



Freedom of Information - Frequently Asked Questions

1. Do I need to make an FOI request to get information from the Irish Prison Service?
2. Will I be charged for requesting information under the FOI Act?
3. Can I get access to any information that I seek?
4. How soon can a person making a request for records expect a reply?
5. What's the next step if I am unhappy with a decision on my request?

1. Do I need to make an FOI request to get information from the Irish Prison Service?

No - it is not necessary to make a FOI request to get information from the Irish Prison Service. A considerable amount of material is already made available to the public through information leaflets, publications and in response to enquiries.

2. Will I be charged for requesting information under the FOI Act?

No. There is no charge for personal or non personal requests.

Other charges may be applied for the time spent finding records and for any photocopying costs incurred by the Irish Prison Service in providing you with the material requested. It is very unlikely that any fees will be charged in respect of personal records, except where a large number of records are involved. Section 27 of the FOI Act provides for fees.

Fee List

€30.00 internal review fee - non personal requests

€10.00 internal review fee (medical card holders)

€50.00 appeal to the Information Commissioner

€10.00 appeal to the Information Commissioner (medical card holders)

€20 per hour for search and retrieval

€0.04 per sheet for a photocopy

The following requests/applications are exempt from a fee:

1. a request under Section 12 for a record or records containing only personal information related to the requester;
2. an application under Section 9 (right of amendment of records relating to personal information);
3. an application under Section 10 (right of person to information regarding acts of public bodies affecting the person).

3. Can I get access to any information that I seek?

The following records come within the scope of the FOI Act:

- all records relating to personal information held by the Irish Prison Service irrespective of when they were created
- all other records created from the commencement of the FOI Act (21 April, 1998)
- any records necessary to the understanding of a current record even if created prior to 21 April, 1998
- personnel records of serving staff created from 21 April, 1995 and those created prior to that date where being used or proposed to be used in a way which adversely affects or may affect the person involved

However, in order to allow Government business to be properly conducted, it will sometimes be necessary to exempt from release certain types of information in some circumstances. These are set out in the Act. Among the key exemptions are records relating to:

- Government meetings
- law enforcement and security
- confidential and commercially sensitive information, personal information (other than information relating to the person making the request)

4. How soon can a person making a request for records expect a reply?

Under the Act, a request for records must be acknowledged within two weeks and, in most cases, responded to within four weeks. A week is defined in the Act to mean five consecutive weekdays, excluding Saturdays and public holidays (Sundays are also excluded as they are not considered weekdays). If a third party is involved, there may be another three weeks before a response issues.

5. What's the next step if I am unhappy with a decision on my request?

1. Request for Internal Review: If you are dissatisfied with the Irish Prison Service's response, you can seek to have a decision re-examined by a more senior member of staff within the Irish Prison Service. Applications for review of a decision, together with an appropriate fee (see below; **note that these fees apply only to non-personal requests**) should be addressed to:

Information Access Unit (FOI)
Irish Prison Service
IDA Business Park
Ballinalee Road
Longford
Co Longford

The Irish Prison Service must complete the review within 15 working days.

A standard fee of €30 must accompany an application for internal review. A reduced fee of €10 applies if the person bringing the application is a medical card holder or a dependant of a medical card holder.

The following internal review applications are exempt from fees:

1. an application for internal review concerning records containing only personal information related to the applicant
2. an application for internal review in relation to a request under Section 9 (right of amendment of records relating to personal information)
3. an application for internal review in relation to a request under Section 10 (right of person to information regarding acts of public bodies affecting the person)
4. an application for internal review in relation to a request to charge a fee or deposit, or a fee or deposit of a particular amount

2. Request for review by the Office of the Information Commissioner: If you are still unhappy with the decision, you have the right to appeal the decision to the Information Commissioner. Applications with appropriate fees (see below; note that these fees apply only to non-personal requests) should be forwarded directly to the following address:

Address: Office of the Information Commissioner
18 Lower Leeson Street
Dublin 2

Phone: + 353 1 678-5222

Fax: + 353 1 661-0570

E-mail: info@oic.ie

Website: Office of the Information Commissioner

A standard fee of **€50** must accompany applications to the Information Commissioner for review of decisions made by public bodies under Section 34.

A reduced fee of **€15** applies if:

1. the person bringing the application is a medical card holder or a dependant of a medical card holder or
2. the person is specified in Section 38, i.e. a third party with the right to apply directly to the Information Commissioner where a public body decides to release their information on public interest grounds

The following applications to the Information Commissioner are exempt from a fee:

1. an application concerning records containing only personal information related to the applicant
2. an application in relation a decision under Section 9 (right of amendment of records relating to personal information)
3. an application in relation to a decision under Section 10 (right of person to information regarding acts of public bodies affecting the person)
4. an application in relation to a decision to charge a fee or deposit exceeding €10 under Section 27 in respect of search and retrieval and photocopying of records.
5. an application in relation to a decision to charge a fee under Section 27, or a fee of a particular amount under Section 27, on the grounds that the records concerned do not contain only personal information related to the requester or the requester is not a medical card holder or a dependant of a medical card holder