

**Waterford & Wexford ETB**

**Policy for responding to**

**Requests for Access to Records**

**Administrative Access, Data Protection Acts (including General Data Protection Regulations 2018) & Freedom of Information Act**

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| **Document reference number** | AA1 | **Document developed by** | FOI Office |
| **Revision number** | 002 | **Document approved by** | WWETB Board of Management |
| **Approval date** | 09/06/15 | **Responsibility for implementation** | FOI Office |
| **Next Revision date** | 01/02/2024 | **Responsibility for review and audit**  | FOI Office |

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**Section 1**

**Introduction**

This policy sets out how Waterford & Wexford Education & Training Board (WWETB) will manage requests for access to records held or created by WWETB during the performance of their functions.

Under Administrative Access all appropriate information will be made available to the requester having regard to privacy, confidentiality, and the public interest. As a matter of policy WWETB supports a client’s right to see what information is held about them within its service. Generally, access to a person’s own information should be provided administratively (subject to certain exceptions).

WWETB will comply fully with their legal obligations under the Data Protection Acts 1988 & 2003, including the General Data Protection Regulations 2018 (GDPR) and under the Freedom of Information Act 2014.

**Purpose of Policy**

The purpose of this policy is to set out how WWETB will respond to requests for access to records. There are several ways in which individuals may seek access to records held by WWETB and these include: -

* Under WWETB’s Administrative Access Policy
* Under the Data Protection Acts 1988 & 2003 including the General Data Protection Regulations 2018 (GDPR) (referred to as GDPR)
* Under the Freedom of Information Act 2014 (referred to as FOI Act)
* Under an Order for Discovery from the Courts
* By Court Order

WWETB will also consider requests from third parties in appropriate circumstances including but not limited to the following: -

* Requests from Solicitors acting on behalf of an individual
* Requests from An Garda Síochána
* Requests for access to children’s records or an incapacitated person’s records by a parent or guardian
* Requests for a deceased person’s records.

**Section 2**

**Definitions**

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| **Word or Phrase** | **Meaning for the purpose of this policy** |
| Administrative Access | Routine access provided to certain records in appropriate circumstances as defined by this Policy |
| Client | A student or any person availing of any of the WWETB services  |
| Decision Maker | Staff member(s) delegated the function of processing requests for access to WWETB records |
| GDPR  | Refers to the Data Protection Acts 1988 & 2003 including the General Data Protection Regulation 2018 (GDPR) |
| Employee | A person who is or was a staff member in WWETB, e.g., a Teacher, Special Needs Assistant, Administrative Officer. A person who is or was contracted to work for WWETB |
| FOI Act | Refers to the Freedom of Information Act 2014 |
| Personal information  | Information about an identifiable individual (living or dead) that would normally only be known to the individual, members of their family and/or close friends and is held by WWETB on the understanding that it would be treated as confidential. Examples of personal information held by WWETB include name, address, date of birth, educational history, etc. For staff members of WWETB this may include their employment history, bank account details, pay details, employee performance details, disciplinary records, etc. |
| FOI Officer | Staff member(s) working with the Decision Maker to prepare the files that are the subject of an access request |
| Working Days | WWETB operates normal office working hours. However, the following annual closures are not considered working days: -1. December 24th to January 02nd
2. Good Friday

*NB\*\** It should be noted that Schools and centres close completely for all or part of Easter/Summer/Christmas holidays and or Mid- term breaks. Requests made during these periods may face a delay due to this. This will be advised on acknowledgement of valid requests. |
| Schedule of records | This is a detailed list of the content of a file which provides a description of each page and the decision as to whether to release, part-release or withhold |
| Sensitive Personal Information | Information relating to the physical or mental health of an individual, religious beliefs, trade union membership, Garda Vetting information, etc. |
| Third party requests | This is when a request for access to personal records is received from somebody who is not the subject of the records, e.g., a Solicitor acting on behalf of the person; a family member, next of kin or advocate of the person; An Garda Síochána; a parent seeking access to their child’s records; a request for access to a deceased person’s records |

