



**Code:** QA440  
**Title:** Freedom of Information (FOI)  
**Date:** 18/05/2021

## 1.0 Purpose

To advise staff of their responsibilities with regard to requests made under the Freedom of Information Act 2014 (the “**FOI Act**”) (as may be amended) which provides a legal right of access to records held by the University.

A “record” includes—(a) a book or other written or printed material in any form (including in any electronic device or in machine readable form), (b) a map, plan or drawing, (c) a disc, tape or other mechanical or electronic device in which data other than visual images are embodied so as to be capable, with or without the aid of some other mechanical or electronic equipment, of being reproduced from the disc, tape or other device, (d) a film, disc, tape or other mechanical or electronic device in which visual images are embodied so as to be capable, with or without the aid of some other mechanical or (e) a copy or part of any thing which falls within paragraph (a), (b), (c) or (d).

## 2.0 Description

The legal right applies to individuals including members of the public, journalists, employees and students. Freedom of Information requests must be treated as priority matters. The rights of Freedom of Information requests are protected and enforced under the FOI Act. The Freedom of Information Commissioner has powers of enforcement and sanction and has the power to enter premises to inspect and compel bodies to provide records. There may also be reputational damage to the University if we fail to comply with our obligations.

The FOI Act also sets out rules and procedures to be followed by public bodies when a request is received. Consistent with official guidance manuals and notices issued by the Freedom of Information Central Policy Unit in the Department of Public Expenditure & Reform (See: <https://foi.gov.ie/>). In NUI Galway, the responsibility to comply with FOI requests received is delegated to the Head of School or Head of Unit (or their nominee) as managers of the records to act as local decision makers as University owners of the records sought. Head of School or Head of Unit (or their nominee) have overall responsibility for the initial decision on FOI requests from their School or Unit, i.e. to decide whether to release all the records, partially release the records or deny access. Advice is provided throughout the process by the University Freedom of Information Office at: [foi@nuigalway.ie](mailto:foi@nuigalway.ie)

## 3.0 Procedure

When the University Freedom of Information Office receives a request, it will review the request to determine if it falls within the FOI Act and will determine the appropriate decision maker to handle the request i.e. the relevant Head of School or Head of Unit. It will then immediately provide a copy of the request to that individual. If the decision is to be decided in various areas of the University, the Freedom of Information Office will notify the decision makers and advise them of the request and the process for formulating a single response.

Where a Head of School/Head of Unit receives a request, she/he must follow the following steps:

1. Before starting to look for records check that the request provides sufficient details so that the search can be focused, if required clarification can be sought from the requestor.
2. Search for and locate the records relevant to the request. It is good practice to identify the steps taken to locate records.
3. Communicate to the FOI team (email address: [foi@nuigalway.ie](mailto:foi@nuigalway.ie) ) the length of time it will take to extract and schedule the records.
4. Extract relevant records.
5. Prepare a written schedule of the records.
6. Number each page of the relevant file(s).
7. Copy all records that come within the scope of the request.
8. Check for and redact exempt material as follows:
  - Consider if the data contains personal data (link to [S37 of the Act](#) ) of persons other than the requester. If so, please redact and notify the FOI Office at [foi@nuigalway.ie](mailto:foi@nuigalway.ie) in writing that such information has been redacted on this basis.
  - Consider whether the records contain third party commercial information (link to [S36 of the Act](#)) or information provided by a third party in confidence (link to [S35 of FOI Act](#) ). If so, please redact and notify the FOI Office at [foi@nuigalway.ie](mailto:foi@nuigalway.ie) in writing that such information has been redacted on this basis. The exception to this is that third party commercial information or information provided in confidence shall not apply in relation to a case in which, in the opinion of the head concerned, the public interest would, on balance, be better served by granting than by refusing to grant the FOI request concerned. **Ongoing advice and consultation on these exemptions are available from the FOI Office at [foi@nuigalway.ie](mailto:foi@nuigalway.ie)**
  - Consider if the matter is subject to ongoing deliberations (link to [S29 of FOI Act](#)) or current negotiations (link to [S30 of FOI Act](#) ) and consider if redactions need to be made on that basis. Again the public interest of the records being released should be considered.
  - **Consult with FOI team at [foi@nuigalway.ie](mailto:foi@nuigalway.ie) if there are any matters which you feel should be considered in refusing access to the records sought.**
9. Once the relevant Head of School/Head of Unit has completed the above steps the Head of School/Unit should formally sign off on the records to be released and forward to the FOI Office.
10. The FOI Office will review the records on receipt and will raise any queries for clarification with the decision maker.
11. The FOI Office will thereafter communicate the decision to the requester.

