

Tenth Report by the Minister for Finance on Freedom of Information

January – December 2007

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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 10th report of the Minister for Finance to the Houses of the Oireachtas, covering the year 2007. This report is a shorter document than in previous years as much of the information on implementation arrangements for the Act and also the detailed statistical data on FOI activity across the public sector are now available on the website of the FOI Central Policy Unit of the Department of Finance. <http://www.foi.gov.ie/publications>

The FOI Act continues to be successfully used by citizens and effectively operated by public servants to seek and provide very diverse information held by over 500 public bodies. In 2007, there were 10,704 FOI requests, of which 77% were granted either in part or in full. While this represents a decline in requests from previous years, this must be seen against a backdrop of more effective management of information by public bodies through the placement of greater amounts of information on the internet and out into the public domain, combined with a very proactive approach to providing information outside of FOI where this can be done.

Underpinning the implementation of FOI is a robust infrastructure of supporting arrangements, including training, in public bodies. This is headed up by the FOI Central Policy Unit of the Department of Finance, which oversees a network of FOI Officers in each organisation who share expertise across formally established sectoral networks. Training at basic and advanced level is provided by the Department of Finance, and details of training activity are included in this report. The supporting arrangements were put in place, when the Act came into effect, in recognition that adequate resourcing was essential for proper operation of the Act.

21 April 2008 was the 10th anniversary of the FOI Act. 10 years' on, we have a well-embedded FOI régime, which has contributed over the past decade to improving the relationship between the citizen and government. Over these 10 years, the public service has embraced the change from a culture of secrecy as enshrined in the Official Secrets Act, 1963, to a culture of openness under FOI. The potential of IT has been successfully harnessed by public servants to effect this transformation, and we are all now operating in an information environment, which has been completely transformed, since FOI came into force in 1998.

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

I commend this Report to the Houses of the Oireachtas.



Martin Mansergh

Dr. Martin Mansergh, TD

30 September 2008

Implementation of FOI in 2007

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 2007 together with information on the category of requester making requests in 2007 is available on the Department of Finance FOI Central Policy Unit website at <http://www.foi.gov.ie/publications>

In 2007, the overall position in relation to FOI requests across the public service was as follows:-

- **The total number of FOI requests received in 2007 was 10,704, a decrease of 1,100 or 10% on the 2006 figure.**
- **Requests for non-personal information decreased by 455 or 13% compared to 2006.**
- **77% of FOI requests dealt with during 2007 were granted either in full or in part**, compared to 76% in 2006. 12% of requests dealt with were refused, compared with 13% in 2006. The remaining 11% were withdrawn, transferred or dealt with outside of FOI.
- **5% of requests in 2007 went to internal review; 2% of requests were appealed to the Information Commissioner.** There were similar outcomes in 2006.
- **80% of requests were made by members of the general public, with the number of requests from journalists accounting for 8% of the total.** This compares with 77% and 10% respectively in 2006. Business users accounted for around 6% of requests (7% in 2006). 5% of requests were from members of staff of public bodies (5% also in 2006). The remaining 1% was made by members of the Oireachtas and other public representatives (1% also in 2006).
- **28% of requests made in 2007 were for non-personal information. This compares with 30% of requests made in 2006, 22% in 2005 and 25% in 2004.** The balance between personal and non-personal requests continues to differ significantly among the various sectors. 76% of requests to local authorities and 42% of requests to central government bodies (including Government Departments and Offices) in 2007 were for non-personal information. However the corresponding figure for the Health Service Executive (HSE) was 9% in 2007 where personal information requests constitute the overwhelming majority of requests received.