**Section 3**

**APPLYING FOR ACCESS TO RECORDS**

**Personal Information**

Applications to access records must be received in writing, please see [Data Access Request Form](file:///C%3A%5CUsers%5Ccarlywhelan%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5CXV0I4IRN%5CData%20Access%20Request%20Form) on our website (<http://waterfordwexford.etb.ie>) Should the requester contact a staff member of WWETB either in person or by telephone, every effort should be made to assist the requester in making their request. The requester should provide sufficient information to assist in locating files, including date of birth, current and previous addresses, and details of the contacts with WWETB, for example if it is a student, the school attended and approximate dates. If the requester is not known to you it may be necessary to request proof of identity, for example providing a copy of current passport or driver’s license.

**Non-Personal Information**

WWETB will endeavour to make available to the public up to date details of the policies and procedures under which it operates. This information will be published on our website and may also be made available to individuals on request. A requester may seek access to non-personal information and WWETB will process this request under this policy.

**Exceptions**

Where access to a record or information cannot be provided directly under Administrative Access, the requester should be informed of this and advised of the option of making an application under the GDPR or FOI Act. The FOI Officer or Decision Maker will assist the requester to make their request and to ensure it is dealt with under the most appropriate policy.

All FOI requests, on receipt, must be sent to: - **FOI Officer**, **Waterford and Wexford Education and Training Board, Ardcavan Business Park, Ardcavan, Wexford.**

**Tel:** 053 91 23799 **Email:** foirequests@wwetb.ie

**Other Mechanisms for Access to Records**

There are a number of other ways for individuals to access records including but not limited to:-

* Court Subpoena
* Search Warrant
* Court Orders
* Investigations by An Garda Síochána
* Request and/or Investigation by the Information Commissioner or Ombudsman
* By an Officer authorised in writing by the Minister.

**Section 4**

**PROCEDURES FOR HANDLING REQUESTS UNDER ADMINISTRATIVE ACCESS POLICY**

This section of the policy should be used when the record is being **released in full** to the requester.

|  |  |  |
| --- | --- | --- |
| **Stage of Process** | **Action required** | **Time frame** |
| Step 1 | Request received |  |
| Step 2 | Date stamp request | Immediately |
| Step 3 | Forward to Decision Maker (i.e., Principal/Centre Manager) | As soon as possible |
| Step 4 | Check validity of request | As soon as possible |
| Step 5 | Acknowledge request | Within 3 days of receipt of valid request |
| Step 6 | Gather records | As soon as possible |
| Step 7 | Determine records to be released | Within 15 days of receipt of valid request |
| Step 8 | Issue decision | Within 15 days of receipt of valid request |

**Step 1: Request received to access records**

Requests may be received in writing, by telephone, by presenting to any WWETB office or location, email, or any other form. For requests received by telephone or in person, the requester should be asked to confirm their request in writing and to provide copy of identification where appropriate. Details such as name, address, date of birth and contact details should be included along with details of the records sought.

***NB\*\**** Where requests are made in writing/by email please note that schools/centres close during holidays and mid-term breaks. Individuals should satisfy themselves that their request has been properly received and/or submit their request to Head Office.

**Step 2: Date stamp requests**

Requests for access to records should be date stamped by the department or office who receives the request; this can be any department or office in WWETB.

**Step 3: Forward request to the appropriate Decision Maker for processing**

Each School and Training Facility should have a nominated person (namely Principal/Centre Manager) for dealing with routine access requests.

**Step 4: Check validity of request**

If requester is not known to you, seek a copy of some form of identification, e.g. copy of driving license or passport. The requester should provide sufficient information to enable the Decision Maker to identify the records sought. If the information provided is insufficient, contact requester immediately to clarify request. Advise requester that the response deadline only applies once request is valid, i.e. once I.D. and clarification of records sought is received.

