



**GUIDE TO THE FUNCTIONS AND
INFORMATION
HELD BY THE
NATIONAL ECONOMIC AND SOCIAL
DEVELOPMENT OFFICE**

AND

**INFORMATION ON THE RULE AND
PRACTICES OF NESDO**

Freedom of Information Act 1997

Section 15 & Section 16 Reference Book

August 2011

PART A: SECTION 15 REFERENCE BOOK FUNCTIONS AND INFORMATION	3
1.1 Preamble	3
1.1.1 The Freedom of Information Act, 1997 and the Freedom of Information (Amendment) Act 2003	3
1.1.2 Routinely Available Information	4
1.1.3 Statement of Policy with Regards to Confidentiality and FOI	4
1.2 Description and Functions	5
1.3 Structure and Organisation	6
1.4 How to get information	6
1.4.1 Applications under the FOI Act	6
1.4.2 Rights of Review and Appeal	7
1.4.3 Internal Review	7
1.4.4 Review by the Information Commissioner	8
1.5 Fees	9
1.6 Classes of Records	10
APPENDIX A CONTACT NAMES FOR GENERAL REQUESTS FOR INFORMATION, OTHER THAN FOI	11
FREEDOM OF INFORMATION ACT – SECTION 16	12

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 January 2007, the National Economic and Social Development Office (hereafter NESDO) was 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/her 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 processes 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 NESDO through outlining:

- the structure and function of NESDO;
- 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 NESDO under the Freedom of Information Act, 1997 and 2003.

1.1.2 Routinely Available Information

NESDO currently makes information routinely available to the public on its functions, activities and work processes through its website www.nesdo.ie

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 structures of NESDO so as to help the public access to information under the Act.

1.1.3 Statement of Policy with Regards to Confidentiality and FOI

NESDO 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 FOI Act 1997 and 2003. When supplying confidential or sensitive information to NESDO that you do not wish to be disclosed, you should make this clear and specify the reasons for its sensitivity. NESDO 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, NESDO 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 NESDO decides to disclose personal information, against the wishes of the person consulted, that person will be advised of his/her right to seek a review of NESDO's decision by the Information Commissioner before the information is released.

1.2 Description and Functions

The National Economic and Social Development Office (NESDO) was established by the National Economic and Social Development Office Act, 2006. The functions of NESDO as defined in the Act are to advise the Taoiseach on all strategic matters relevant to the economic and social development in the State. It performs that function by:

- facilitating and promoting complementary programmes of research, analysis and discussions by its constituent body, the National Economic and Social Council (NESC);
- providing shared administration and support services for the constituent body;
- submitting to Government any reports, recommendations or conclusions of a constituent body given to it which may arise from any research, survey or study carried out by the body, and
- arranging for the publication of such reports, recommendations or conclusions of such body.

The primary role of NESDO is to add value to the work of any of its constituent bodies by creating the conditions under which synergies can be released, joint projects pursued and the potential for duplication minimised. NESDO continues to provide shared accommodation, administration and support services for any of its constituent bodies.

1.3 Structure and Organisation

The structure of NESDO is as follows:-

Mr Martin Fraser, Department of the Taoiseach (Chairperson)

Chief Officer NESDO, Dr. Rory O'Donnell

1.4 How to get information

1.4.1 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 NESDO;
- correction of personal information relating to oneself held by NESDO where it is inaccurate, incomplete or misleading; and
- access to reasons for decisions made by NESDO directly affecting oneself.

The following records come within the scope of the Act:

- all records relating to personal information held by NESDO, 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.

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

Mr Brendan Ward
Head of Administration
National Economic and Social Development Office
16 Parnell Square
Dublin 1
Tel: 01 8146300
Fax: 01 8146301
E-mail: 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 staff of NESDO to identify the record quickly and efficiently. If you have difficulty in identifying the precise record that you require, the staff of NESDO 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.

1.4.2 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.

1.4.3 Internal Review

You may seek internal review of the initial decision, which will be carried out by officials 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 four 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
Chief Officer
NESDO
16 Parnell Square
Dublin 1
Tel: 01 8146300
Fax: 01 8146301
E-mail: rory.odonnell@nesc.ie

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

1.4.4 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 three 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: 01 6395689
Fax: 01 6395674
E-Mail: info@oic.ie

1.5 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 may be 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.

1.6 Classes of Records

Records held by NESDO fall mainly into the following categories:

Correspondence (general)

Board 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)

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

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

APPENDIX A
CONTACT NAMES FOR GENERAL REQUESTS FOR
INFORMATION, OTHER THAN FOI

Dr. Rory O'Donnell	Chief Officer	01 8146330 rory.odonnell@nesc.ie
Brendan Ward	Head of Administration	01 8146303 brendan.ward@nesdo.ie
Rose Fagan	Administration	01 8146305 rose.fagan@nesdo.ie
Ruth McCarthy	Administration	01 8146310 ruth.mccarthy@nesdo.ie

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 NESDO ‘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 NESDO’s work is such that it does not administer any schemes covered by Section 16.

In relation to tendering and recruitment processes, NESDO 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.