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Introduction

The Freedom of Information (FOI) Act 2014 provides, that from the effective date, every person has the following legal rights:

- the right to access official records held by Government Departments or other public bodies as defined by the act.
- the right to have personal information held on them corrected or updated where such information is incomplete, incorrect or misleading.
- the right to be given reasons for decisions taken by public bodies that affect them.

Regulations provide that parents, guardians and next-of-kin may apply to exercise these rights in certain circumstances.

The FOI Act gives legal rights to obtain access to records held by public bodies. There is generally no time limit in the case of personal information about the requester. In other cases the right of access is to records created after the commencement of the initial FOI Act in April 1998.

The Department of Agriculture Food and the Marine has prepared a Publication Scheme in conformity with the Model Scheme and Guidelines issued by the Minister for Public Expenditure and Reform, in accordance with Section 8 of the Freedom of Information Act 2014. The purpose of the Publication Scheme is to assist the public in understanding the type of information that is held by this Department and how to access it.

The Publication Scheme can be found [here](#).

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 Department irrespective of when they were created.
- All records created from the commencement of the FOI Act on 21 April 1998.
- In certain circumstances, records created prior to 21 April 1998 may be accessible.

Any official information held by public bodies can be sought under the Act. However, in order to allow Government business to be properly conducted, it may sometimes be necessary to exempt from release certain types of information in some circumstances. These exemptions, which are set out in the Act, include exemptions for records relating to:

- Meetings of the Government.
- Law enforcement and security, international relations and matters relating to Northern Ireland.
- Commercially sensitive information.
- Personal information (other than information relating to the person making the request).

How do I make a request?

- Requests should be submitted in writing either by post or email to the FOI Unit address below.
- Specify that the request is being made **under the FOI Act**.
- **Be as clear and specific** as possible in making your request and provide as much information as possible, when completing the Freedom of Information [Request Form](#), to enable the Department to identify the records that you require.
- If you would like to receive access to the information/records in a particular format, (e.g. photocopies, electronically etc.), please mention this when submitting your request.
- When you are seeking information which is personal, you will be required to supply appropriate identification.
- In cases where you are seeking to access records under Section 37(8) i.e. in relation to deceased persons, or minors etc. you will be required to provide additional details in order to exercise these rights.

Should you need any assistance in identifying the records required the staff of the FOI Unit will be happy to help. The FOI Unit can be contacted at:

Freedom of Information Unit

Address: Department of Agriculture, Food and the Marine, Pavilion A, Grattan Business Centre, Dublin Road, Portlaoise, Co. Laois, R37 K857

E-Mail: foi@agriculture.gov.ie

Telephone No: +353 (57) 869 4327

Access Officer under the Disability Act 2005

The Department has appointed Access Officers in accordance with Section 26(2) of the Disability Act 2005. The Access Officers are responsible for providing or arranging for, and co-ordinating assistance and guidance, to persons with disabilities accessing services provided by the Offices and generally to act as a point of contact for people with disabilities wishing to access such services. The access officers can be contacted at:

Access Officer

Address: Co-Ordination Section, Corporate Affairs, Department of Agriculture, Food and the Marine, Kildare St., Dublin 2, D02 WK12

E-Mail: access.officer@agriculture.gov.ie

Telephone Nos: +353 (1) 6072770/6072046

Further information can be found on our website at:

<https://www.agriculture.gov.ie/customerservice/accessandinquiryofficers/>

What is a personal/non-personal request?

A personal request is for records that contain your personal data. Personal data means data which relates to an individual who can be identified from that data.

A non-personal request is for records that contain someone else's personal data or no personal data; for example, records in relation to Department Policy, schemes, administration records etc.

PLEASE NOTE THAT IT IS DEPARTMENT POLICY TO PUBLISH ALL NON-PERSONAL REQUESTS ON THIS WEBSITE.

What fees are payable in relation to my request?

There is no application fee for requests.

Other charges may be applied for the time spent finding records, these are called search and retrieval fees and for any photocopying costs incurred by the Department in providing you with the material requested. Details of these will be notified to you in writing. In cases where search and retrieval fees apply, we are obliged to charge a deposit of at least 20% of the estimate to the requester.

Fees for the estimated cost of searching for and retrieving records and copying the records can only be charged with respect to records being released. €20 is charged for each hour spent searching for and retrieving records and €0.04 is charged per sheet for a photocopy of the records released.

Bands for estimating search & retrieval (€20 per hour) photocopying fees (€0.04 per sheet) and CD Rom (€10):

Hours	Estimate	Action
Less than 5	€100 or less	No fees can be charged for search & retrieval or copying.
Between 5 and 25	€101 - €500	Search & retrieval and copying fees apply.

Between 25 and 35	€501 - €700	No more than €500 can be charged for search & retrieval or copying.
More than 35	More than €700	The decision maker will contact the requester to ask him/her to refine/amend the request to ensure that the search & retrieval & coping charges are below €700. If the requester refuses to refine/amend the request then the request can be refused under Section 27 (12)(iii).

Internal Review fee for a non-personal request is €30 (€10 for a medical card holder or dependent of a medical card holder).

Review by the Office of the Information Commissioner fee is €50 (€15 for a medical card holder or dependent of a medical card holder).

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

Under the Act, a request for records must be acknowledged within 2 weeks and, in most cases, responded to within 4 weeks. A week is defined in the Act to mean 5 consecutive weekdays, excluding Saturdays, Sundays and Public Holidays.

There are some limited situations under the FOI Act, which could mean that the making of a decision could take longer than four weeks. If this occurs, you will be notified in writing.

If you have not received a reply within four weeks, you are automatically entitled to consider that the Department has refused to grant your request and you may immediately appeal to this Department for a review on the matter.

What if I am not satisfied with the decision on my FOI request?

You may appeal any decision issued by this Department by writing to the Freedom of Information Unit, Department of Agriculture, Food and the Marine, Pavilion A, Grattan

Business Centre, Dublin Road, Portlaoise, Co. Laois, R37 K857, seeking an internal review of the matter.

You should make your appeal within 4 weeks from the date of response (although late appeals may be permitted in certain circumstances). The appeal will involve a complete reconsideration of the matter by a more senior member of staff of the Department and a decision will be communicated to you within 3 weeks.

A fee of €30 (€10 for a medical card holder or dependent of a medical card holder) may apply to such an application for all non-personal requests.

What if I am not satisfied with the decision of internal review?

You may appeal the decision within six months by writing to the Information Commissioner. If you make an appeal the Information Commissioner will fully investigate and consider the matter and issue a fresh decision. All appeals should be addressed to:

The Office of the Information Commissioner

Address: 6 Earlsfort Terrace, Dublin 2, D02 W773

E-Mail: info@oic.ie

Telephone No: +353 (1) 6395689

Local No: 1890 223030

A fee of €50 (€15 for a medical card holder or dependent of a medical card holder) may apply to such an application.

Further Information

For further information on Freedom of Information you should visit the following websites:

www.foi.gov.ie

www.oic.gov.ie