- Government Departments and State Bodies received 3,230 requests in 2007 (4,263 in 2006). This is 30% of the total number of requests received.
- In 2007, Local Authorities received 1,300 requests, compared to 1,381 in 2006, while the HSE received 3,955 requests in 2007 compared to 4,007 in 2006. These sectors accounted for 12% and 37% of the total number of FOI requests in 2007.
- Statutory Agencies, Voluntary Hospitals, and other Voluntary Bodies, including those supporting the disabled, received 1,780 requests in 2007, compared to 1,673 in 2006. This sector accounted for 17% of the total number of requests received in 2007.
- The number of FOI requests received by third-level education bodies in 2007 was 439 compared to 480 in 2006 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 Ministerial certificates under section 25 of the FOI Act were issued in the period covered by this Report. The Minister for Justice, Equality and Law Reform renewed one certificate on 11th July 2007 for a further two years. Two further certificates renewed during 2006 remain in force.

Other Certificates

No certificates were issued in 2007 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, 18 non-disclosure provisions from other legislation have been included in the Third Schedule to the FOI Act. Arrangements for the incorporation of further non-disclosure provisions are continuing.

Split FOI Requests

The FOI Central Policy Unit issued a directive to all FOI liaison officers on January 5th, 2007 that, as and from January 1st 2007, public bodies count each FOI request received as one request only, involving one decision only, regardless of the size or number of parts to the request. Prior to this, a small number of public bodies split certain requests and issued more than one decision for such requests.

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

They meet with varying frequency and discuss both general and sector-specific issues. 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 advanced level for staff in all public bodies. The CPU also deliver information seminars on FOI to various interested groups to promote awareness of FOI. A list of courses and presentations provided during 2007 is at Appendix 1. FOI Training is also available from external providers.

Freedom of Information Website

A new improved Freedom of Information website www.foi.gov.ie was launched by the Central Policy Unit in May 2007. It 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 Freedom of Information and lists of statistical tables and charts giving a detailed breakdown of requests to each public body under the remit of the Freedom of Information Act. The website is continually updated and is an important means of keeping both the public and public servants abreast of FOI developments.

Recent 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 was implemented on 21st April 1998. 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". 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 2007

Central Policy Unit

18 Jan	Advanced FOI Course
21 Feb	Advanced FOI Course
18 April	Training for Citizens Information Centre, Kilkenny
2 May	Advanced FOI Course
7 June	Advanced FOI Course
10 Sept	Advanced FOI Course
20 Sept	Training for Citizens Information Centre, Limerick
4 Oct	Presentation to Singapore Officials
18 Oct	Department of Finance Induction Course
1 Nov	Advanced FOI Course

Centre for Management and Organisation Development (CMOD)

12 Decision Maker Training Courses were held by CMOD for newly appointed Decision Makers during 2007.

Appendix 2

List of Statistical Tables and Charts

Table 1.1: Breakdown of requests by sector, 2007

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Table 1.2: Breakdown of requests by requester, 2007

Chart 1.2: Breakdown of requests by requester, 2007

Chart 1.3: FOI requests received for the period 21 April 1998¹ to 31 December 2007

