

Eleventh Report by the Minister for Finance on Freedom of Information

January – December 2008

Contents

	<i>Page</i>
Foreword	1
Implementation of FOI in 2008	3
Appendix 1: Presentations and Training provided in 2008	8
Appendix 2: List of Statistical Tables and Charts	9

The Minister for Finance is required under section 15(5) of the Freedom of Information Act, to ensure that appropriate measures are taken by public bodies, as respects

- training of staff
- organisational arrangements, and
- such other matters as the Minister considers appropriate for the purpose of facilitating compliance by bodies with the Act.

The Minister is further required under section 15(6) to prepare a report annually to the Oireachtas on such measures undertaken by public bodies to prepare for FOI

This report is hereby submitted to the Joint Oireachtas Committee on Finance and the Public Service in accordance with section 15(6) of the Freedom of Information Act 1997.

Foreword by Dr Martin Mansergh, TD, Minister of State at the Department of Finance



I am pleased to present the 11th report of the Minister for Finance to the Houses of the Oireachtas, covering the year 2008. This report in keeping with the new reporting approach adopted last year, is again a shorter document than in previous years, with much of the information on implementation arrangements for the Act, and also the detailed statistical data on FOI activity across the public sector, now available on the website of the FOI Central Policy Unit of the Department of Finance.

<http://www.foi.gov.ie/publications>

2008 marked the ten year anniversary of the introduction of the FOI Act.

FOI marked a fundamental change in the relationship between Government and the citizen. It did this by turning the presumption of secrecy enshrined in the Official Secrets Act on its head, and providing, as set out in the Long Title of the FOI Act, that citizens have the right to access information held by public bodies ‘to the greatest extent possible, consistent with the public interest and the right to privacy’.

The enactment of FOI was supported by an extensive programme of training for public servants, and by the establishment of robust administrative arrangements, comprising the FOI Central Policy Unit of the Department of Finance, FOI Officers in Government Departments and State agencies and coordinating networks, as well as the establishment of the Office of the Information Commissioner. Ten years on, it is fair to say, FOI is now firmly embedded in our administrative culture, and more than 140,000 requests have been made to over 500 public bodies over that period.

FOI should be seen as part of the wider process of citizen-centred public service reform. Following on the OECD review of the Irish public service in 2008, the Government is pursuing an ambitious programme of reform, which places the citizen at centre-stage, and

which will ensure that the Irish public service is equipped to confront the new challenges of the 21st century and to deliver high quality service to Irish citizens efficiently and effectively.

The FOI data for 2008 shows an increase of 18% in the number of requests compared to 2007. While there are different sector-specific reasons for this increase, it is a good development, because it is a reflection of democracy in action. In parallel with FOI, public bodies are harnessing the opportunities afforded by the new information technologies to publish ever increasing amounts of information outside of FOI.

Some requests can be very detailed and time-consuming for public servants to respond to. It is appropriate, outside of certain exceptions, such as personal information, that there be some charge to reflect this and to encourage purposeful use of the provision.

In conclusion, I wish to acknowledge the hard work and commitment of all who are involved in operating the FOI Act, and in particular, the Information Commissioner and her staff.

I commend this Report to the Houses of the Oireachtas.

A handwritten signature in black ink that reads "Martin Mansergh". The signature is written in a cursive, flowing style.

Implementation of FOI in 2008

Use of the Act

The FOI Act applies to more than 500 public bodies. A full list of these bodies is available at <http://www.foi.gov.ie/bodies-covered-by-foi/>. They include central Government Departments/Offices, Local Authorities, the HSE, Voluntary Hospitals, bodies in the Third Level Education Sector and a diverse range of other organisations.

Detailed information on FOI requests to these public bodies in 2008 together with information on the category of requester making requests in 2008 is available on the Department of Finance FOI Central Policy Unit website at <http://www.foi.gov.ie/publications>

In 2008, the overall position in relation to FOI requests across the public service was as follows:-