**Step 5: Acknowledge receipt of the request and advise date response due**

Requests should be acknowledged within 3 working days and responses should be issued within 15 working days of receipt of request. If additional time is required, the Decision Maker should write to the requester and inform them of the expected response date. The letter of acknowledgement should detail the contact details of the Decision Maker and the date by which the requester can expect to receive the response.

**Step 6: Gather records that fall within the scope of the request**

The records should be numbered (on the original file) or printed out and numbered so that the sequence of the records is clear. Search and retrieval information should be documented for future reference, if required.

**Step 7: Determine whether records fall to be released in full**

This requires the Decision Maker to read each page/entry in the records and make a decision as to whether it is appropriate to release or not. Where the requester is the subject of the records every effort should be made to provide full access to the requester records. See also “When Administrative Access is not appropriate” for further details.

**Step 8:** **If records for full release, copy records and release the copy to requester**

Each request requires a formal decision letter to issue along with a copy of the records. The decision letter should include the contact details of the Decision Maker should the requester have any further queries in relation to their request.

The records should be put in a tamper proof sealed envelope, clearly addressed with “return to sender” information on the outside of the envelope and a cover note confirming full release.

NB\*\* If releasing records via email, the records for release must be encrypted and password protected prior to the email being sent. The requester should then be contacted by a different means of communication (not by email) to advise them of the password to access the records.

**If some or all the records are not being released refer to other Sections of this policy as appropriate.**

**Section 5**

**WHEN ADMINISTRATIVE ACCESS IS NOT APPROPRIATE**

The Decision Maker should not process a request under Administrative Access if the records contain the following types of information: -

* Information that may be prejudicial to the physical or mental well-being or emotional condition of the requester
* Information obtained in confidence from a third party
* If the requester is not the subject of the record, i.e., third party requests (except in certain circumstances)
* The request is for access to the records of a person who is deceased
* Documents about suspected or actual child abuse
* If release would endanger the life or health of an individual (including a staff member)
* Legal professional privilege
* Records that are the subject of an ongoing Garda investigation
* Records that are the subject of a Court Order or Order for Discovery
* And certain other circumstances that may arise from time to time.

Where the records requested contain such information, the request should be processed under either the GDPR or the FOI Act; please see appropriate sections below. It is the responsibility of the Decision Maker (i.e., Principal/Centre Manager) in conjunction with FOI Decision Maker/Data Protection Officer to ensure that a request is processed under the most appropriate access policy; the Decision Maker (i.e., Principal/Centre Manager) should advise the requester of the policy being used and the relevant timeframes and appeal rights. If the access regime being used is different from that originally requested, the Decision Maker should explain their decision to the requester and quote the relevant sections of this policy.

**Section 6**

**PROCEDURE FOR HANDLING THIRD PARTY ACCESS REQUESTS**

This section of the policy should be used to process requests from third parties, i.e., the requester is not the subject of the records being sought.

NB\*\* If releasing records via email, the records for release must be encrypted and password protected prior to the email being sent. The requester should then be contacted by a different means of communication (not by email) to advise them of the password to access the records.

**Requests from a Solicitor acting on behalf of a client**

**Steps 1 to 3 as above**

**Step 4: Check validity of request**

Ensure that the request contains the written consent of the client to release the records to the Solicitor. If consent is not included, contact the Solicitor, and advise that written consent is required to process the request. Once written consent is received, proceed with the request.

**Steps 5 to 8 as above**

**Requests from An Garda Síochána**

**Steps 1 to 3 as above**

**Step 4: Check validity of request**

Ensure that the request contains the written consent of the client to release the records to An Garda Síochána. If consent is not included, contact the Garda and advise that written consent is required to process the request. Once written consent is received, proceed with the request.