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

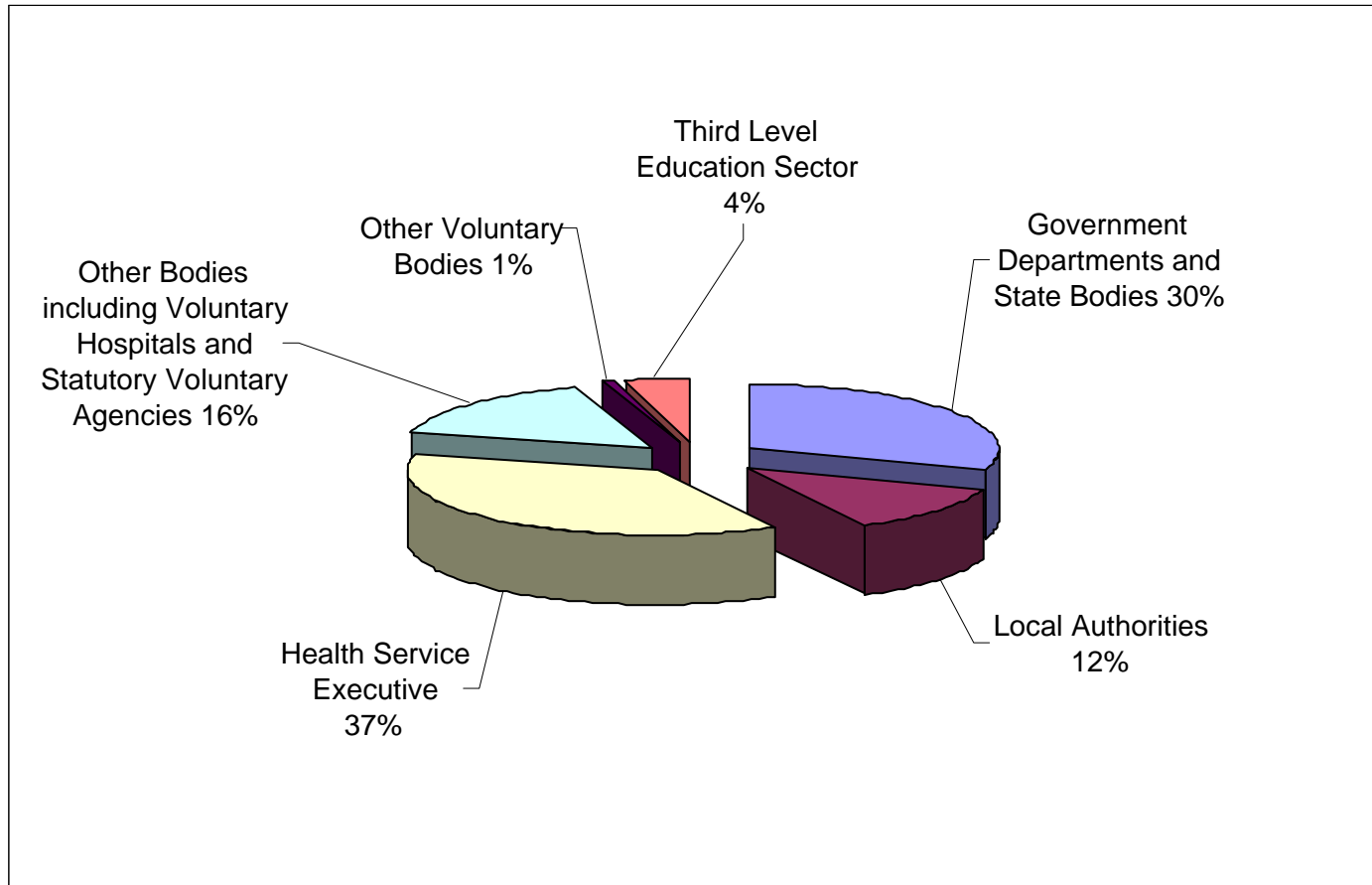
FOI Summary Statistics

Table 1.1: Breakdown of all requests by sector, 2007

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	3,230	1,805	1,372	53	1,216	950	594	98	240	160	1,016	269	88
Local Authorities	1,300	292	986	22	723	303	231	6	20	37	81	99	34
Health Service Executive	3,955	3,593	352	10	2,925	725	420	91	158	18	1,337	147	56
Other Bodies including Voluntary Hospitals and Statutory Voluntary Agencies	1,685	1,531	148	6	1,132	98	121	11	115	207	119	38	10
Other Voluntary Bodies	95	95	0	0	66	27	3	1	0	3	9	2	1
Third Level Education Bodies	439	242	186	11	261	108	38	3	13	27	15	37	16
Total	10,704	7,558	3,044	102	6,323	2,211	1,407	210	546	452	2,577	592	205

* As notified by Public Bodies

Chart 1.1: Breakdown of all requests by sector, 2007



FOI Summary Statistics

Table 1.2: Breakdown of all requests by requester, 2007

Sector	Journalists	Business / Interest Groups	Oireachtas / Public Representative	Staff	Clients	Others	Total
Central Government and State bodies	529	321	61	265	933	1,121	3,230
Local Authorities	60	213	4	24	304	695	1,300
Health Service Executive	149	69	8	102	3,564	63	3,955
Voluntary Hospitals and Health Agencies	75	33	0	30	1,447	100	1,685
Other Bodies	0	0	0	8	57	30	95
Third Level Education Sector	72	14	0	121	140	92	439
Total	885	650	73	550	6,445	2,101	10,704
Percentage	8%	6%	1%	5%	60%	20%	100%