### 3.0 Critical Timelines

The timelines involved in processing an FOI request are reflective of the time obligations imposed by the FOI Act.

1. The Head of School/Unit must provide its initial comments within five working days of receipt of the request. This is so as to enable a clarification process either with the requester or other University units
2. The Head of School/Unit must provide the records sought in the above format within twelve working days of receipt of request from FOI Office.

The FOI Act allows extensions in certain limited circumstances but if a Unit requires such an extension it must be communicate the reasons why to the FOI team to the FOI team within the first five working days so that the FOI team can advise as to whether an extension is permissible or not under the terms of the FOI Act.

For information purposes, all applicable legislative timelines required under the FOI Act are set out at **Schedule 1**.

#### 4.0 Responsibilities

The University has overall responsibility for ensuring compliance with the Freedom of Information legislation. However, all employees of the University who are involved search for, extraction of, and preparation of records sought are also responsible for compliance. The University will provide support, assistance, advice and training to all Colleges, Schools, Units, Offices and staff.

Name	Responsibility
UMT	Policy owner
COO	UMT responsible member
Freedom of Information Office	Compliance with this policy and prompt communication with the School or Unit Heads; Source of ongoing FOI consultation and advice; Provision of training to School and Unit Heads; Management of FOI email account and University FOI website; Maintenance of Publication Scheme; Management of fees payable under FOI Act; Provision of regular updates to UMT and to other applicable units and staff where required; Revisions to the policy
Policy Owner	Monitoring and reporting compliance with the policy
School or Unit(s) Heads	Compliance with this policy and prompt communication with the FOI Office; To assist the FOI Office in the carrying out of their duties; Responsible for ensuring that University policy is implemented across their area; Assistance in publishing of records for University Publication Scheme; Where a request for access to information has been made, the relevant data is gathered in accordance with this policy and procedure set out herein; Attendance at FOI training.
All staff/units engaged in dealing with FOI requests	Compliance with policy and procedures set out.

#### 5.0 Further Guidance

Please see the following links for further guidance:

- <http://www.nuigalway.ie/foi/>
- <http://www.oic.gov.ie/en/>
- <http://foi.gov.ie/>
- <https://foi.gov.ie/guidance/manuals/>

#### 6.0 Other applicable policies and procedures

- QA 400 Data Protection Policy
- QA 402 Data Classification Policy
- QA 442 NUI Galway Records Retention Policy
- QA 401 Data Handling Policy

## Schedule 1

<b>Time limits set out in FOI Act 2014</b>		
<b>Requirement</b>	<b>Time Limit</b>	<b>Section of the Act</b>
Acknowledge Request	within 2 weeks of receipt of initial request	s.7(2)
Initial Decision on Request	within 4 weeks of receipt of initial request	s.8(1)
Transfer of Request to another public body	within 2 weeks of receipt of initial request	s. 7(3)
If consultation is required with third parties under section 29	notify third party within 2 weeks of receipt of request make decision within 7 weeks of receipt of the request	s.29(2)
Extension of time limit in accordance with section 9	time limit may be extended for a maximum of 4 weeks in specific circumstances	s. 9(1)
Keep records available pending payment of a fee	8 weeks from issue of notification of decision	s. 8(3)(b)
Keep records available following payment of a fee	4 weeks from receipt of the fee	s.8(3)(a)
Delay release of third party information to allow him or her to appeal to Commissioner	2 weeks	s.44(2)(a)
Defer records	until the 'specified day' in accordance with section 11	s. 11
Internal Review	within 3 weeks of receipt of request for internal review	s.14(4)