



# **A Guide to Freedom of Information (FOI)**

## **INTRODUCTION**

GMIT is a body established for a public purpose and thus falls within the scope of the Freedom of Information (FOI) Act 2014.

Under the FOI Act, anyone is entitled to apply for access to records<sup>1</sup> held by GMIT which are not otherwise publicly available.

While the main objective of the Act is to promote a culture of openness, transparency and accountability in public bodies, it is sometimes necessary to exempt certain types of records from release.

## **INFORMATION ROUTINELY AVAILABLE**

GMIT routinely makes information available to the public through various channels including its prospectus, website and Publication Scheme.

The Publication Scheme (available at <http://www.gmit.ie/freedom-information>) provides information under six headings including About GMIT; Functions and Services; Decision Making Processes; Financial Information; Procurement; Other Information.

### **Staff**

GMIT makes personnel files available to individual staff members through inspection of the original file by arrangement and having regard to privacy, confidentiality and the public interest. Staff are entitled to seek access to their personal records created on or after 21<sup>st</sup> October 1995. An earlier record can be accessed if the record is being used, or proposed to be used, in a way which adversely affects the staff member. Applications must be made in writing to the HR Department [hr@gmit.ie](mailto:hr@gmit.ie)

### **Students**

GMIT makes personal records available to individual students by arrangement and having regard to privacy, confidentiality and the well-being of the requester in the case of health records. Applications must be made in writing to the relevant section e.g. health unit.

Copies of Academic Transcripts: Former students requiring a copy of qualifications/academic transcript should make direct contact with the School/College attended (School/College contact details can be found under the "Study" heading on the GMIT website).

## **INFORMATION AVAILABLE UNDER FOI**

Access to records not routinely made available by GMIT is facilitated through the FOI process.

Each person has a right of access to:

- records held by GMIT;
- correction of personal information relating to oneself held by GMIT where it is inaccurate, incomplete or misleading; and
- access to reasons for decisions made by GMIT directly affecting oneself.

One can seek access to records relating to one's own personal information irrespective of when created and access to other records created after 21<sup>st</sup> April 1998.

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<sup>1</sup> Records include paper records (documents, letters, memos, loose papers, diaries, post-it notes, print-outs, etc), electronic records (emails, disks, databases, documents, etc), AV records (films, tapes, CDs, etc), photographs, voicemails, etc.

Where outside companies or individuals provide a service under contract to GMIT, their records insofar as they relate to the provision of that service, are accessible under the FOI Act, as if they were GMIT's own records, subject to the exemptions.

## **EXEMPTIONS**

In particular circumstances, it is necessary to exempt certain types of records from release. Records may be refused on administrative grounds, including where the records don't exist or where they have already been released to the requester or where disruption of work would be caused either to GMIT as a whole or to a particular functional area of GMIT where limited resources are an issue.

Other exemptions apply because of the type or nature of information requested. Examples of exempt records include:

- Records concerning personal information of another person;
- Information communicated in confidence;
- Records that form part of an internal 'deliberative process' (i.e. records being considered in the process of GMIT arriving at a decision);
- Records which are subject to legal professional privilege;
- Records affecting the functions and negotiations of GMIT; and
- Commercially sensitive information.

For a full listing of exemptions, see sections 29-41 of the FOI Act 2014.

However, even when exemptions exist, it may be decided in some instances that the public interest in releasing the records outweighs the public interest in withholding the records. When it's decided to release records on public interest grounds, a process of consultation is required. This consultation provides people who are likely to be affected by FOI disclosures with the opportunity to have an input into the decision of whether or not to release the information.

## **MAKING A REQUEST**

Requests must be made to the Freedom of Information Officer at [foi@gmit.ie](mailto:foi@gmit.ie)

A request must state that it is made under the FOI Act 2014; it must provide enough detail to enable the records to be identified; and it must specify the preferred form of access.

## **FOI PROCEDURE**

FOI requests are received by the FOI Officer and handled by an appropriate Decision Maker. GMIT acknowledges receipt of requests within 10 working days.

Where the Institute is not clear as to the records being requested, assistance is provided to enable the requester to identify them. Work begins on a request only when the scope is sufficiently specific and clear.

Following retrieval and examination of the requested records, the Decision Maker may grant full access to the information requested or may refuse access to some or all of the information requested based on specific grounds detailed within the Act. This decision is made within 20 working days of receipt of the request. In the case of large and/or complex requests, this timeframe may be extended by a further 20 days.

When refusing (or partially refusing) a request, an explanation is provided to the requester.

If a response is not issued within the specified time limit, the request is deemed to have been refused and the requester can appeal it and proceed to the internal review stage.

### ***Right of Appeal***

Where GMIT invokes an exemption to withhold the release of records, this decision may be appealed.

Requesters have the right to appeal these decisions within 20 working days of being notified of the decision. Appeals are considered by a more senior staff member within GMIT and this review is completed within 15 working days.

If the requester is unhappy with the review, it can be appealed to the Office of the Information Commissioner in writing within six months of being notified of the review decision.

The Commissioner can be contacted at: Office of the Information Commissioner, 18 Lower Leeson St, Dublin 2, D02 HE97. Tel +353 (0)1 6395689 Email [info@oic.gov.ie](mailto:info@oic.gov.ie)

### ***Fees***

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

\* There are no fees where a person appeals a decision to charge a fee or deposit, or a fee or deposit of a specific amount.

\*\* Reduced fees 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 or internal review involves access to one's own personal records.

### ***Charges for search, retrieval and copying of records***

Charges may be applied for the time spent searching for and retrieving records, and for any copying costs incurred in providing requesters with the copies of the records requested. Charges may only be applied in respect of personal records where the number of records is large.

If the cost of search, retrieval and copying is €100 or less, no fee is applicable. If the charge exceeds €100, full fees are requested. The maximum charge for any one request must not exceed €500, however if the estimated cost of search, retrieval and copying is more than €700 the request can be refused, unless it is refined to bring the search, retrieval and copying fees below this limit.

<u>Type of Charge</u>	<u>Standard Charge</u>
Search and retrieval of records	€20 per hour
Photocopying	4 cent per sheet
CD-ROM containing copy of documents	€10
Radiograph (X-ray) containing copy documents	€6

### **DISCLOSURE LOG**

All non-personal FOI requests are recorded on an FOI Disclosure Log which is published on the GMIT website (see <http://www.gmit.ie/freedom-information>)