

FREEDOM OF INFORMATION ACT

SECTIONS 15 & 16 REFERENCE BOOK

A GUIDE TO THE FUNCTIONS, RECORDS, RULES AND PRACTICES OF KILKENNY EDUCATION CENTRE

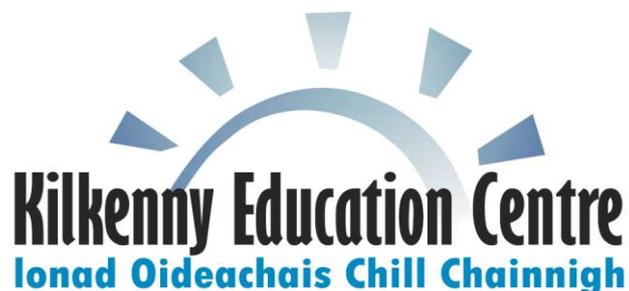


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BACKGROUND

This Kilkenny Education Centre FOI Sections 15 and 16 Reference Book is compiled in accordance with the Freedom of Information Act 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 THIS 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 **Kilkenny 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.

Part 2 of the Book – **“Our Role and Structure”** – outlines the role of Kilkenny Education Centre and its organisational structure. This part gives a breakdown of our internal structure and organisation. Information is provided under the following headings:

- **Role** – Outlines the main work the Centre does.
- **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 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.
- **Appendix 1 –FOI Application Form** to request access to records under the Act from **Kilkenny Education Centre**.

AVAILABILITY OF THIS BOOK

Copies of this publication are available free of charge from our website www.eckilkenny.ie or upon request from

**Freedom of Information Officer,
Kilkenny Education Centre,
Seville Lodge,
Callan Road,
Kilkenny.**

Phone: 056-7760200
Fax: 056-7760250
Email: kecsec@eckilkenny.ie

PART 1 - ACCESS TO INFORMATION

ROUTINELY AVAILABLE INFORMATION

The Centre routinely makes information available to the public in relation to its functions and activities. Such information will continue to be available informally without the need to use the FOI Act. This manual highlights, in relation to each Centre activity, where information of this nature is available.

The FOI Act is designed to allow public access to information held by public bodies that 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. This manual provides a guide to the structure of the Centre to help you access information under the FOI Act.

The Centre is committed to providing information to the greatest extent possible in a manner consistent with the public interest while preserving the right to privacy of individuals.

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 four weeks. A week is defined in the Act to mean five consecutive weekdays, excluding Saturdays and Public Holidays (Sundays are also excluded, as they are not week days). Please note that deliveries of post to the Centre are suspended during holiday periods. These holiday periods when the Centre is closed always coincide with some or all of the

holidays of the local schools. Hence the Centre will not receive your requests for information until it re-opens.

Applications under the FOI Act should be addressed to:

**Freedom of Information Officer,
Kilkenny Education Centre,
Seville Lodge,
Callan Road,
Kilkenny.**

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 **Kilkenny Education Centre**.

You may use the form entitled 'Request for Information under the Freedom of Information Act' which is widely available or OUR version of this form (see Appendix 1).

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, 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 2014 and December 2014. 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 KILKENNY EDUCATION CENTRE

The Director of Kilkenny Education Centre is the Freedom of Information Officer and the FOI Decision Maker for the Centre. The Director decides on whether access to requested records should be provided.

In the event that a request is turned down and an appeal is made against the decision, then the Chairperson of the Management Committee will conduct the internal review process.

The Centre will acknowledge receipt of FOI applications not later than 10 working days 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.

Please note that the Centre is closed for holidays at Christmas, Easter and Summer, and that post deliveries to the Centre are suspended for these periods. These periods are two weeks at Christmas, one week at Easter and five weeks during the Summer.

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 the Chairperson of the Management Committee 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 four weeks of your initial application, not including holiday periods as previously outlined. 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:

**FOI Reviewer,
Kilkenny Education Centre,
Seville Lodge,
Callan Road,
Kilkenny.**

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 **Kilkenny Education Centre**.

Such a request for internal review must be submitted within four weeks of the initial decision. The Centre must complete the review within three weeks, not including holiday periods as previously outlined. 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 three 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.**

Phone: 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** 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 No's. 264 of 2003, 139 of 1998 and 13 of 1997:

- €20.95 per hour – Search and Retrieval
 - €0.04 per sheet for a photocopy
 - €10.16 for a CD-ROM

PART 2 – OUR ROLE AND STRUCTURE

OUR VISION

The Management Committee and Staff of Kilkenny Education Centre, envisage an open and innovative centre, which inspires and supports teaching and learning in the educational community.

OUR MISSION STATEMENT

Kilkenny Education Centre seeks to realise its vision by facilitating the sharing of ideas and the communication of knowledge with the learning community through the ongoing provision and development of services and resources.

POLICY ON CONFIDENTIALITY

This Centre undertakes to treat as confidential any information provided to it in confidence by individuals or others, subject to the 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.

ROLE

Under the Education Act 1998 Education Centres are required to:

- Provide training, development and support for teachers and the wider school community, both in terms of meeting locally researched and identified teacher and school community needs and also through involvement in national in-service programmes.
- Be involved, as a major strategic resource within education, in a range of national and other projects, programmes and initiatives as may be decided by the Minister, following consultation and in partnership with the Centres, for implementation in the education system from time to time.
- Act as far as possible as a resource and meeting centre for the local education community and to actively promote its role.
- To plan for the development of expertise in key areas and to share such expertise throughout the Education Centre network and the educational system in general.
- Co-operate and engage with other Education Centres, Full and Part-Time, so as to ensure that an effective network of Centres is established

- To develop expertise in key areas as agreed by the Centres in consultation and partnership with the DES and to share such throughout the Education Centre network and the education system in general.
- To provide other services and supports as may be requested by the Minister.