If An Garda Síochána advises that consent is not appropriate, then the information may be sought under the General Data Protection Regulation 2018, Section 41 (*as per excerpt below): -*

**Sec. 41.** “Without prejudice to the processing of personal data for a purpose other than the purpose for which the data has been collected which is lawful under the Data Protection Regulation, the processing of personal data and special categories of personal data for a purpose other than the purpose for which the data has been collected shall be lawful to the extent that such processing is necessary and proportionate for the purposes -

(a) of preventing a threat to national security, defence or public safety
(b) of preventing, detecting, investigating or prosecuting criminal offences, or
(c) set out in paragraph (a) or (b) of section 47.”

Such requests for this type of information must be made under [Section 41(b)](http://www.irishstatutebook.ie/2018/en/act/pub/0007/print.html#sec41) of the Data Protection Act 2018. This allows a data controller operating in Ireland to disclose personal data to a third party to the extent that this is “*necessary and proportionate for the purposes of preventing, detecting, investigating, or prosecuting criminal offences.* “

Typically, this may arise following a request from [An Garda Síochána](https://www.garda.ie/en/) or another law enforcement body for disclosure of information containing personal data.  This requires An Garda Síochána to make their request in writing, on headed paper and signed by a Garda Superintendent. The request must state why the records are required, the pulse number, Garda Identification Number and outline the exact records that are required under this Section.

**Step 5: Acknowledge receipt of the request and advise date response due**

Requests should be acknowledged within 3 working days and responses should be issued within 15 working days of receipt of request. If additional time is required, the Decision Maker should write to the Gardaí and inform them of the expected response date. The letter of acknowledgement should detail the contact details of the Decision Maker and the date by which the Gardaí can expect to receive the response.

**Step 6: Gather records that fall within the scope of the request**

The records should be numbered (on the original file) or printed out and numbered so that the sequence of the records is clear. At this stage, consideration must be given to the records for release to ensure that they are “*necessary and proportionate for the purposes of preventing, detecting, investigating, or prosecuting criminal offences”.* It also may be appropriate at this stage to invite An Garda Síochána to view the records held on the client and for them to identify the particular records required for their stated purpose(s).

**Step 7: Release required records to An Garda Siochána**

Ensure that a copy of the request along with a copy of the decision letter and a detailed schedule of records released is retained on the client file for future reference.

**Requests for access to children’s records or an incapacitated person’s records by a parent or guardian**

Requests for access to a child’s record or that of an incapacitated adult by a parent or guardian should be carefully considered; decisions made to release such records must always be in the best interests of the child or incapacitated adult. Consideration of such requests should be in accordance with the Guidance Notes issued under Section 37 of the FOI Act 2014.

**Steps 1 to 6 as above**

**Step 7: Determine whether records fall to be released in full**

This requires the Decision Maker to read each page/entry in the records and decide as to whether it is appropriate to release or not. Where the requester is a parent or guardian and the client is a child or incapacitated person, every care must be taken to ensure that release is in the best interests of the client.

This requires the Decision Maker to consider certain factors that may be relevant to their decision including but not limited to: -

* The age of the child – the closer the age of the child to 18 years the more weight should be placed on their opinion of the release of their information
* The nature of the incapacity, i.e., is it short-term or enduring
* The capacity of the client to give consent, i.e., will the child understand the implications of release of the records? If so, you should consult the child as appropriate
* The nature of the records, i.e., are they routine records? Do they contain very sensitive, personal information of the child/incapacitated adult? Can the records be part-released?
* The nature of the relationship between the requester and the client, i.e., is the child living at home with the parent? Is the requester the primary carer for the incapacitated person?
* Any other relevant information.

In cases such as this, each decision must be considered on its own merits and the decision to release or not to release must be made in the best interests of the client. If it is your decision that the records should be released in full to the requester, then please proceed to do so.

If in any doubt or you have concerns about any parts of the records being released, treat such a request as a request under the FOI Act and forward it immediately to the FOI Officer for processing, see contact details on page 6.

**Step 8:** **Prepare a decision letter and schedule of records**

The records should be put in a sealed envelope, clearly addressed with “return to sender” information on the outside of the envelope and a cover note confirming full release.

