



**Freedom of Information Act
Sections 15 & 16 Reference Book**

**A guide to the functions, records, rules and
practices of Clare Education Centre**

13th January 2015

Preface

Background

This FOI Sections 15 and 16 Reference Book – A Guide to the functions, records, rules and practices of the Clare Education Centre - is compiled in accordance with the Freedom of Information Acts 1997, as amended by the Freedom of Information Act 2003. All references in this manual to the Freedom of Information Act or Acts refer to the 1997 Act as amended by the 2003 Act.

The Freedom of Information (FOI) Acts, effective from 21st April 1998, establish three new statutory rights:

- a legal right for each person to access information held by public bodies;
- a legal right for each person to have official information relating to him/herself amended where it is incomplete, incorrect or misleading; and
- a legal right to obtain reasons for decisions affecting oneself.

The Acts assert the right of members of the public to obtain access to official information to the greatest extent possible consistent with the public interest and the right to privacy of individuals.

Purpose of Reference Book

This reference book has been prepared and published in accordance with the requirements of Sections 15 and 16 of the FOI Acts.

In accordance with **Section 15** of the Act, the purpose of this reference book is to facilitate access to official information held by Clare Education Centre, by outlining the structure and functions of this organisation, details of the services we provide and how they may be availed of, information on the classes of records we hold, and information on how to make a request to the Department under the Freedom of Information Acts, 1997 and 2003.

Section 16 of the FOI Act requires us to publish a book containing:

- the rules, procedures, practices, guidelines and interpretations used by the body, and an index of any precedents kept, for the purposes of decisions under any enactment or scheme administered by us ‘with respect to rights, privileges, benefits, obligations, penalties or other sanctions to which members of the public are or may be entitled or subject under the enactment or scheme’ together with
- ‘appropriate information in relation to the manner or intended manner of administration of any such enactment or scheme.’

How to use this Reference Book

This book is divided into a number of parts.

Part 1 of the Book - **Access to Information** - explains how to access information from us under and any fees that may arise, in compliance with Section 15 of the Act

Part 2 of the Book - the “**Our Role and Structure**” - outlines the role of the Clare Education Centre and its organisational structure. This part gives a breakdown of our internal structure and organisation in compliance with section 16 of the Act.

Information is provided under the following headings:

- **Role** – outlines the main work we do.
- **Structure** – gives details of our personnel structure.
- **Work we do** – provides a synopsis of our main activities.
- **Classes of records held** – details the under which the we hold records.
- **Contact points**– how to contact us for assistance.
- **Rules and Practices** – this information is provided in accordance with Section 16 of the FOI Act as amended. Where we provide any scheme impacting on the public within the meaning of Section 16 of the Act, as outlined under the heading Purpose of Reference Book earlier, then the rules and practices that we use in delivery of this scheme are outlined or referenced under the Rules and Practices heading.

Appendices

- **Appendix 1 –FOI application form** to request access to records under the Act from Clare Education Centre

Availability of this Book

Copies of this publication are available free of charge from www.clareed.ie or in hard copy from the administrator, Clare Education Centre.

Part 1 - Access to Information

How to get information

Routinely Available Information

Clare Education Centre website www.clareed.ie provides information on a current basis of all Education Centre activities including:

- Current staff
- Management Committee
- Professional Development activities
- Projects
- Publications
- AGM report

The Education Centre is in constant communication with local schools and teachers to inform them of upcoming events.

Applications under the FOI Act

Under the FOI Act, anyone is entitled to apply for access to information not otherwise publicly available. Each person has a right to:

- Access to records held by us not covered by one of the exemptions in the Act.
- Correction of personal information relating to oneself held by us where it is inaccurate, incomplete or misleading.
- Access to reasons for decisions made by us directly affecting oneself.

The following records come within the scope of the Act:

- All records relating to personal information held by us irrespective of when created.
- All other records created from commencement date of the Act i.e. 21st April 1998.
- Any other records necessary to the understanding of a current record.
- Personnel records of serving staff created from 21st April 1995 and those created prior to that date where they are being used or proposed to be used in a way which adversely affects or may affect the person involved.

