

Freedom of Information Act 2014

Under Section 6 of the FOI Act 2014 the Department of Employment Affairs and Social Protection (DEASP) is a public body for the purposes of this Act.

Under Freedom of Information (FOI), every person has the right to seek access to all records held by the Department (exemptions under FOI Act 2014 may allow for the withholding of sensitive records in certain circumstances).

Section 11(9) of the Act defines access to records and records in the possession of a service provider.

The following advice* from the DEASP FOI Unit on records held in the possession of a service provider is as follows:

If any of the information sought by the requester is held by or on behalf of DEASP, if and in so far as it relates to the service being provided by the Employer for DEASP, then it is in the scope of the FOI request.

If any or all of the information sought etc. (each record being considered individually), is not held in DEASP and is not applicable to the service being provided the reasons and basis should be outlined to the Requester.

DEASP shall check whether “any or all of the information sought etc., (each record being considered individually)”, is not held in DEASP and is not applicable to the service being provided the reasons and basis should be outlined to the Requester.

Please note the Office of the Information Commissioner’s (OIC) ‘X’ decision which is helpful from a DSP perspective @

<http://www.oic.gov.ie/en/Decisions/Decisions-List/Mr-X-and-The-Department-of-Social-Protection.html>

***incorporates legal advice**

Therefore, records created by a CE Service Provider on paper or electronically will be examined by an FOI Officer and subsequently released in a response to an FOI request if the record falls under the scope of the FoI request.

This applies to all records including but not limited to the personal records of DEASP customers and non-personal records e.g. policy and administrative records, etc.

DEASP undertakes to use its best endeavours to hold confidential any information provided by you to the DEASP, subject to our obligations under the law, including the FOI Act 2014.

If you consider that any records supplied by you are sensitive you should, when providing the information, identify same and specify the reason(s) for their sensitivity.

In the event of an FOI request being received that concerns records supplied by you, DEASP may consult with you before making a decision.

Please note however, that if none of the information supplied is identified as sensitive with supporting reasons, then it is likely to be released in response to an FOI Request.

CE Policy Unit
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