**Section 7**

**ACCESS REQUESTS UNDER THE DATA PROTECTION ACTS 1988 & 2003 (including the General Data Protection Regulation 2018 (GDPR))**

The Data Protection Acts (DP Acts) 1988 & 2003 including the General Data Protection Regulations 2018 provide for a right of access to personal data relating to living individuals. In general, the DP Acts confer a right on each individual to access their own records subject to certain limitations.

The GDPR 2018 should be used when Administrative Access is not appropriate thereby giving WWETB the legal mechanisms to withhold information in certain circumstances whilst at the same time providing appeal rights to the requester.

When this mechanism is being considered it will mean there is concern about the release of the full record to the requester. The Data Protection Acts allow for the withholding of certain data in certain circumstances as follows: -

|  |  |
| --- | --- |
| **Section of DP Acts** | **Provision** |
| 4(4) | Exemption of personal data relating to other individuals |
| (4A)(b)(ii) | Exemption of information given in confidence |
| 5(1) | DP Acts do not apply to personal data1. kept for the purposes of preventing, detecting or investigating offences, etc.
2. discharging a function conferred by or under any enactment
3. prejudice the security or maintenance of good order in a prison, place of detention or barrack
4. kept for the purposes of protecting members of the public from dishonesty, incompetence, or malpractice
5. contrary to the interests of protecting the international relations of the State
6. consists of an estimate of liability or damages or compensation
7. legal professional privilege
8. kept by the Commissioner or the Information Commissioner
9. kept for statistical purposes only
10. back-up data
 |

Where a request for access to personal data is either being partially granted or refused, the decision letter must include the following details (Section 4(7)):-

* Statement of reasons for the refusal
* Relevant section of the Acts
* Date of decision
* Appeal rights
* Full schedule of records

**Section 8**

**ACCESS REQUESTS UNDER THE FREEDOM OF INFORMATION ACT 2014**

From 14th April 2015, WWETB will be an “FOI body” in accordance with the definition of a “public body” in Section 6 of the FOI Act 2014 and therefore covered by its provisions. This Act brings significant legal obligations and WWETB undertakes to comply fully with both the spirit and specific provisions of the Act.

**Records covered by the FOI Act: -**

All records “in the possession of” WWETB are covered by the FOI Act. This means all electronic and paper records are covered including but not limited to: -

* Student files
* Personnel files
* Minutes of meetings
* Staff expense claims
* Emails
* Any other record in “the possession of” WWETB.

**What to do if you receive an FOI request: -**

All FOI requests received in any department or service of WWETB should, in the first instances, be immediately forwarded to the relevant Principal/Centre Manager at each Site. This individual will agree as per the terms of this policy which Access regime is most appropriate for the specific request in conjunction with the FOI Decision Maker/Data Protection Officer. If it is agreed that FOI is the most appropriate regime, the original copy of the files falling under the scope of the request should be forwarded immediately to the FOI Officer. Contact details below: -

FOI Officer, Waterford and Wexford Education and Training Board, Ardcavan Business Park, Ardcavan, Wexford.

**Tel:** 053 91 23799; **Email**: foirequests@wwetb.ie

**Protocol for handling FOI request:-**

In order to ensure that WWETB meets its legal obligations, specific arrangements have been put in place and all WWETB staff are expected to comply with these arrangements; please refer to “Protocol for handling FOI requests” in Section 9 below.

**TIMEFRAMES**

The FOI Act 2014 details the specific obligations on FOI bodies in handling an FOI request including the timeframes for acknowledging receipt, responding, and allowing an appeal; all timeframes are detailed below.