We will normally be obliged to respond to a request within 4 weeks. A week is defined in the Act to mean 5 consecutive weekdays, excluding Saturdays and public holidays (Sundays are also excluded, as they are not week days).

Applications under the FOI Act should be addressed to:

**The FOI Officer, Clare Education Centre, Government Offices, Kilrush Road,
Ennis, Co. Clare
Tel: 065 6845520
Email: pat@clareed.ie**

Compiling your application

- (i) Your application should be in writing and, if applicable, accompanied by the appropriate fee (see "fees" below). The relevant fee should be paid by Bank Draft, Money Order, Postal Order or cheque drawn on a bank in the Republic of Ireland], made payable to Clare Education Centre

You may use the form entitled 'Request for Information under the Freedom of Information Acts' which is widely available or OUR version of this form (see Appendix 1). This form is also available from our website www.Clareec.ie

If you are not using the form outlined above, then your application should indicate that the information is sought under the Freedom of Information Act.

- (ii) If you require a reply in a particular format i.e. photocopy, computer disk, etc. please mention this in your application.
- (iii) Please be as detailed and as specific as possible when compiling your application as this will assist us in dealing with it. It can also result in lesser charges being incurred on search and retrieval in cases where these fall to be paid. Where possible please try to indicate the time period for which you wish to access records e.g. records created between May 2003 and December 2003. If you have any difficulty in preparing your application our staff will be happy to assist you in this regard.
- (iv) You may be required to prove your identity, especially when seeking personal information, so you may, therefore, be asked to produce your Birth Certificate, Driving Licence, Passport or other form of identity.
- (v) Please include a daytime telephone number, if possible, so that you may be contacted quickly if it is necessary to clarify details of your request.

We are happy to provide assistance to members of the public who seek advice on making a request.

Assistance to persons with a disability

We are available to provide assistance to persons with a disability to exercise their rights under the FOI Act (e.g. accepting oral requests from requesters who are unable to read, print and/or write due to their disability, enabling the requester to inspect or have records explained to him or her).

FOI Decision Making in Clare Education Centre

FOI Officer, Clare Education Centre, Government Offices, Kilrush Road, Ennis, Co. Clare

We acknowledge receipt of FOI applications not later than 2 weeks following their receipt and forward them to the FOI Decision Maker for decision. The Decision Maker proceeds to deal with the request, liaise with the requester as appropriate and make a decision on the matter.

Rights of Review and Appeal

The Act sets out a series of exemptions to protect sensitive information where its disclosure may damage key interests of the State or of third parties. Where a Public Body invokes these provisions to withhold information, the decision may be appealed. Decisions in relation to deferral of access, charges, forms of access, etc. may also be the subject of appeal. Details of the appeals mechanisms are as follows:

Internal Review

You may seek internal review of the initial decision which will be carried out by an official at a higher level if:

- (a) you are dissatisfied with the initial response received i.e. refusal of information, form of access, charges, etc., or
- (b) you have not received a reply within 4 weeks of your initial application. This is deemed to be a refusal of your request and allows you to proceed to internal review.

Requests for internal review should be submitted in writing and, if applicable, accompanied by the appropriate fee, (see under Fees) to:

The Chairperson, Clare Education Centre, Government Offices, Kilrush Road, Ennis, Co. Clare.

The relevant fee should be paid by Bank Draft, Money Order, Postal Order or cheque drawn on a bank in the Republic of Ireland, made payable to Clare Education Centre.

Such a request for internal review must be submitted within 4 weeks of the initial decision. We must complete the review within 3 weeks. Internal review must normally be completed before an appeal may be made to the Office of the Information Commissioner.

Review by the Information Commissioner

Following completion of internal review, you may seek independent review of the decision from the Information Commissioner. Also if you have not received a reply to your application for internal review within 3 weeks, this is deemed to be a refusal and you may appeal the matter to the Information Commissioner.