- **The total number of FOI requests received in 2008 was 12,672, an increase of 1,968 or 18% on the 2007 figure.**
- **Requests for non-personal information increased by 1,195 or 39% compared to 2007.**
- **77% of FOI requests dealt with during 2008 were granted either in full or in part (77% in 2007). 12% of requests dealt with were refused (12% in 2007). The remaining 11% were withdrawn, transferred or dealt with outside of FOI.**
- **5% of requests in 2008 went to internal review (5% in 2007); 1% of requests were appealed to the Information Commissioner (2% in 2007).**
- **73% of requests were made by members of the general public, with the number of requests from journalists accounting for 15% of the total.** This compares with 80% and 8% respectively in 2007. Business users accounted for around 6% of requests (6% in 2007). 5% of requests were from members of staff of public bodies (5% in 2007). The remaining 1% was made by members of the Oireachtas and other public representatives (1% in 2007).
- **33% of requests made in 2008 were for non-personal information. This compares with 28% of requests made in 2007, 30% in 2006 and 22% in 2005.** The balance between personal and non-personal requests continues to differ significantly among the various sectors. 76% of requests to local authorities and 50% of requests to central government bodies (including Government Departments and Offices) in 2008 were for non-personal information. However the corresponding figure for the Health Service Executive (HSE) was 11% in 2008 where personal information requests constitute the overwhelming majority of requests received.
- **Government Departments and State Bodies received 4,441 requests in 2008 (3,230 in 2007). This is 35% of the total number of requests received.**

- In 2008, Local Authorities received 1,527 requests, compared to 1,300 in 2007, while the HSE received 4,231 requests in 2008 compared to 3,955 in 2007. These sectors accounted for 12% and 33% of the total number of FOI requests in 2008.
- Statutory Agencies, Voluntary Hospitals, and other Voluntary Bodies received 1,985 requests in 2008, compared to 1,780 in 2007. This sector accounted for 16% of the total number of requests received in 2008.
- The number of FOI requests received by third-level education bodies in 2008 was 488 compared to 439 in 2007 and accounted for 4% of the total number of requests received.

It is important to note that many public bodies now proactively release information on a routine basis that could otherwise be sought under the Act.

Ministerial Certificates

No new Ministerial certificates under section 25 of the FOI Act were issued in the period covered by this Report. The certificate renewed by the Minister for Justice, Equality and Law Reform on 11th July 2007 for a further two years remains in force. The Minister has, on 20th February and 14th March 2008 respectively, renewed two existing section 25 certificates for a further two years.

On the 24th March 2009, pursuant to section 25(7) of the FOI Act, the Taoiseach, the Tánaiste and Minister for Enterprise, Trade and Employment and the Minister for Finance, having reviewed the three certificates (one renewed in 2007 and two renewed in 2008) that were in operation for the year ended April 2008, were satisfied that it was not necessary to request the revocation of any of the three certificates in question.

Other Certificates

No new certificates were issued in 2008 under sections 19 or 20 of the Act relating to records of the Government and deliberative process respectively.

Section 32 Review

Following the report under Section 32 of the FOI Act of the Joint Oireachtas Committee on Finance and the Public Service, arrangements for the incorporation of further non-disclosure provisions from other legislation in the Third Schedule to the FOI Act are continuing.

Support for FOI

Organisational Structures & Networks Supporting FOI

A variety of structures exist to support the implementation of FOI and to ensure that training opportunities, advice and other supports are available to those directly involved in administering the legislation. These include the FOI Central Policy Unit of the Department of Finance which provides advice and support to FOI officers in public bodies, a number of networks including sectoral networks which facilitate sharing of expertise between organisations, a Consumer Advisory Group and a Business Advisory Group and implementation structures, including an FOI Officer, within each public body.

The networks are

- Civil Service Users Network (CSUN)
- Public Service Users Network (PSUN)
- Local Authorities FOI Officers Network
- Health Service Executive (HSE) FOI Network
- The Voluntary Agencies Network
- National Federation of Voluntary Bodies Network
- Higher Education Sector Network
- Institutes of Technology of Ireland FOI Network
- Enterprise Bodies Network

The Local Authorities network also hold an annual FOI conference.

Further details of these network structures, including contact points, are set out in <http://www.foi.gov.ie/networks-meetings>

Training and Presentations

Courses are run throughout the year for FOI decision makers in the civil service by the Centre for Management and Organisation Development (CMOD) in the Department of Finance. In addition, the FOI Central Policy Unit in the Department of Finance provides training at an advanced level for staff in all public bodies. The advanced FOI course is targeted at internal reviewers and super-users i.e., officials who deal with very complex FOI requests or those who need refresher training not having dealt with FOI for quite some time. In addition the training interventions serve as an opportunity to consider and discuss significant OIC decisions and legal advices. Overall there continues to be a strong demand for training particularly at advanced level. The Act is complex and a good understanding of it is essential for effective decision making. Eleven years since the Act first came into operation, new FOI issues continue to emerge.

The CPU also delivers information seminars on FOI to various interested groups to promote awareness of FOI. A list of courses and presentations provided during 2008 is at Appendix 1. FOI Training is also available from external providers.