To ensure that WWETB complies with these obligations, any staff member who receives an FOI request is expected to respond in a timely manner and in accordance with the “Protocol for handling FOI Requests”.

|  |  |  |
| --- | --- | --- |
| **STAGE OF PROCESS** | **TIMEFRAME** | **SECTION OF FOI ACT** |
| Acknowledge request | 2 weeks from date of receipt of request | 12(2) |
| Transfer request | 2 weeks of date of receipt of request | 12(3) |
| Advise of Search & Retrieval fees, seek deposit | 2 weeks from date of receipt of request | 27(4) |
| Issue decision letter | 4 weeks from date of receipt of request | 13(1) |
| Extension provision | Up to a maximum of 4 weeks additional | 14(1) |
| Internal Review | Apply within 4 weeks of date of original decision | 21(7) |
| Make internal review decision | 3 weeks from date of receipt of internal review request | 21(4) |
| Appeal to OIC | 6 months from date of internal review decision | 22(4)(b) |
| Appeal to OIC re S38 | 2 weeks from date of notification of decision | 22(4)(a) |
| OIC issue decision | Within 4 months | 22(3) |

STEPS IN PROCESSING FOI REQUEST

1. Receiving an FOI Request

All FOI requests must be received in writing. If a requester contacts WWETB and requires assistance to make their request, appropriate assistance will be provided to enable them to exercise their rights under the FOI Act 2014.

1. Requests that must be processed under FOI Act
* Requests for access to a deceased person’s records
* Requests that are not appropriately dealt with under Administrative Access policy (See Policy for list)
* Requests for access to non-personal records that are not routinely published or available on request
1. On receipt of FOI Request

When an FOI request is received in WWETB, in any office or location, it should be date stamped, reviewed by the Site Decision Maker and (if deemed an appropriate FOI Request) copied immediately to the FOI Officer (contact details on page 6 and page 14.

1. Deciding the most appropriate route for the request

The Decision Maker will review the request and ensure it is valid. Validity is checked according to the list below: -

* Sufficient information about the identity of the requester
* Sufficient information to identify the records sought

In relation to both points above, it is up to the Decision Maker to satisfy him/herself as to the identity of the requester (Section 37(2)) and to also ensure that the request is clear enough to identify the records that fall within the scope of the request. The Decision Maker should work with the requester to assist them if sufficient information is not provided (Section 11(2) & 12(2)).

1. Consider best route for request

It will be the responsibility of the Decision Maker to advise the requester on the best access route for their request. Consideration will be given to release of records under the Administrative Access Policy, Data Protection Policy for personal records and this policy. The access route that will provide the requester with the greatest access to the requested records and, in cases where records are being withheld, the most appropriate appeal rights, should be recommended.

If it is decided that the request can be processed under Administrative Access, the Decision Maker should contact the requester to advise them of the reasons for this decision and the timeframes involved. The request should then be processed in accordance with the Administrative Access policy as set out above.

If the requester wishes to pursue their request under the FOI Act, please notify the FOI Officer immediately.

ROLES AND RESPONSIBILITIES

The following personnel have been delegated the function of processing all FOI requests received by WWETB: -

|  |  |
| --- | --- |
| Title | Name & Contact Details |
| FOI Officer | Ms. Lisa Penwell, Assistant Staff Officer, WWETB, Ardcavan Business Park, Ardcavan, Wexford. Tel: 053 91 23799  |
| Decision Maker | Mr. Fintan O’Reilly, APO Corporate Services, WWETB, Ardcavan Business Park, Ardcavan, Wexford. Tel: 053 91 23799  |
| Internal Reviewer | Director, WWETB, Ardcavan Business Park, Ardcavan, Wexford. Tel: 053 91 23799  |

FOI Officer

All requests which the Principal/Centre Manager deems appropriate to be dealt with under FOI in conjunction with the FOI Decision Maker/Data Protection Officer received by WWETB will be forwarded to the FOI Officer immediately upon receipt. The FOI Officer will then process the request in accordance with this policy and the Act.