STRUCTURE

Membership of the Centre shall be all teachers who are normally resident or teaching in the general area in which the Centre is operating and/or in employment in recognized first-level, second-level and further-education facilities, including those currently employed in areas such as Youthreach, VTOS and Adult Education.

The business of the Centre, giving due consideration to the Department guidelines and directives, is under the control of the Management Committee. The Management Committee consists of twelve members - ten teacher members elected annually by the members or co-opted by the incoming Committee to give a maximum of ten. Due regard will be given to achieving a balance between Primary and Post Primary teachers as far as is reasonably possible; two members can be co-opted by the incoming Management Committee from the “wider education community”. The Officers of the Centres Management Committee are Chairperson and Treasurer.

The Director is the Chief Executive of the Centre and is responsible to the Management Committee. The Director is responsible for the management of the Centre in accordance with the guidelines/financial procedures and other conditions as may be issued from the Department from time to time, and as may be deemed necessary by the Management Committee in agreement with the Director. The Director, together with the Management Committee, is responsible for the planning and putting into effect of a programme of activities for the Centre.

WORK WE DO

The Centre currently provides an innovative and wide range of services to the education community. Among the services provided are:

- In-house and school-based national and local courses/programmes,
- A comprehensive range of ICT training and educational software,
- Venue for meetings, seminars, conferences, workshops,
- Centre Website,
- Video/Resource Library,
- Photocopying, Laminating and Binding services,
- Facilities are provided for TPN's/Subject Associations, SEN Teachers Support Groups, Guidance Counsellors, Parents Council,
- Office space provided for NEPS (National Educational Psychological Service), SENO (Special Education Needs Organiser) and TUSLA (Child and Family Agency).

CLASSES OF RECORDS HELD:

Management Committee	Including minutes of meetings and sub-committee meetings as well as committee members's details.
Reports	Annual Reports and Director's monthly reports.
Financial	Includes all Accounts records, salary and pension details.
Tax/Social Welfare	Includes all Tax matters including PAYE and PRSI payments.
Procurement	Includes details viz. purchase of equipment and services on behalf of the Centre as well as Government and European Union Guidelines concerning procurement.
Personal	Includes files of past and present personnel.
Inservice Courses	Flyers, attendance sheets and evaluations.
Schools	School names, Roll Numbers, phone numbers, email addresses, Principals' names, number of teachers on staff, number of Special Needs Assistants, Learning Support and Resource teachers attached to schools.
Teachers	Details collected subject to our Data Protection Policy.
Trainers	Details of personnel employed on National In-service Programmes and local courses.
Library	List of acquisitions and borrower's records.
Statistics	Breakdown of categories of inservice provided.
F.O.I.	All requests and records created under FOI legislation.
Correspondence	Letters to and from members and others.
Audit Reports	Report of the Internal Audit Unit of the Dept. of Education and Skills.

HOW TO CONTACT THE CENTRE:

Address: Kilkeny Education Centre,
Seville Lodge,
Callan Road,
Kilkenny.

Phone: 056-7760200

Fax: 056-7760250

E-mail: kecsec@eckilkenny.ie

Website: www.eckilkenny.ie

Reception: 9.00am to 5.30pm Monday to Thursday
9.00am to 5.00pm Friday

Holidays: Centre is closed for varying periods during school holidays.

APPENDIX 1

KILKENNY EDUCATION CENTRE REQUEST FOR ACCESS TO RECORDS UNDER THE FREEDOM OF INFORMATION ACT, 1997 AND 2003

PLEASE USE BLOCK CAPITALS

DETAILS OF APPLICANT

SURNAME: _____ **FIRST NAME:** _____

POSTAL ADDRESS: _____

TELEPHONE NUMBER(S):

FOR OFFICE USE ONLY

HOME: _____

Date FOI Request Received _____

BUSINESS: _____

Identity Verified _____

MOBILE: _____

Consent Confirmed _____

Form of Identity Produced

Birth Certificate _____

Driving Licence _____

Passport _____

Other _____

PERSONAL INFORMATION

Before you are given access to personal information relating to yourself, you may be asked to produce your Birth Certificate, Driving Licence, Passport or other form of identity.

Form of Access

My preferred form of access is: *(please tick as appropriate)*

- To receive copies of the records by post
- Other – please specify: _____

DETAILS OF REQUEST

In accordance with Section 7 of the FOI Act, I request access to records that are:
(please tick as appropriate)

- Personal**
- Non-Personal**

*(In the space provided **please describe the records as fully as you can** as this will assist the Centre's FOI decision making in dealing with your application. If you are requesting personal information, please state precisely in whose name those records are held. You will not normally be given access to the personal information of another person unless you have obtained the written consent of that person. (If you require more space to complete your description of records please attach a page).*

I request the following records:

SIGNATURE: _____ **DATE:** _____

NOTE ON FREEDOM OF INFORMATION ARRANGEMENTS IN KILKENNY EDUCATION CENTRE:

In Kilkenny Education Centre, the Director deals with all applications under the FOI Act. Applications should be addressed by post, along with the relevant fee, to:

**Freedom of Information Officer,
Kilkenny Education Centre,
Seville Lodge,
Callan Road,
Kilkenny.**

Further information is available by phoning the Centre on 056-7760200.