Freedom of Information Website

The Freedom of Information website is a key resource for persons using and operating the FOI Act. The website is maintained by the FOI Central Policy Unit in the Department of Finance. It provides access to the primary and secondary FOI legislation, all the CPU notices and guidelines, reference manuals for decision makers and other data relevant to the Freedom of Information Acts. It also includes the Annual Reports of the Minister for Finance on FOI and lists of statistical tables and charts giving a detailed breakdown of requests to each public body under the remit of the FOI Act. The website is continually updated and is an important means of keeping both the public and public servants abreast of FOI developments.

Other Developments

Section 19

21 April 2008 marked the expiry of the ten year protection period for records of the Government. This means that Cabinet-related records, created after 21 April 1998, which are more than 10 years old, are no longer automatically exempt under FOI. Guidelines for decision makers dealing with requests for such records are available under CPU Notices (No. 25) on <http://www.foi.gov.ie/cpu-notices>

Section 29

The CPU guidelines for third party consultation procedures under section 29 were revised so that the rights of third parties are safeguarded where internal review arises.

10th Anniversary Conference, 15 May 2008

The Minister for Finance was invited to open the Information Commissioner's conference marking 10 years since the FOI Act came into operation. In his speech the Minister stated that "FOI has been an important development in our modern democratic system and has helped to improve the engagement between the citizen and the administration." The Minister also said that FOI has been an important catalyst for change. In particular, he referred to the culture change which FOI has brought about for everyone involved including members of the Government, asserting that "where previously most of the business of Government Departments was conducted in secrecy, today, under the FOI Act, the business is open for inspection." The Minister was satisfied that ten years on "FOI is now well embedded in our public administration and overall it is operated effectively by public bodies."

The Secretary General for Public Service Management and Development, Mr. Ciaran Connolly, presented a paper to the conference under the title "Freedom of Information and Better Government – Assessing the First Ten Years". Mr. Connolly spoke about the current citizen-centred programme of public service reform and said that FOI was an important milestone in redefining the relationship between the citizen and the administration. He said that the ten years of FOI had coincided with huge changes in IT which had been harnessed by public bodies to facilitate access to information about their functions and activities on a scale which could not have been imagined when FOI was enacted. Public bodies now routinely publish far more information about their activities and make personal information available to citizens to a far greater extent than ever before and this was a trend which would continue. He

recalled the commitment of resources which had ensured the effective implementation of FOI and he concluded that FOI was a good example of how the Irish public service had risen to the challenge of implementing radical change.

The speeches made by the Minister and the Secretary General are available at <http://www.foi.gov.ie/publications>

Appendix 1

Presentations and Training provided in 2008

Central Policy Unit

29 January	Advanced FOI Course
30 January	Advanced FOI Course
31 January	Department of Finance Induction Course
15 April	Training for Citizens Information Centre, Athy Community Development Project
2 May	Advanced FOI Course
27 May	Advanced FOI Course
27 August	Training for Citizens Information Centre, Wexford
3 September	Presentation to Local Authority FOI Officers Network
24 September	Training for Citizens Information Centre, National College of Ireland
26 September	Advanced FOI Course
10 October	Advanced FOI Course
7 November	Advanced FOI Course
12 December	Advanced FOI Course

Centre for Management and Organisation Development (CMOD)

7 Decision Maker Training Courses were held by CMOD for newly appointed Decision Makers during 2008.

Appendix 2

List of Statistical Tables and Charts

Table 1.1: Breakdown of requests by sector, 2008

Chart 1.1: Breakdown of requests by sector, 2008

Table 1.2: Breakdown of requests by requester, 2008

Chart 1.2: Breakdown of requests by requester, 2008

Chart 1.3: FOI requests received for the period 21 April 1998¹ to 31 December 2008

A detailed breakdown of requests to each public body under the remit of Freedom of Information Act is available on <http://www.foi.gov.ie/publications>

