

**Policy name: Freedom of Information Policy**

**Approved: 25th November 2016**

**Revision 1 approved 10th March 2017**

**Revision 2 approved**

**Revision 3 approved by Trinity Academic Council 13th May 2020**

## 1. Context

- 1.1 The [Freedom of Information Act 1997](#) (the “FOI Act”) as amended by the [Freedom of Information \(Amendment\) Act 2003](#) obliged government departments and a range of other public bodies to publish information on their activities and to make the information that they held, including personal information, available to citizens. The [Freedom of Information Act 2014](#) (the “2014 Act”) came into effect in October 2014 and repealed the 1997 and 2003 Acts. The 2014 Act introduced a number of changes to the Freedom of Information system and widened the range of bodies to which the FOI legislation applies - it now applies to all public bodies, unless they are specifically exempt.
- 1.2 As a higher education institution in receipt of public funding, the Royal Irish Academy of Music, (“RIAM”), falls within the jurisdiction of the 2014 Act.

## 2. Purpose

- 2.1 This policy sets out RIAM’s responsibilities and obligations under the 2014 Act and the procedures it has put in place for complying with a Freedom of Information (FOI) request.

## 3. Scope

- 3.1 The following information comes within the scope of the 2014 Act:
- (i) all records relating to personal information held by RIAM irrespective of when created;
  - (ii) all records held by RIAM which were created after the commencement date of the 1997 FOI Act i.e. 21st April 1998;
  - (iii) any records created prior to the commencement date of 21st April 1998 if these records are necessary to understand records created after the commencement date;
  - (iv) personnel records of serving staff created from 21st April 1998 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 Persons seeking information from RIAM will have clear instructions as to how to make a successful FOI request.

## 5. Overview of the Freedom of Information Act 2014

5.1 The 2014 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. In particular, it provides the following statutory rights:

- (i) a legal right for each person to access records held by a body to which FOI legislation applies – known as an “FOI body”;
- (ii) a legal right for each person to have personal information relating to himself/herself amended where it is incomplete, incorrect or misleading;
- (iii) a legal right for each person to obtain reasons for decisions taken by an FOI body affecting himself/herself.

A record can be a paper document or information held on computer. It includes, for example, printouts, maps, plans, microfilm, audio-visual material, disks and tapes.

5.2 [Section 8 of the Act](#) requires FOI bodies to prepare a Publication Scheme concerning the publication of certain information by the body in conformity with a [model publication scheme](#) and [guidelines](#). This provides for the publication of such information on an FOI body’s website. An FOI body is required to:

- (i) publish information to assist members of the public in their understanding of the FOI body and its functions;
- (ii) publish the information that it holds grouped under the information headings set out in the model publication scheme;
- (iii) explain the procedures and guidelines used by the FOI body regarding access to information or to establish what information the FOI body holds.

5.3 It is important to note that an individual may not need to use the 2014 Act to request information from an FOI body. A large amount of material is already available to the public through websites, information leaflets, publications and responses to enquiries. Most organisations have a dedicated information section, which is available to assist with general queries, requests for information and publications.

5.4 If the information required is not readily available, a request must be made in writing to the FOI body and it should refer to the Freedom of Information Act 2014. If a request for information does not mention the 2014 Act, it will be dealt with as an ordinary request for information. If information is required in a particular form (for example, photocopy or searchable electronic format), this should be specified in the request.

5.5 It is important to be as specific as possible, to help the FOI body to identify the information required. Where possible, the time period for which access to records is being sought should be provided (for example, records created between December 2017 and August 2018).

5.6 Under the 2014 Act, the FOI body must acknowledge a request for records within two weeks of receipt of the request and, in most cases, respond to such request within four weeks of receipt of the request. In some cases, an FOI body may seek an extension to the time period within

which is required to respond pursuant to Section 14(1) of the FOI Act which permits an extension of up to four weeks where the request may involve many records. If a third party is involved, there may be an additional three weeks before a response can be provided.

- 5.7 If a requestor is not satisfied with the decision of the FOI body, an internal review of the decision may be requested, which is a complete and new review of the initial request by someone more senior in the FOI body. The decision of the internal review will be communicated to the requestor within three weeks of the receipt of the request for an internal review. If following the response in light of the internal review, the requestor is still not satisfied with the decision of the FOI body, the decision may be appealed to the Office of the Information Commissioner.

There are fees which apply for an internal review under Sections 21 and 22 of the 2014 Act which are €30 and €10 for medical card holders and their dependants. Payment of charges should be made by Electronic Funds Transfer (EFT). The fee for appeals to the Office of the Information Commissioner is €50 and €15 for medical card holders and their dependants.

- 5.8 When the request is for personal information, there are no charges payable by the requestor. However, [FOI search and retrieval charges](#) may be applicable in certain cases.

## 6. Policy

- 6.1 The purpose of this policy is to facilitate access to official information held by RIAM by outlining the structure and functions of RIAM, details of the services and activities of RIAM, information on the classes of records it holds and information on how an individual's rights may be exercised under the 2014 Act.

