

Policy name: RIAM Freedom of Information Policy

Incorporating Procedures:

Procedure for Making an Application under the Act
Procedure for Fees when Making an Application under the Act
Rights of Review
Procedure for Dealing with FOI Requests

Approved: 25th November 2016
Revision 1 approved 10th March 2017

1. Context

The Royal Irish Academy of Music, herein referred to as RIAM or the Academy, complies with the Freedom of Information Acts 1997 and 2003, herein referred to as the Act. The main objective of the Act is to foster and develop a culture of openness, transparency and accountability in public bodies.

2. Purpose

2.1 This policy exists in order to clarify the RIAM's implementation of the Freedom of Information Act and its Freedom of Information (FOI) policy more generally.

3. Scope

3.1 The following information comes within the scope of the Act:

- 3.1.1 All records relating to personal information held by the Academy irrespective of when created
- 3.1.2 All records held by the Academy which were created after the commencement date of the Act i.e. 21 April, 1998
- 3.1.3 Any records created prior to the commencement date of 21 April 1998 if these records are necessary to understand records created after the commencement date
- 3.1.4 Personnel records of serving staff created from 21 April 1995 and those created prior to the date where being used or proposed to be used in a way which adversely affects or may affect the person involved.

4. Benefits

4.1 RIAM will have clear and effective procedures for complying with an FOI request

4.2 Customers of RIAM will have clear instructions as to how to make a successful FOI request.

5. Overview of the Freedom of Information Acts 1997 and 2003

- 5.1.1 The main objective of the Act is to foster and develop a culture of openness, transparency and accountability in public bodies. The Act is designed to allow public access to information held by public bodies which is NOT routinely available through other sources. Access to information under the Act is subject to certain exemptions and involves specific procedures and time limits.
- 5.1.2 The Act establishes three new statutory rights:
- (i) A legal right for individuals to access information held by public bodies; (section 6 of the Act)
 - (ii) A legal right for individuals to have official information relating to him/herself amended where it is incomplete, incorrect or misleading: (section 17 of the Act).
 - (iii) A legal right to obtain reasons for decisions affecting oneself. (section 18 of the Act).
- 5.1.3 The Act asserts the right of individuals to obtain access to official information to the greatest extent possible consistent with the public interest and the right to privacy of individuals.
- 5.1.4 Section 15 and 16 of the Act requires public bodies to publish and make available certain information relating to their operation.

5.2 Section 15

- 5.2.1 In accordance with Section 15 of the Act the purpose of this policy is to facilitate access to official information held by the Academy by outlining the structure and functions of the Academy, details of the services and activities of the Academy, information on the classes of records it holds and information on how your rights may be exercised under the Act.
- 5.2.2 This publication is called 'The Freedom of Information Policy and Procedures'. It is available on the Academy's website at www.riam.ie. A printed version is also available from the Secretary's office.

5.3 Section 16

- 5.3.1 Section 16 of the Act requires the Academy to publish:
- (i) the rules, procedures, practices, guidelines and interpretations used by the body,
 - (ii) an index of any precedents kept by the body for the purpose of decisions, determinations or recommendations, under or for the purpose of any enactment or scheme administered by the body with respect to rights, privileges, benefits, obligations, penalties or other sanctions to which members of the public are or may be entitled to subject under the enactment or scheme and appropriate information in relation to the manner or intended manner of administration of any such enactment or scheme'.
- 5.3.2 This information is available on the Academy's website at www.riam.ie. A printed version is also available from the Secretary's office.

5.4 Information Available

- 5.4.1 The Academy is committed to making relevant information available routinely and to conduct its business in an open, transparent and accountable manner.
- 5.4.2 Therefore, where feasible, it will make as much information as reasonably possible available outside the formal procedures of the Act.
- 5.4.3 Sections 2 and 3 of the guide contain lists of information available and classes or records held in each Office of the Academy.

- 5.4.4 Please contact the relevant address or the Secretary's Office where you will be advised whether the information you require can be provided to you directly or whether you will have to make a formal FOI request.

