

# Freedom of Information - Frequently Asked Questions

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## 1. What is Freedom of Information (FOI)?

The Freedom of Information Act 2014 gives members of the public legal rights to:

- Access official records created since 21st April, 1998, which are held by Government Departments or other designated public bodies which are subject to the Act
- Access records relating to you personally, whenever created
- To have personal information corrected or updated where such information is incomplete, incorrect or misleading
- Obtain information about the criteria used by Public Bodies in making decisions that affect them

There are exemptions to protect sensitive information where disclosure may damage key interests of the state or citizen.

A person does not have to specify why access is required and the Government department or public body concerned must provide an explanation to the requester if access is refused.

For the purposes of the FOI Act, SOLAS is a public body.

## **2. What are the benefits of FOI?**

The FOI Act provides for greater access to official information by citizens.

The FOI Act is aimed at promoting more openness and accountability in the public service. It also aims to assist the public to become more informed about the services available to ensure that those who avail of the service or seek to do so receive the highest quality service possible, within the resources available.

## **3. Do I need to make an FOI request to get information from SOLAS?**

No, it is not necessary to make an FOI request to get information from SOLAS. A lot of information is routinely made available by way of leaflets, press releases, publications and in response to enquiries. Such information will continue to be available on request without the need to use the FOI Act. If you are in doubt as to whether the information you require is routinely available, please contact the FOI Unit who can advise you further.

## **4. How does FOI work?**

The Act requires SOLAS to respond to requests from the public for information they hold. In most instances SOLAS must give their decision on the request within 4 weeks of receiving it.

## **5. Who can make an FOI request?**

Anyone can make a FOI request

## **6. How do I make an FOI request?**

There are 2 ways to make a request under FOI:

1. You can write to SOLAS stating that you are making an application under the Freedom of Information Act. Written applications should be sent to:

FOI Unit  
SOLAS  
Castleforbes House  
Castleforbes Road  
Dublin 1

2. You can fill in a [request form](#) and e-mail it to SOLAS at [foi@solas.ie](mailto:foi@solas.ie) stating that you are making a request under the FOI Act.

When making a request under FOI, the following is required:

- State that the request is being made under the Freedom of Information Act 2014
- State your full name and address and give a daytime phone number (if any)

Details of Request, you should:

- State whether the request being made relates to personal or non-personal records.
- State the preferred form of access, if you wish to receive a copy of the record or wish to inspect the records at the SOLAS office
- Provide a description of the records required. The request should be as specific as possible to enable the information required to be identified.
- Provide proof of identity (your full birth certificate or passport and one other form of identity, example utility bill) before access is given to personal records.

You do not have to give a reason for making the request at any stage.

In cases where SOLAS is not clear what records are being requested, it will assist you to put the request in such a way that the records being sought can be identified.

#### **7. Who will make the decision?**

Decision Makers have been appointed by SOLAS and trained to deal with requests received by the FOI Unit.

#### **8. Can I get help making the request?**

Yes, if you require any help, the staff of the SOLAS FOI Unit will be happy to assist you in the formulation of your request.

#### **9. How much will I have to pay?**

Section 27 of the Freedom of Information Act 2014 provides for fees and charges. The current fees are:

<b>Type of Request or Application</b>	<b>Standard Fee</b>	<b>Reduced Fee for Persons covered by a Medical Card</b>
Initial Request for a record – (Personal and non Personal)	Free	
Application for amendment containing incorrect information	Free	
Application for reasons for a decision affecting individual	Free	
Internal Review of initial decision – under Sect 21 (non personal)	€30	€10
Appeal to Information Commissioner – under Sect 22	€50	€15
Third Party Appeal to Information Commissioner – Sect 38/22	€15	

SOLAS will always help a requester who is making a request for information but, where these fees apply, cannot commence the formal process until the fee is paid.

### **Charges for search, retrieval and copying of records**

Charges may be applied for the time spent finding and retrieving records, and for any copying costs incurred in providing the material requested. It is very unlikely that any charges will be applied in respect of personal records, except where a large number of records are involved.