Chart 1.2: Breakdown of all requests by requester, 2007

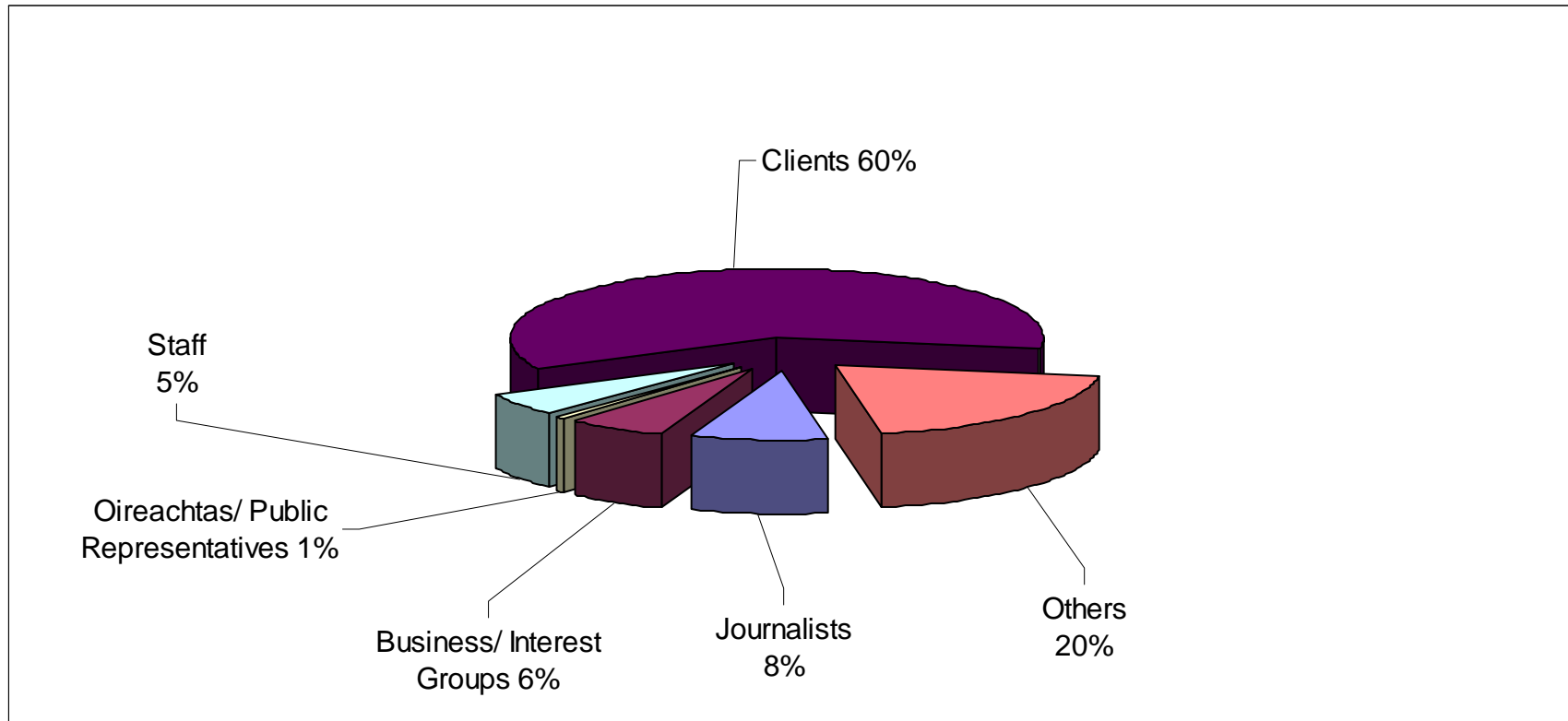


Chart 1.3: Total FOI requests received from 21 April 1998 to 31 December 2007