Appeals in writing, and, if applicable, accompanied by the appropriate fee, (see under Fees below) may be made directly to the Information Commissioner at the following address:

Office of the Information Commissioner
18 Lower Leeson Street,
Dublin 2

Telephone: 01-6395689
Fax: 01-6395676
E-mail: info@oic.ie
Website: http://www.oic.ie

Fees

Application fees

A standard application fee of **€15** must accompany an FOI request made under section 7 of the Act for a record or records **containing non-personal information**.

A reduced fee of **€10** applies if the person making such a request is covered by a medical card.

The following requests/applications are exempt from application fees:

- (a) A request under section 7 for a record or records containing only personal information related to the requester.
- (b) An application under section 17 (right of amendment of records relating to personal information).
- (c) An application under section 18 (right of person to information regarding acts of public bodies affecting the person).

Internal review fees

A standard application fee of **€75** must accompany an application for internal review under section 14 of the Act.

A reduced fee of **€25** applies if the person bringing the application is a medical card holder or a dependant of a medical card holder.

The following internal review applications are exempt:

- (a) An application in relation to a decision concerning records containing only personal information related to the applicant.
- (b) An application in relation a decision under section 17 (right of amendment of records relating to personal information).
- (c) An application in relation to a decision under section 18 (right of person to information regarding acts of public bodies affecting the person).
- (d) An application in relation to a decision to charge a fee or deposit, or a fee or deposit of a particular amount.
- (e) An appeal of a decision which is deemed to be refused because the original request was not replied to within the required time limits.

Review by Information Commissioner

A standard application fee of **€150** must accompany applications to the Information Commissioner for review of decisions made by public bodies under section 34 of the Act.

A reduced fee of **€50** applies if

- (a) the person bringing the application is a medical card holder or a dependant of a medical card holder or
- (b) the person is specified in section 29(2) i.e. a third party with the right to apply directly to the Information Commissioner where a public body decides to release their information on public interest grounds.

The following applications to the Information Commissioner do not require an application fee:

- (a) An application concerning records containing only personal information related to the applicant.
- (b) An application in relation a decision under section 17 (right of amendment of records relating to personal information).
- (c) An application in relation to a decision under section 18 (right of person to information regarding acts of public bodies affecting the person).
- (d) An application in relation to a decision to charge a fee or deposit exceeding €25.00 under section 47 in respect of search and retrieval and photocopying of records (decisions in relation to the charging of fees or deposits for search and retrieval and/or photocopying of less than €25 are not subject to review by the Information Commissioner).
- (d) An application in relation to a decision to charge a fee under section 47(6A), or a fee of a particular amount under section 47(6A), on the grounds that the records concerned do not contain only personal information related to the requester or the requester is not a medical card holder or a dependant of a medical card holder.
- (e) An appeal of an internal review decision which is deemed to be refused because that decision was not made within the required time limits.

Search and Retrieval and photocopying fees

Fees may also be charged for search and retrieval of records as follows:

- In respect of personal records, fees in respect of the cost of copying the records requested will apply.
- In respect of other (non-personal) information, fees may be charged in respect of the time spent in efficiently locating and copying records, based on a standard hourly rate of €20.95. No charges shall apply in respect of the time spent by public bodies in considering requests.

A deposit may be payable where the total fee is likely to exceed €50.79. In these circumstances, we will, if requested, assist the member of the public to amend the request so as to reduce or eliminate the amount of the deposit.

Charges may be waived in the following circumstances:

- where the cost of collecting and accounting for the fee would exceed the amount of the fee; or
- where the information would be of particular assistance to the understanding of an issue of national importance; or
- in the case of personal information, where such charges would not be reasonable having regard to the means of the requester.

Section 47 of the FOI Act sets out the rules for applying search and retrieval fees. Fees are currently set as follows in accordance with Statutory Instruments Nos. 264 of 2003, 139 of 1998 and 13 of 1997:

- €20.95 per hour - search and retrieval
- €0.04 per sheet for a photocopy
- €0.51 for a 3½ inch computer diskette
- €10.16 for a CD-ROM
- €6.35 for a Radiograph (X-Ray)

Part 2 – Our Role and Structure

Our Mission Statement

The mission of the Clare Education Centre is:

The Clare Education Centre will provide support, services and resources to teachers and to other partners in education in an atmosphere which is friendly, innovative and committed to excellence.