The duties of the FOI Officer include the following: -

* Acknowledging receipt of the request
* Requesting the files that fall within the scope of the request from the appropriate Department/Centre Manager
* Collating the information once received
* Copying and scheduling the records
* Consulting with relevant parties
* Preparing a decision letter for the FOI Decision Maker
* Collating Statistics on Access Requests
* Liaising with Access Officers in the various locations

Decision Maker

The Decision Maker will make a final decision on the records to be released and sign each decision letter. Their role will include: -

* Consulting with relevant parties prior to and following release as appropriate
* Make a final decision on what records are to be released
* Ensuring the broader implications of the release of records is considered and escalated as appropriate
* Signing all decision letters
* Be the nominated Liaison Officer with the Office of the Information Commissioner (OIC) and work with OIC on any appeals
* Take a lead role on the implementation of and compliance with the FOI Act.

Internal Reviewer

The Internal Reviewer will review any decision appropriately appealed by the requester; their role will include: -

* A complete review of the original decision
* Consulting with relevant parties prior to and following release as appropriate
* Make a final decision at internal review stage, i.e., affirm, vary or annul the original decision.

PROCESSING AN FOI REQUEST

1. Acknowledgement

Once a valid FOI request is received the FOI Officer will issue a formal acknowledgement letter which should include the following information: -

* Date decision is due
* Contact details of the FOI Officer
* Information on appeal rights including deemed refusal.
1. Gather records that fall within the scope of the request

The records that fall within the scope of the request should be gathered, each page of the original file numbered, and a schedule of records prepared. If records are being printed from computer, these should also be numbered and scheduled. Care should be taken to ensure that all records are included, i.e., emails, incident report forms, handwritten notes, etc.

1. Review records

Each page of the records should be read, and sections highlighted where there is a concern about the release of particular sections or records. Examples of information that should not be released include: -

* Information about other people
* Information obtained in confidence
* Commercially sensitive information
* Legal professional privilege
* Information about an ongoing investigation or audit.

Please note, requests for access to a deceased person’s records or access by parent/guardian to a child’s records or those of an incapacitated person should be dealt with in accordance with the Guidance Notes and the Administrative Access policy.

1. Consultation

Where necessary, the FOI Officer and the Decision Maker will consult with parties who may be affected by the release of records. The final decision on release will be made by the Decision Maker.

1. Making the FOI decision

Care should be taken to ensure that information that should not be released (i.e., exempt information) is removed from the record prior to release. A full and clear copy of the records released to the requester must be retained in the case of future appeals.

1. Preparing the Decision

Complete the schedule of documents and prepare the decision letter based on the schedule. The decision letter must include the following: -

* Date of the decision
* Details of any exemption section being relied upon including the reasons why the exemption is being used
* Public interest factors considered (where appropriate)
* Appeal rights.
1. Releasing the records

The requester should be offered an opportunity to collect the response. If this is not feasible, the response should be sent to the requester by post in a properly addressed envelope with clear “return to sender” details on the front. Where a requester seeks access to an electronic copy of the record, please ask the requester to confirm they are happy to receive their records by email. Once such confirmation is received, the records may be released electronically.

**Section 9**

**PROTOCOL FOR HANDLING FOI REQUESTS**

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| --- | --- | --- |
| **Step** | **Action** | **Person responsible** |
| 1 | On receipt of an FOI request, date stamp or write the date received on it | Decision Maker in department, school, or facility where FOI request is received |
| 2 | Scan or copy FOI request to FOI Officer immediately | As above |
| 3 | Discuss content of request with FOI Officer and agree how it will be handled | As above |
| 4 | If for full release, process under Administrative Access policy as per above | As above |
| 5 | If concern about release or it necessitates processing under FOI request, transfer to FOI Officer | As above |
| 6 | All original files that fall within the scope of the request forwarded immediately to FOI Officer | As above |
| 7 | FOI Officer processes request in accordance with policy as set out above | FOI Officer |
| 8 | Consultation will take place between relevant Service Manager and FOI Officer/Decision Maker prior to release | FOI Officer |
| 9 | Decision Maker has final decision on release of records and decision will issue from Ardcavan | Decision Maker |