¹ The Freedom of Information Act, 1997 came into operation on 21 April 1998

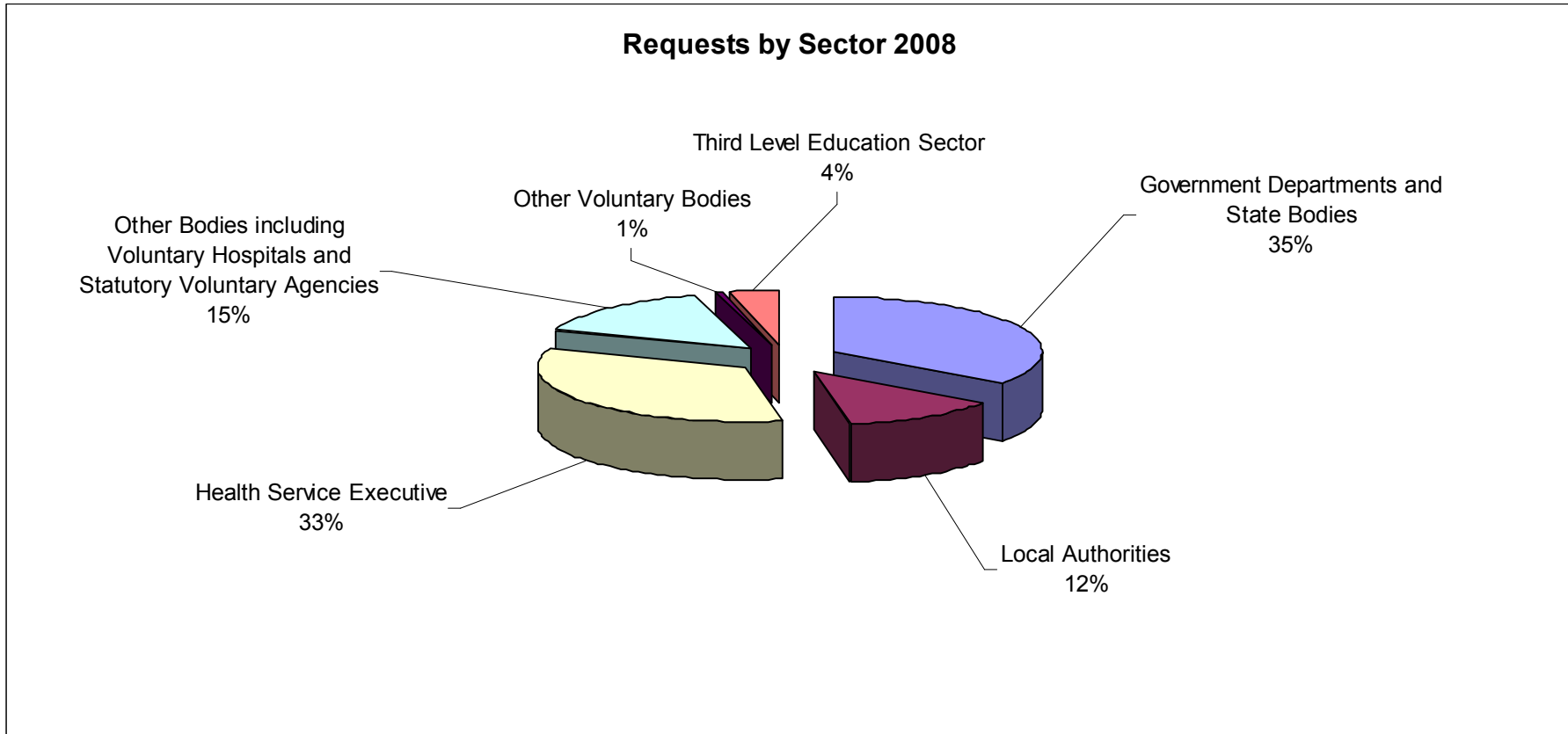
FOI Summary Statistics

Table 1.1: Breakdown of all requests by sector, 2008

Sector	Total	Applications Received			Requests Granted	Requests Part-granted	Requests Refused	Requests Transferred	Withdrawn	Withdrawn & handled outside FOI	Live Cases	Internal Reviews rec'd	Appeals to Info. Comm. *
		Personal	Non-Personal	Mixed									
Central Government and State bodies	4,441	2,145	2,226	70	1,558	1,297	735	73	310	339	567	272	75
Local Authorities	1,527	324	1,159	44	809	338	266	2	47	34	107	108	27
Health Service Executive	4,231	3,692	470	69	2,869	711	306	57	126	13	1,486	194	53
Other Bodies including Voluntary Hospitals and Statutory Voluntary Agencies	1,903	1,770	127	6	1,312	142	109	12	115	191	141	16	8
Other Voluntary Bodies	82	80	2	0	41	36	2	0	1	5	3	1	0
Third Level Education Bodies	488	218	255	15	270	133	38	1	15	31	15	32	12
Total	12,672	8,229	4,239	204	6,859	2,657	1,456	145	614	613	2,319	623	175