If the cost of search, retrieval and copying is €100 or less, no charge is applied. If the charge exceeds €100, full fees apply. You cannot be charged more than €500. If the estimated cost of search, retrieval and copying is more than €700 SOLAS can refuse to process your request unless you refine your request to bring the search, retrieval and copying fees below this limit.

<b>Type of Charge</b>	<b>Standard Charge</b>
Search and retrieval of records	€20 per hour
Photocopying	4 cent per sheet
CD-ROM containing copy of documents	€10
Radiograph (X-ray) containing copy documents	€6

### **10. Can I get access to any information that I seek?**

You can make a request for any record held by a public body covered by the FOI Act. This does not mean you will get everything you request. There are exemptions, and categories of information, which are not subject to the Act.

The FOI Act applies to SOLAS from the date SOLAS was established (27th October 2013) and the following records come within the scope of the Act:

- All records relating to personal information held by SOLAS irrespective of when they were created
- All other records created by FAS from the commencement of the FOI Act, 21st April 1998 which transferred to SOLAS on the dissolution of FAS
- Records created prior to 21st April 1998 can be subject to the act, if they are necessary to understand a current record.

It may be necessary sometimes to exempt from release certain types of information; these are set out in the Act. Among the key exemptions are:

- Confidential information
- Commercially sensitive information
- Personal information (other than information relating to the person making the request).

Some records might not be released to you if the decision maker decides that the records are exempted. If this happens you will be given an explanation of the reasons why access is being refused.

## **11. How soon will I get a reply to my request?**

All aspects of FOI processing are subject to time limits specified in the Act. SOLAS is obliged to acknowledge the request within 2 weeks and make a decision within 4 weeks.

If a third party is involved, it may be another 3 weeks to allow for consultation before you receive a response.

In exceptional circumstances it may be necessary to extend the time. If this is necessary you will be kept informed.

## **12. If I am unhappy with the decision - what can I do?**

If you are unhappy with the response, you may ask SOLAS to carry out an:

- a) Internal Review, where a more senior member of the SOLAS staff will review the initial decision. See 9 above for fees.

If you are unhappy with the internal reviewer's decision, you can directly appeal to the Information Commissioner, for an:

- b) Independent review of the internal reviewer's decision. See 9 above for fees.

Appeals may be made in writing directly to the Information Commissioner at the following address:

Office of the Information Commissioner  
6 Earlsfort Terrace  
Dublin 2  
D02 W773  
Telephone: (01) 6395689  
e-mail: [info@oic.ie](mailto:info@oic.ie)

Generally the Information Commissioner's decision is final; however, there is a right to appeal to the High Court on a point of law.

## **13. Will SOLAS give reasons for the decisions it makes?**

Yes, a person who is materially affected by a decision of SOLAS may seek under the Act the reasons for the decision and any findings of fact made for the purpose of reaching that decision. This is intended to allow individuals access to reasons made, which affect them personally, and not decisions, which affect a whole class or persons, or the population generally.

## **14. Does the FOI Act cover all records or just recent ones?**

The FOI Act became law on 21 April 1998. Under the Act, an individual is entitled to seek access to all personal records held regarding them, irrespective of when the information was created.

In the case of non-personal records the right of access will only apply to records created after 21 April 1998, however, records created prior to 21st April 1998 can be subject to the Act, if they are necessary to understand a current record.

**15. Does the FOI Act cover services provided to SOLAS by external contractors?**

Yes, where organisations or persons provide services under contract to SOLAS, their records, insofar as they relate to the provision of that service, may be accessible under the FOI Act.

**16. Who can I contact in SOLAS with regard to Freedom of Information?**

**Staff of the Unit**

Emma Kelly – Senior Freedom of Information Officer

**Address and Contact details**

Freedom of Information Unit  
SOLAS  
Castleforbes House  
Castleforbes Road  
Dublin 1

Phone: (01) 5332392

e-mail: [foi@solas.ie](mailto:foi@solas.ie)