Our Policy on Confidentiality

We undertake to treat as confidential any information provided to it in confidence by individuals or others, subject to the our obligations under law, including the Freedom of Information Act. If, for any reason, you wish that information provided to us should not be disclosed because of its sensitive nature, then you must, when supplying the information, make clear this wish and specify the reasons for the information's sensitivity. We will consult with you before making a decision on any Freedom of Information request received involving sensitive information which you may have supplied.

Detailed Information on our Structure and Organisation

Role: The role of the Clare Education Centre, described in the Educaiton Act 1998 as Education Support Centres is set out in the Act as follows:

- 37.—(1)** In this section “education support centre” means a place in which services are provided for schools, teachers, parents, boards and other relevant persons which support them in carrying out their functions in respect of the provision of education which is recognised for that purpose by the Minister in accordance with *subsection (2)*.
- (2)** The Minister may recognise a place as an education support centre and where the Minister so recognises a place he or she shall cause the name and address of that centre to be entered in a register maintained by the Minister and available for inspection by members of the public during normal working hours.

(3) An education support centre shall have a management committee, to manage the business and staff of that centre.

(4) A committee established in accordance with *subsection (3)*

shall be a body corporate with perpetual succession and with power

to sue and may be sued in its corporate name and no action shall lie

against a member of a board in respect of anything done by that

member in good faith and in pursuance of their functions as such members.

(5) The Minister may withdraw recognition from an education support centre.

(6) The Minister may, from time to time, make regulations relating

to all or any of the following matters:

(a) procedures for the appointment of management committees;

(b) the appointment and remuneration of staff;

(c) the making of grants to education support centres;

(d) the provision of information to the Minister on any matter

relating to the operation of education support centres;

(e) access to an education support centre and to the financial

and other records of that education support centre by persons appointed by the Minister, and

(f) such other matters relating to the operation of such centres

as the Minister considers appropriate.

Structure

Clare Education Centre is managed by a voluntary Management Committee representative of local teachers, parents and school management. Teacher members of the management committee are elected at an annual general meeting held in February each year. The National Parents' Council Primary and the National Parents' Council Post Primary each nominate one representative, as do school management bodies Primary and Post Primary.

The Director (Dr. Séamus O Canainn) is responsible for day to day management of the Education Centre and is the accounting officer. Staff include a Bursar responsible for financial management; ICT Advisor responsible for organizing ICT support in schools in collaboration with the National Centre for Technology in Education; administrator; accounts and administration staff.

The Second Level Support Service (SLSS) is under the day to day management of SLSS Director Michael Garvey and a dedicated administration staff support him in that role.

The Director of Clare Education Centre is seconded from a teaching position

Work we do

The Clare Education Centre:

- facilitates the local organization of all Department of Education and Science (DES) professional development programmes.
- organizes a programme of local professional development courses and projects based on locally identified needs. The Centre also publishes teaching and learning resources.
- provides meeting rooms for client groups and others
- provides a resource room to enable teachers and others to view publications and equipment not available in schools
- provides administrative support for the PDST Support Programmes – School Leadership, Leaving Certificate Applied, Transition Year and Maths Recovery.

Classes of records held for Clare Education Centre

- Annual reports
- Minutes of Management Committee and Sub Committee meetings
- Financial records including audit reports
- Personnel files
- Databases of schools and teachers to whom we provide services in accordance with the Education Act 1998
- Details of all courses and programmes offered
- General correspondence
- Library catalogue

Our records are held in electronic and in hard copy format.

Contact points

The Administrator
Clare Education
Government Offices,
Kilrush Road,
Ennis,
Co. Clare

Telephone: 065 6845500
Fax: 065 6842930

Email: reception@clareed.ie

Rules and practices

It is the policy of Clare Education Centre to retain records for a period of seven years.

All requests for information under the FOI act should be made on the standard application form appended.