* As notified by Public Bodies

Chart 1.1: Breakdown of all requests by sector, 2008



FOI Summary Statistics

Table 1.2: Breakdown of all requests by requester, 2008

Sector	Journalists	Business / Interest Groups	Oireachtas / Public Representative	Staff	Members of the Public	Others	Total
Central Government and State bodies	1,246	360	117	310	1,261	1,147	4,441
Local Authorities	184	235	12	32	337	727	1,527
Health Service Executive	238	75	25	100	3,736	57	4,231
Voluntary Hospitals and Health Agencies	72	35	0	21	1,663	112	1,903
Other Bodies	0	1	0	10	55	16	82
Third Level Education Sector	108	18	3	134	165	60	488
Total	1,848	724	157	607	7,217	2,119	12,672
Percentage	15%	6%	1%	5%	57%	16%	100%

Chart 1.2: Breakdown of all requests by requester, 2008

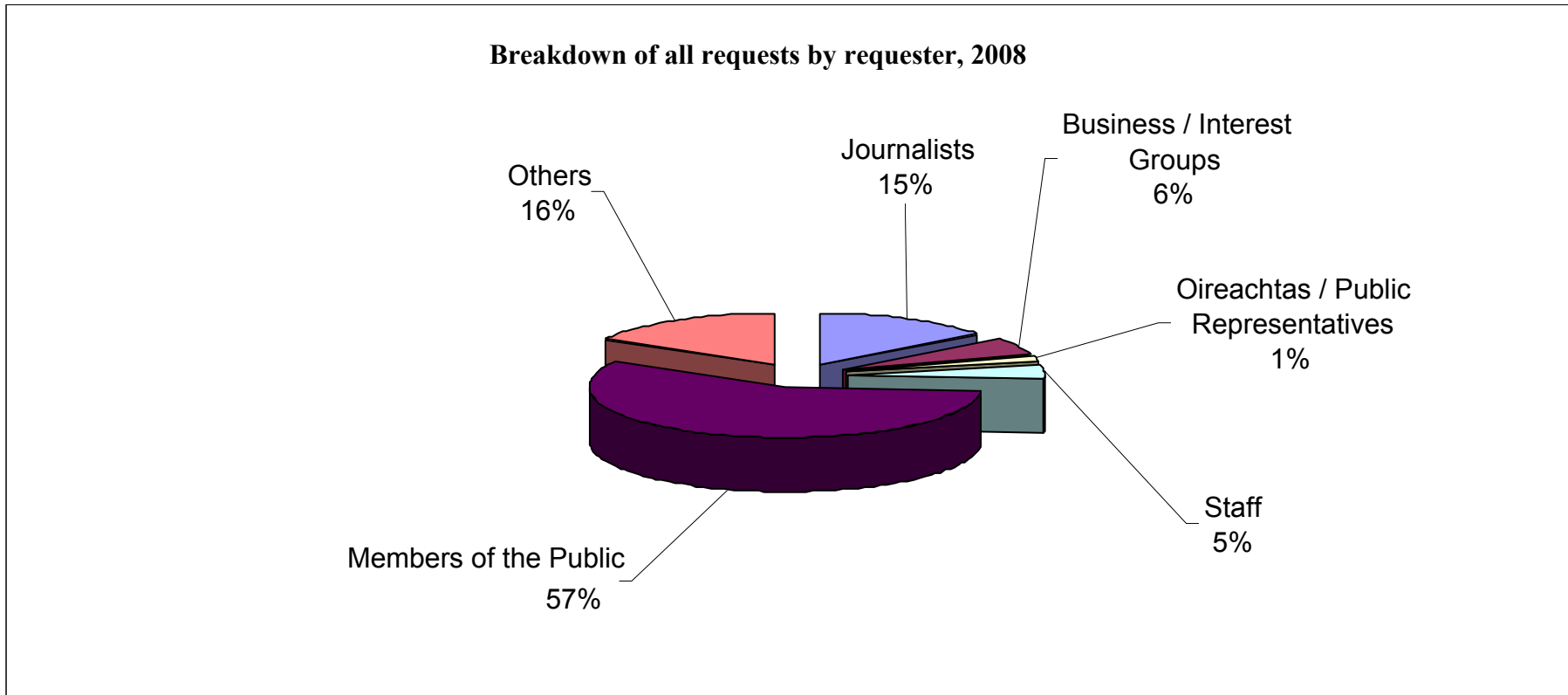


Chart 1.3: Total FOI requests received from 21 April 1998 to 31 December 2008