6. Policy

6.1 Statement of Policy with Regard to Confidentiality and FOI

- 6.1.1 The Academy will endeavour to hold confidential any information provided to it in confidence, subject to its obligations under law, including the Freedom of Information Act 1997 and 2003.
- 6.1.2 The Academy will be bound by the findings of the Information commissioner in all aspects save those relating to a point of law.

7. Procedures

7.1 Procedure for Making an Application under the Act

- 7.1.1 Requests for information under the Act should normally be in writing where possible.
- 7.1.2 In preparing the request, the applicant should follow these guidelines:
- 7.1.3 State that the request is made under the Freedom of Information Act 1997 and 2003
- 7.1.4 State clearly that the request refers to one or more of the following:
- (i) an application to access records (Section 7)
 - (ii) an application for access to reasons for decisions which affect you (Section 18)
 - (iii) an application to have personal information corrected (Section 17)
- 7.1.5 Provide sufficient information to enable Academy staff to identify the records requested.
- 7.1.6 State any preference regarding the format in which the records are to be supplied e.g. photocopies, computer disk etc.
- 7.1.7 Provide full personal contact details.
- 7.1.8 The form entitled 'application for Information under the Freedom of Information Act' which is available from the Secretary's Office, local libraries and in the Freedom of Information public information leaflet may be used. This form can be downloaded from the RIAM website.
- 7.1.9 A request can also be emailed to the Secretary's Office
- 7.1.10 Proof of identity may be required when seeking personal information.
- (i) Examples of acceptable identification: Birth Certificate and/or Driving License, Passport or other form of identity.
- 7.1.11 Applications for access to information under the Act should be directed to the:

Secretary's Office
RIAM
36 - 38 Westland Row
Dublin 2
Tel: +353 1 6325300
Fax: +353 1 6622798
Email: kevinkelleher@riam.ie

7.2 Procedure for Fees when Making an Application under the Act

- 7.2.1 A table of fees is available in Section 12.1 of this document
- 7.2.2 **Requests for Records**
- (i) A standard application fee of €15 must accompany an FOI request under section 7 for a record or records containing non-personal information.
 - (ii) A reduced fee of €10 applies if the person making such a request is covered by a medical card
- 7.2.3 The following requests/applications for records are exempt:
- (i) a request under section 7 for a record or records containing only personal information related to the requester
 - (ii) an application under section 17 (right of amendment of records relating to personal information)
 - (iii) an application under section 18 (right of person to information regarding acts of public bodies affecting the person)
- 7.2.4 **Internal Review**
- (i) A standard fee of €75 must accompany an application for internal review under section 14.
 - (ii) A reduced fee of €25 applies if the person bringing the application is a medical card holder or a dependent of a medical card holder.
- 7.2.5 The following applications under internal review are exempt:
- (i) an application in relation to a decision concerning records containing only person information related to the applicant
 - (ii) an application in relation to a diction under section 17 (right of amendment of records relation to personal information)
 - (iii) an application in relation to a decision under section 18 (right of person to information regarding acts of public bodies affecting the person)
 - (iv) an application in relation to a decision to charge a fee or deposit, or a fee or deposit of a particular amount.
- 7.2.6 **Review by Information Commissioner**
- (i) A standard fee of €150 must accompany applications to the Information commissioner for review of decisions made by public bodies under section 34.
 - (ii) A reduced fee of €50 applies if the person bringing the application is a medical card holder or a dependent of a medical card holder
 - (iii) A reduced fee of €50 applies if 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
- 7.2.7 The following applications to the Information Commissioner are exempt:
- (i) an application concerning records containing only personal information related to the applicant
 - (ii) an application in relation to a decision under section 17 (right of amendment of records relating to personal information)
 - (iii) an application in relation to a decision under section 18 (right of person to information regarding acts of public bodies affecting the person)
 - (iv) 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)

(v) 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 dependent of a medical card holder

7.2.8 Additional Fees

Under the Act fees may also be charged as follows:

- (i) Personal records: Fees in respect of the cost of copying the records requested will not apply unless a large number of records are involved.
- (ii) Non-personal records: Fees will be charged in respect of the times spent in efficiently locating and copying records. Fees will not apply in the time spent by the Academy in considering requests. A deposit will be payable where the fee is likely to exceed €50. In these circumstances, the Academy will, if requested,
- (iii) assist individuals to amend the request so as to reduce or eliminated the amount of the deposit.

