



An Roinn Caiteachais
Phoiblí agus Athchóirithe
Department of Public
Expenditure and Reform

Review of the Freedom of Information Act

Review Roadmap

Prepared by the Department of
Public Expenditure and Reform
www.gov.ie

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Plan for the review process

Transparency is a core principle of public administration.

Ireland's current Freedom of Information legislation was enacted in 2014.

Earlier this year the Minister for Public Expenditure and Reform, Mr Michael McGrath TD, announced a comprehensive review of the operation of Freedom of Information and the 2014 legislation.

The review provides an opportunity to examine the strengths and weaknesses of the current FOI regime and to take account of relevant domestic and international developments.

This document provides the context for the Review; outlines the roadmap for the review process and lets you know how you can get involved.

The graphic below sets out the roadmap for the review process which it is hoped to conclude by summer 2022.

If you want to join our mailing list for updates on the review as it progresses, please send an email to foireview@per.gov.ie.

Q4 2021

- Initial public survey to inform the scope of the review.
- Customer Satisfaction Survey
- Initiate Cost of FOI project.



Q4 2021–Q1 2022

- Consultation paper published and detailed submissions sought.
- Regional events to ensure broadest input.
- Review of international good practice.



Q1–Q2 2022

- Submissions will be considered
- Consultation with OIC and other key stakeholders.
- Focus groups and interviews as appropriate.



Late Q2 2022

- Research completed.
- Review report drawing on all elements of the review process prepared.



Early Q3 2022

- Review report and recommendations submitted to the Minister and Government.
- Review Report published.

Background to FOI

The Freedom of Information Act is one of the key ways to find out about the work being done by the public sector.

The first Freedom of Information Act was passed in 1997 and has been updated a number of times. The current legislation came in to force in 2014.

Tens of thousands of requests are made annually under the legislation. 41,176 requests were processed in 2019. Even in the face of the disruption caused by the pandemic, 32,652 requests were processed in 2020.

The vast majority of FOI requests decided on are granted in full or in part, around four out of every five FOI requests in most years (81% in 2020). Usually, the majority of requests are for personal information (57% in 2020). These types of requests tend to be granted at an even higher rate than the average, and are most often made to bodies such as the HSE, voluntary hospitals, or the Department of Social Protection.

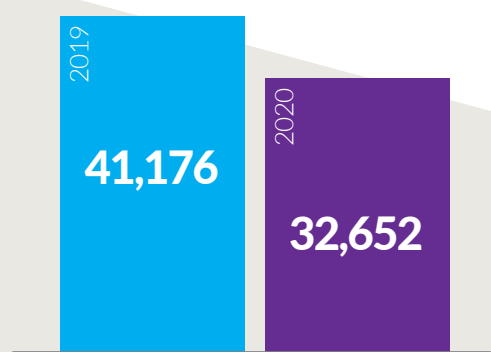


Around four out of every five FOI requests decided on are granted in full or in part (81% in 2020)



Independent review by the Information Commissioner sought in about 1% of cases annually (1.3% in 2020)

57% the majority of requests are for personal information



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Journalists account for about a quarter of those making FOI requests (23% in 2020), while in most years the largest single grouping of requesters are clients of the public body concerned (50% of requesters in 2020).

Review mechanisms are available where individuals are unhappy with the FOI decisions they have received. The level of uptake tends to be quite low, with internal reviews sought for about 3% of requests in most years (3.3% in 2020) and an independent review by the Information Commissioner sought in about 1% of cases annually (1.3% in 2020).

The role of the Commissioner is to determine whether the FOI decision made by a public body was justified. In most years, the Commissioner tends to uphold the public body's decisions in the majority of decided cases (70% in 2020).

As such, it is clear that the FOI system is a vital method for accessing information from public bodies and indications are that it is operating well in general. However, this doesn't mean there is no room for improvement.

What is planned for the review?

The ways that people seek, consume and interact with information have been transformed since FOI was introduced in 1997 by the rise of technologies such as the internet. The review will look for ways that the legislation might be brought up to date with these changes.

While the annual statistics show that the FOI system as it stands is functioning relatively well, the bare figures cannot alone tell the full story.

Plans are being developed to carry out a customer satisfaction survey, to gain a deeper insight into the experiences of the FOI process on the part of requesters as well as staff of FOI Bodies.

Another project will attempt to estimate how much FOI costs the exchequer.

We will look at international developments to see if there are any ideas or initiatives elsewhere that might help improve our FOI system.

The Information Commissioner and Department of Public Expenditure and Reform are responsible for monitoring the FOI system. The review will also look at specific issues identified by both, some of which are of a technical nature, and some of which will be more general.

Once we have gathered all of this information, we will complete our review of how the FOI system is operating, and how it could be made better. A report will be published, which will make recommendations for improvements to the system, including by amending the legislation if required.

In carrying out this work, we will seek insights and assistance from anyone who is interested, but in particular from people who frequently use or administer the FOI system.

How can I get involved?

The first opportunity to have your say will be when the Department seeks responses to a short survey on the scope of the review. This will take place towards the end of October to mid-November.

This survey will be a chance to give your view, in general terms, on what you see as the big issues affecting the FOI system and government transparency. This might be things that you think are or aren't being done well, or things you think could be done differently or better.

Once we have received your views, the Department will draw on the survey, as well as its ongoing monitoring of the legislation and feedback from the Information Commissioner, to identify key themes and topics to be examined in detail.

A document will be published by the Department setting out and providing information on the themes identified for the review. You will then have a further opportunity to make a more detailed and technical submission. The scoping document will be published and submissions will be sought in early 2022.

In addition, the Department plans to hold events in early-to-mid 2022 around the country raising awareness of the review and seeking views from the broadest possible range of stakeholders.

The Department will publish further details in relation to each of these steps in due course.

If you want to join our mailing list for updates on the review as it progresses, please send an email to foireview@per.gov.ie.

If you have any other queries or comments relating to the review, you can contact that same email address or write to the FOI Central Policy Unit, Department of Public Expenditure and Reform, Government Buildings, Upper Merrion Street, Dublin 2, D02 R583

Another good way of keeping up with the review, as well as the other work of the Department, is to check our twitter feed:

twitter.com/IRLDeptPER



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