

How to make an FOI request to the NESC

Freedom of Information Act 2014

Under the Freedom of Information Act 2014 (“FOI Act”), anyone is entitled to apply for access to information not otherwise publicly available. Each person has a right to:

- access records held by NESC;
- to have personal information held on them corrected or updated where some information is inaccurate, incomplete or misleading; and
- be given reasons for decisions made by NESC directly affecting them.

A record is defined very broadly under the FOI Act and includes any information held manually, mechanically or electronically.

FOI request

A request for information under the FOI Act should be addressed to:

FOI Officer
NESDO
16 Parnell Square
Dublin 1
D01 E7C1
Tel: (01) 814 6300

E-mail: info@nesc.ie

Requests should be in writing and should indicate that the information is sought under the FOI Act. If information is desired in a particular form i.e. photocopy, computer disk, etc. this should also be mentioned in your request.

The request must contain sufficient particulars to enable the NESC to identify the records you require. If you have difficulty in identifying the precise records that you require, the FOI Officer will be happy to assist you in preparing your request. Please include a day time telephone number so that you can be contacted if it is necessary to clarify details of your request. Requests will be acknowledged within 2 weeks (10 working days) of receipt of a valid request.

NESC is obliged to respond to the request within 4 weeks (20 working days).

Note: In certain circumstances, fees may be levied in respect of the supply of information (see section on fees).

Rights of review and appeal

The FOI 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 NESC 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 mechanisms are set out below:

Internal review

You may seek an internal review of the initial decision if:

1. you are dissatisfied with the initial response received i.e. refusal of information, form of access, charges etc or
2. you have not received a reply within 4 weeks (20 working days) of your initial request. This is deemed to be a refusal of your request and allows you to proceed to internal review.

Requests for an internal review should be submitted in writing to:

Chief Officer
NESDO
16 Parnell Square
Dublin 1
D01 E7C1
Tel: (01) 814 6300

E-mail: info@nesc.ie

Such a request for an internal review must be submitted within 4 weeks (20 working days) of the initial decision. NESC must complete the review within 3 weeks (15 working days). An internal review must normally be completed before an appeal may be made to the Information Commissioner.

Review by the Information Commissioner

If you are dissatisfied following the completion of an internal review, you may seek an independent review of the decision from the Information Commissioner. Also, if you have not received a reply to your request for an internal review within 3 weeks (15 working days), this is deemed to be a refusal and you may appeal the matter to the Commissioner.

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) 678 5222
Email: info@oic.ie

Such a request for a review by the Information Commissioner must be submitted within 6 months of the notification of the decision by NESC.

Fees

The FOI Act has three types of fees:

- those relating to the search and retrieval involved in a request;
- those relating to copying records at the prescribed rates; and
- those relating to the appeal processes.

There is no charge for submitting a request. The FOI Act provides that a fee will only apply where the preparation time for a request exceeds 5 hours, and the fee will be capped at €500.

List of fees

- No fee will be charged where the cost of search and retrieval and copying is up to and including €100.
- Search and Retrieval – €20 per hour (for requests that exceed the €100 minimum in terms of search, retrieval and copying). If the cost of search, retrieval and copying is greater than €500 but less than €700, a maximum charge of €500 applies. Where the cost of search, retrieval and copying is greater than €700, the NESC can refuse to process the request.
- €0.04 per sheet for a photocopy.
- Internal review fee €30 (€10 for medical card holders).
- Appeal to the Information Commissioner €50 (€15 for medical card holders).

Under the FOI Act the requester must be notified within 2 weeks (10 working days) of receipt of the request of the amount of any fee being charged.

Deposit

Where the fee has been estimated over €100, the FOI officer will seek a deposit of an amount no less than 20% of the estimated costs. The process of search and retrieval of the records will not commence until the deposit is paid.

Statement of policy with regard to confidentiality and FOI

NESC undertakes to treat as confidential any information provided to it in confidence by individuals or others, subject to NESC's obligations under law,

including the Freedom of Information Act. If, for any reason, you wish that information provided to NESC should not be disclosed because of its sensitive nature, then you must, when supplying the information, make clear this wish and specify the reasons for the information's sensitivity. NESC will consult with you before making a decision on any Freedom of Information request received involving sensitive information which you may have supplied.