

SUNBEAM HOUSE SERVICES POLICY DOCUMENT



Policy Name **Freedom of Information Policy**

Effective Date **20 September 2022**

Document Control

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Policy Sign Off

CEO Name	CEO Signature	Date
Joe Lynch		20 September 2022

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1.0 POLICY STATEMENT

As a Freedom of Information (FOI) body Sunbeam House Services (SHS) is obligated under law to comply with the current Irish FOI act. Comprehensive details of the FOI Act can be found by visiting the <https://foi.gov.ie/> website.

2.0 PURPOSE

This policy outlines some basic details of FOI as they apply to SHS, your rights under FOI and how to make an FOI request to SHS. In addition, this policy provides an easy-to-read version (see appendix). It is beyond the scope of this policy to outline the full FOI Act. However, full details can be found at the official government websites at the following links <https://foi.gov.ie/> and [Freedom of Information Act 2014 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2014/act/10/section/1).

3.0 STATUTORY RIGHTS

The Freedom of Information Act provides the following statutory rights:

- A legal right for each person to access information held by a body to which FOI legislation applies.
- A legal right for each person to have official information relating to themselves amended where it is incomplete, incorrect or misleading.
- A legal right to obtain reasons for decisions affecting themselves.

4.0 SCOPE

The public can request the following records held by SHS:

- Any record relating to a person where it relates to themselves, whenever created.
- All other records that were created after 21 April 1998.

Note: A record can be a paper document, information held on a computer, maps, plan, microfilm, microfiches, audio-visual material, etc.

A person does not have to give a reason as to why they want to see any records.

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SHS must give an explanation if a request is being refused or partially refused. A decision on an application must normally be made within 20 working days.

The individual requesting the information has the following entitlements:

- The receipt of the request must be acknowledged within ten working days.
- A response will, in normal circumstances, be issued within 20 working days of receipt of the request.
- All decisions must be clearly explained, setting out the sections of the Act used in reaching these decisions.
- Details of their entitlements to Internal Review and appeal will be included in the decision letter.

4.1 Definitions

- **"Freedom of Information (FOI)"** The FOI Act 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.
- **"An FOI Body"** An organisation/company that falls within the remit of the FOI Act. For more information on FOI bodies, see <https://foi.gov.ie/faqs>

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5.0 POLICY

5.1 Charges under FOI: Search and Retrieval and Copying Fees

- Fees are applied in respect of the time spent searching and retrieving records that are released to you and in respect of copying of such records. Section 27 of the Act sets out the elements of search and retrieval which may be charged for.
- In most cases, there are no search, retrieval and copying charges where the request relates to your own personal records. However, the Act does allow that in situations where the request relates to a significant number of records, a charge may be levied having regard to the circumstances of the requester.
- **Application Fees:** Section 27 of the Freedom of Information Act 2014 provides for fees and charges. The current application fees are:

Type of request or application	Standard Fee*	Reduced Fee**
Initial request for a record	Free	
Internal review	€30	€10
Review by Information Commissioner	€50	€15
Application for amendment containing incorrect information	Free	
Application for reasons for a decision affecting individual	Free	

* There are no fees where you appeal a decision to charge a fee or deposit or a fee or deposit of a specific amount.

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** Reduced fees will apply in respect of medical card holders and third parties who appeal a decision to release their information on public interest grounds.

No fees apply where the request involves access to your personal records.

- **Charges for Search, Retrieval and Copying of records:** Charges may be applied by Sunbeam House Services for the time spent finding and retrieving records and for any copying costs incurred by them in providing you with 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, Sunbeam House Services can refuse to process your request unless you refine your request to bring the search, retrieval and copying fees below this limit.

Type of Charge	Standard Charge
Search and retrieval of records	€20 per hour
Photocopying (black and white)	4 cent per sheet
Encrypted and password-protected USB memory stick.	Cost of purchasing the memory stick

- **Review and Appeal Fees:** A charge applies to reviews and appeals to the Office of the Information Commissioner concerning access to non-personal records. There are reductions for medical card holders. This will be notified to you at the appropriate time

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5.2 Access to information: Access to any official documentation held by Sunbeam House Services can be sought under the Act. In certain defined circumstances, it will sometimes be necessary to exempt the release of certain types of information. These exemptions are set out in the Act. Some key exemptions which may be used relate to:

- Personal information (other than information relating to the person making the request).
- Information supplied to Sunbeam House Services in confidence.
- Law enforcement and public safety.
- Commercially sensitive information.
- Deliberations of public bodies.
- Matters subject to Client Privilege.
- Functions and negotiations of public bodies.

5.3 How to make an FOI request to SHS: The request can be made by email to the FOI officer at FOI@sunbeam.ie or by requesting it in writing and sending it to either of the addresses below:

For the attention of the FOI officer

Sunbeam House Services,
Cedar Estate,
Killarney Road
Bray
Co. Wicklow A98 WN97

For the attention of the FOI officer

Sunbeam House Services,
Ballyraine Campus
Value Road
Arklow

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Co. Wicklow Y14 XY75

- You must state that the request is being made under the Freedom of Information Act and what records you are seeking, and supply as much detail as possible.
- You must state the manner in which access is sought, e.g. inspect the originals, obtain photocopies, hear/view audio-visual records, obtain a copy of a computer disk or other electronic device, etc.
- You must supply proof of identity in the case of personal information – acceptable forms of identification include:
 - Certified copy of current valid signed Passport.
 - Certified copy of full Republic of Ireland/Northern Ireland/UK driving licence or provisional licence.
 - Certified copy of Garda Identification (ML10) form and photograph.
 - Certified copy of National Identity Card - must show photograph.
- You can ask for the following records:
 - Any records relating to you personally, whenever they were created
 - All other records are created after a certain date.
 - 21 October 1998 for the HSE and local authorities.
 - 21 April 1998 for public bodies that were covered by the old FOI legislation.
 - 21 April 2008 for public bodies that were not covered by the old FOI legislation.
 - The date of the prescribing order (or a specified date) for prescribed bodies.
- A record can be a paper document or information held on a computer or other electronic device or electronic system such as a database or cloud storage. It includes, for example, printouts, maps, plans, microfilm, audio-visual material, disks, and tapes.

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