FOI Briefing

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Welcome

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Top Tips for Responding to FOI Requests

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Introduction

• Isn’t FOI great?

• There’s something in the 2014 Act for everyone, including you…

• Strikes a balance
  • Liberal and expansive access
  • Administrative convenience; protection of truly sensitive information

• What the result should be
1 – Communicate; Know What’s in Play

- Valid request?
- Clarify request
- Exclude unwanted information?
- Alternative form of access?
- Liaise ASAP with colleagues; service-providers
- Consult ASAP with external third parties – formally; informally
- Warn requester of any factual/legal limitations on records released
2 – Take Your Time

- Extend time
- Section 38 process extends time
- Defer access until specified date
- Don’t process until fees/deposits paid
3 – *Suit Yourself*

- Charge mandatory and appropriate fees/deposits
- Require payment of any previously-unpaid fee/deposit
- Use administrative grounds for refusal
- Grant access in most efficient way, or to avoid legal or exemption-harm
- Grant partial access in an alternative copy
4 – *Publish and Disclose*

- Section 8 Publication Scheme
- Publication generally
- Publication following receipt of request for record
- Publication otherwise required by law?
- Make records available for inspection/purchase/removal
- Provide outside of FOI?
5 – Be Careful

- Forensic interpretation/application of exemptions/exclusions
- Neither confirm/deny existence?
- Existing prohibition/discretion re disclosure?
- Delegate functions of head of body; delegates decide
- Watch time-limits
- Watch what you say – even when refusing
- Be aware of what you’re really releasing
- Don’t destroy/alter records without excuse
Conclusions

• Much in Act to make FOI less stressful

• Take a flyer!

• Take a breath

• Pick up the phone
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Thank you!

For any queries on upcoming events, please contact events@mhc.ie

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