7.2.9 Waiver of Additional Fees

Charges may be waived in the following circumstances:

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

7.2.10 Production Fees

Section 47 of the Act provides for fees. Fees are currently set as follows in accordance with Statutory Instruments Nos. 139 of 1998 and 5232 of 1997

- €20 per hour – search and retrieval
- €0.04 per sheet for a photocopy
- €0.51 for a 3 ½ inch computer diskette
- €10 for a CD-ROM

7.3 Rights of Review

7.3.1 Internal Review

- (i) Where a requester is dissatisfied with a decision made by a decision-maker under the Act or they have not received a decision to their FOI request within the specified time frame, they can apply to have the decision reviewed.

(ii) The review will be carried out by another more senior staff member in the academy. The review will be a full and new consideration of the matter.

(iii) The Director of the Academy will perform the internal review function.

(iv) Requests for internal review should be directed to the:

Secretary's Office
RIAM
36/38 Westland Row
Dublin 2
Tel: +353 1 6325300
Fax: +353 1 6622798
Email: kevinkelleher@riam.ie

(v) Requests for internal review must be submitted within four weeks of receipt of the initial decision.

(vi) The Academy should normally complete the review within three weeks.

(vii) Internal review will normally be completed before an application for review may be made to the Office of the Information Commissioner.

7.3.2 External Review

(i) Where a requester is dissatisfied with a decision made by an internal reviewer under the Act or they have not received a decision within the specified time frame they may seek an independent review of the decision from the Information Commissioner. There are also some specific instances where a requester can seek an initial review of a decision by the Information commissioner.

(ii) Applications for reviews may be made directly to the Information Commissioner at the following address:

Office of the Information Commissioner
18 Lower Lesson Street
Dublin 2
Tel: +353 1 6785222
Fax: +353 1 6610570
Email: foi@ombudsman.irlgov.ie
Website: www.oic.ie

(iii) When a formal binding decision is issued by the Information Commissioner, the requester or the Academy may appeal that decision to the High court and the Supreme Court on a point of law only.

7.4 Procedure for Dealing with FOI Requests

7.4.1 Freedom of Information requests will be dealt with by delegated Decision Makers.

7.4.2 The Director of the Academy has delegated the decision-making function under the Act to the Secretary and Registrar.

7.4.3 All requests for access to information under the Act should be directed to the Secretary's office.

(i) When a request is received, an acknowledgement will normally be issued by the appropriate decision maker within two weeks

(ii) A decision on the request should normally be issued within four weeks.

(iii) However, in certain circumstances this period can be extended for up to

eleven weeks.

(iv) Requesters will always be advised of any extension of the time limits and the reasons for such extensions as set out in the Act

(v) Requesters will be advised of their rights of review where they are dissatisfied with the outcome of their application

- 7.4.4 Please note that the Academy closes during July and August for approximately seven weeks. Details of the holidays will be posted on the website. All FOI requests received during this period will be dealt with promptly when the Academy reopens.

8. Responsibility

- 8.1 The RIAM Secretary is responsible for overseeing this policy and its operational procedures.

9. Legislation and Regulation

- 9.1 Freedom of Information Acts 1997 and 2003

- 9.2 Qualifications and Quality Assurance (Education and Training) Act 2012

- 9.3 Standards and Guidelines for Quality Assurance in the European Higher Education Area (2005)

- 9.4 Code of Practice for Provision of Education and Training to International Learners (2015)

- 9.5 National Framework of Qualifications (NFQ)

10. Related Documents

11. Document Control

Approved:

Approved by Board of Studies November 25th 2016.

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Next review:

Academic year 2019/20