill@nesc.ie
Dr. Claire Finn	Economist	01 8146397 claire.finn@nesc.ie
Dr. Jeanne Moore	Policy Analyst	01 8146366 jeanne.moore@nesc.ie
Dr. Anne-Marie McGauran	Policy Analyst	01 8146365 annemarie.mcgauran@nesc.ie

Dr. Barry Vaughan	Policy Analyst	01 8146334 barry.vaughan@nesc.ie
Edna Jordan	Policy Analyst	01 8146394 edna.jordan@nesc.ie
Cathal O'Regan	Policy Analyst	01 8146395 cathal.oregan@nesc.ie
Paula Hennelly	Executive Secretary to the Director	01 8146332 paula.hennelly@nesc.ie
Gaye Malone	Administrative Secretary	01 8146391 gaye.malone@nesc.ie
Sheila Clarke	Administrative Staff	01 8146361 sheila.clarke@nesc.ie
Tracy Curran	Accounts Manager	01 8146307 tracy.curran@nesc.ie
Catherine O'Brien	Accounts Manager	01 8146306 catherine.obrien@nesc.ie

Appendix B

NATIONAL ECONOMIC AND SOCIAL COUNCIL MEMBERS (2011-2013)

The Environment Pillar Nominees

Oisín Coghlan

Karin Dubsky

Siobhan Egan

Michael Ewing

Trade Union Pillar Nominees

David Begg	ICTU
Peter McLoone	
Manus O'Riordan	SIPTU
Sally Anne Kinahan	ICTU

Business and Employer Organisation Nominees

Danny McCoy	IBEC
Tom Parlon	CIF
Ian Talbot	CI
Tony Donohue	IBEC

Farming and Agricultural Organisation Pillar Nominees

Edmond Connolly	Macra na Feirme
Pat Smith	IFA
Seamus O'Donohoe	ICOS

Frank Allen ICMSA

Community and Voluntary Pillar Nominees

Sean Healy CORI

Caroline Fahey St. Vincent de Paul

James Doorley NYI

Brid O'Brien INOU

Government Department Nominees

Kevin Cardiff Department of Finance

Sean Gorman Department of Enterprise, Trade & Innovation

Brigid McManus Department of Education & Skills

Geraldine Tallon Department of Environment, Heritage and Local Government

Additional Secretaries General are invited to the Council to participate in discussion of particular subjects

Independent Nominees

Prof Mary Daly Queens University

Prof Anna Davies Trinity College

Prof John McHale NUI Galway

Prof Edgar Morgenroth ESRI

Prof Séan Ó Riain NUI Maynooth

Dr Michael O'Sullivan Credit Suisse

Ms Mary Walsh Chartered Accountant

Dr Michelle Norris UCD Geary Institute

FREEDOM OF INFORMATION ACT – SECTION 16

Section 16 of the Freedom of Information Act requires public bodies to publish a manual containing:

‘the rules, procedures, practices, guidelines and interpretations...and an index of any precedents kept...for the purposes of decisions...under...any enactment or scheme administered’ by NESC ‘with respect to the rights, privileges, benefits, obligations, penalties or other sanctions to which members of the public are or may be entitled or subject under the enactment or scheme,’ and

‘appropriate information in relation to the manner or intended manner of administration of any such enactment or scheme.’

The nature of NESC’s work is such that it does not administer any schemes covered by Section 16.

In relation to tendering and recruitment processes, NESC acts in accordance with civil service guidelines, issued by the Department of Finance. Please see the Department of Finance's website www.irlgov.ie/finance for further information.