### 6.2 *Information Available*

- 6.2.1 RIAM is committed to making relevant information available routinely and to conduct its business in an open, transparent and accountable manner.
- 6.2.2 Therefore, where feasible, it will make as much information as reasonably possible available outside the formal procedures of the 2014 Act.
- 6.2.3 Sections 2 and 3 of the FOI Guide contain lists of information available and classes or records held in each Office of RIAM.
- 6.2.4 Requestors should contact the relevant Office address or the RIAM Secretary's Office, where they will be advised whether the information required may be provided directly, or whether a formal FOI request will have to be made.
- 6.2.5 Requestors should be aware that RIAM will endeavour to hold confidential any information provided to it in confidence, subject to its obligations under law, including, but not limited to, the 2014 Act (see 6.3 below).
- 6.2.6 RIAM will be bound by the findings of the Information Commissioner in all aspects save those relating to a point of law.

## 6.3 Exemptions

6.3.1 There will be occasions where records requested may be exempt from disclosure under the 2014 Act and therefore RIAM may be unable to supply some or all of the information requested. Information will only be withheld where the records are exempt from disclosure under the 2014 Act.

6.3.2 Particular regard will be given to:

- (i) The public interest in releasing the relevant record (through the application of public interest and prejudice tests), as applicable.
- (ii) Data Protection legislation and RIAM's obligation to maintain the confidentiality of personal information concerning individual members of staff and students.
- (iii) Other legal and contractual obligations.
- (iv) Commercially sensitive and other information contained in the records, disclosure of which would prove detrimental or prejudicial to *inter alia* the health and safety of RIAM's staff and students, or the safe and effective conduct of RIAM's operations.

6.3.3 In instances where a record is exempt from disclosure under the 2014 Act, RIAM will provide a clear statement outlining why the record is exempt from disclosure and supply details of its review procedure (see 7.3 below).

## 7. Procedures

### 7.1 Procedure for Making a Request under the 2014 Act

Pursuant to 5.4 and 5.5 above:

- (i) Requests for information under the 2014 Act should be made in writing, using the FOI Request Form (see (vii) below) or by email (see (ix) below).
- (ii) It should be stated that the request is being made under the Freedom of Information Act 2014.
- (iii) It should be stated clearly that the request refers to one or more of the following:
  - a request to access records;
  - a request for access to reasons for decisions made by the FOI body which affect the requestor;
  - a request to have personal information corrected.
- (iv) Sufficient information should be provided to enable RIAM staff to identify the relevant records requested. It is important that the request be as specific as possible – see 5.5 above.
- (v) Any preference should be stated regarding the format in which the records are to be supplied e.g. photocopies, computer disk etc.

- (vi) Full personal contact details must be provided.
- (vii) The form entitled '[RIAM Freedom of Information Request Form](#)' should be used to submit a FOI request. It is available to download from the RIAM website.
- (viii) Proof of identity may be required when seeking personal information. Examples of acceptable identification are Birth Certificate and/or Driving License, or Passport.
- (ix) Requests for access to information under the 2014 Act should be directed to the RIAM Freedom of Information Officer. Completed RIAM Freedom of Information Request Forms should be submitted via email to [foi@riam.ie](mailto:foi@riam.ie) or posted to RIAM, 36-38 Westland Row, Dublin 2, D02 WY89.

## 7.2 Procedure for Dealing with FOI Requests

- 7.2.1 The RIAM Director has delegated the decision-making function under the 2014 Act to the RIAM Secretary.
- 7.2.2 On receipt of a request for access to information under the 2014 Act, the RIAM Secretary will proceed as follows:
  - (i) When a request is received, an acknowledgement will be issued within two weeks.
  - (ii) A decision on the FOI Request will be issued within four weeks. However, in certain circumstances this period may be extended under the 2014 Act as described in 5.6 above.
  - (iii) Requestors will always be advised of any extension of the time limits and the reasons for such extensions, as set out in the 2014 Act.
  - (iv) Requestors will be advised of their rights of review in the decision letter should they be dissatisfied with the outcome of their request.

## 7.3 Rights of Review

### 7.3.1 Internal Review

- (i) Where a requestor is dissatisfied with a decision made under the 2014 Act, or they have not received a decision on their FOI request within the specified time frame, they may apply to have the decision reviewed. A charge, prescribed by the 2014 Act, is made for this service (see 5.7 above).
- (ii) The review will be carried out by another, more senior staff member in RIAM. The review will be a full and new consideration of the matter.
- (iii) The RIAM Director will perform the internal review function.
- (iv) Requests for internal review should in the first instance be directed to the RIAM Secretary, and must be submitted in writing within four weeks of receipt of the initial decision.

- (v) RIAM should complete the review within three weeks of receipt of the request for internal review.
- (vi) Typically, the internal review should be completed before an application for appeal is made to the Office of the Information Commissioner.

## 7.3.2 Appeal to the Information Commissioner

- (i) Where a requestor is dissatisfied with a decision made by an internal reviewer under the 2014 Act, or they have not received a decision within the specified timeframe provided for under the 2014 Act, they may seek an independent review of the decision from the Information Commissioner. A fee is payable for this service as prescribed by the 2014 Act (see 5.7 above).
- (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, D02 HE97  
Tel: +353 1 6785222  
Fax: +353 1 6610570  
Email: [info@oic.ie](mailto:info@oic.ie)  
Website: [Information Commissioner](http://Information Commissioner)
- (iii) When a formal binding decision is issued by the Information Commissioner, the applicant or RIAM may appeal that decision to the High Court and the Supreme Court on a point of law only.

## 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 Act 2014](#).

## 10. Related Documents

10.1 Records Management and Retention Policy.

## 11. Document Control

Approved by Board of Studies 25th November 2016.

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Next review: Academic year 2020/21.