

Freedom of Information Act

Sections 15 & 16 Reference Book

A guide to the functions, records, rules and practices of the
South Dublin County Enterprise Board

July 2006

Preface

Background

This South Dublin County Enterprise Board FOI Sections 15 and 16 Reference Book – A Guide to the functions, records, rules and practices of the South Dublin County Enterprise Board, published on the 3rd day of July 2006, is compiled in accordance with the Freedom of Information Acts 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 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 South Dublin County Enterprise Board, 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 County Enterprise Board 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 the Board under the main headings and details any fees that may arise.

Part 2 of the Book - the “**Our Role and Structure**” - outlines the role of the County Enterprise Board 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 we do.
- **Structure** – gives details of our personnel structure.
- **Work we do** – provides a synopsis of our main activities.
- **Classes of records held** – details the main headings 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

- **Appendix 1 –FOI application form** to request access to records under the Act from South Dublin County Enterprise Board.

Availability of this Book

Copies of this publication are available free of charge from the Board’s offices and may be requested by telephone or in writing. Printed or electronic copies on CD-ROM are available. The electronic version is also available as a download from the Board’s website at www.sdenterprise.ie/downloads.

Part 1 - Access to Information

How to get information

Routinely Available Information

South Dublin County Enterprise Board publishes an Annual Report, which gives full details of its activities on an annual basis. Included in the Annual Report is a list of projects approved for Financial Assistance by the Board during the year, the amount and type of such assistance and the amount paid within the year.

Information on services, news and forthcoming events is also available on the Board's website at www.sdenterprise.ie

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 4 weeks. A week is defined in the Act to mean 5 consecutive weekdays, excluding Saturdays and public holidays (Sundays are also excluded, as they are not week days).

Applications under the FOI Act should be addressed to:

**Freedom of Information Decision Maker
South Dublin County Enterprise Board
3 Village Square,
Tallaght,
Dublin 24**

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 South Dublin County Enterprise Board Ltd..

You may use the form entitled 'Request for Information under the Freedom of Information Acts' which is widely available or our version of this form (see Appendix 1). This form is also available from our website at www.sdenterprise.ie/downloads

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, computer disk, 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 2003 and December 2003. 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 South Dublin County Enterprise Board

The Assistant CEO is the designated Decision Maker on all requests for information the Freedom of Information Acts. Any appeals on these decisions will be dealt with by the Chief Executive.

We acknowledge receipt of FOI applications not later than 2 weeks 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.

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 an official at a higher level 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 4 weeks of your initial application. 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:

**Freedom of Information Appeals Officer
South Dublin County Enterprise Board
3 Village Square
Tallaght
Dublin 24**

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 South Dublin County Enterprise Board.

Such a request for internal review must be submitted within 4 weeks of the initial decision. We must complete the review within 3 weeks. 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 3 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
Telephone: 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 pubic 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 pubic bodies affecting the person).
- (d) An application in relation to a decision to charge a fee or deposit exceeding €25.00 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 Nos. 264 of 2003, 139 of 1998 and 13 of 1997:

- €20.95 per hour - search and retrieval
- €0.04 per sheet for a photocopy
- €0.51 for a 3½ inch computer diskette
- €10.16 for a CD-ROM
- €6.35 for a Radiograph (X-Ray)

Part 2 – Our Role and Structure

Our Mission Statement

The mission of the Board is to help people who have the required energy, personal vision, resources and expertise to start and grow dynamic and innovative small businesses that can survive and compete profitably so that they can strengthen our local economy and provide high-quality sustainable employment.

The Board formulates and publishes a series of Strategic Action Plans. The current plan covers the years 2004 – 2006. This plan describes the means by which the Board has decided to pursue its mission. The current plan is available in the Board's website at www.sdenterprise.ie.

Our Policy on Confidentiality

We undertake to treat as confidential any information provided to it in confidence by individuals or others, subject to our 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.

Detailed Information on our Structure and Organisation

Role

South Dublin County Enterprise Board is one of the City and County Enterprise Boards (CEBs), which were established by the Government in October 1993 following a radical review and analysis of national enterprise strategies and a consequent reorganisation of the state support structures for the development of new and expanding businesses.

The primary rationale for their establishment centred on eliminating an identified support gap at the level of micro enterprise. This sector constitutes an important source of economic activity and employment. CEBs were empowered to support, not just traditional manufacturing, but also tradable

services and tourism. This multi-sectoral approach represented a departure from conventional industrial and enterprise policy.

The strategic role of the CEBs is to stimulate economic activity at city/county level and to develop indigenous enterprise potential in their areas. This is to be achieved by harnessing collective effort on behalf of a wide range of local actors, in order to build a local economy of real strength and permanence, which will provide jobs and wealth to meet the needs of the area.

The key focus is to maximise opportunities for job creation and retention. In order to achieve this objective the core activities include: -

- promoting the general economic development of their areas;
- creating local enterprise awareness and developing an enterprise culture and community based enterprise activity;
- providing a single / first point of contact service to the business community;
- influencing the allocation of resources for micro enterprise from EU, Private and Public funding sources;
- providing support to private sector and community initiatives so as to secure the establishment and / or expansion of commercially viable micro enterprise projects;
- providing comprehensive pre and post start-up support to new and expanding micro enterprises;
- the provision of business advice counselling and mentoring;
- the delivery of management and capability development programmes aimed at improving the skills of owner managers so as to assist the survival rate amongst micro businesses and facilitate future growth;
- The provision of financial interventions to support business development.

Board of Directors

The names of persons who are Directors of the Board at any time during the year are available on the Board's website at www.sdenterprise.ie or from the Annual Report of the Board.

Staff Members

| | |
|------------------|-----------------------------------|
| Loman O'Byrne | Chief Executive Officer |
| Sean McDonald | Assistant Chief Executive Officer |
| Ena Coleman | Business Advisor |
| Margaret Carroll | Administrator |
| Breda Humphreys | Information Officer |

Offices

The offices of South Dublin County Enterprise Board are located at 3 Village Square, Tallaght, Dublin 24

Classes of records held

The broad categories of records held by South Dublin County Enterprise Board are as follows:

- Individual files in relation to applications for Financial Assistance
- Financial records of the Board
- Files in relation to Measure 2 Training and Development activity
- Tender files where applicable
- General Administration Files
- Personnel Files
- Procedure manuals

Contact points

The Board may be contacted:

- by visiting its offices at the above address (advance appointments preferred)
- by telephone: 01 4057073
- by fax: 01 4517477
- by email: info@sdenterprise.ie

Rules and practices

Grant Approval Process and Control – Financial Assistance (Measure 1)

The procedure to be followed for the acceptance, evaluation, confirmation, etc. in respect of Measure 1 Applications for Financial Assistance Grants are outlined as follows:

- Each grant application should be assigned a reference number.
- Where applications are received via e-mail, the client should be requested to manually sign the application at the meeting with the CEB.
- A new file should be opened where the individual/company is not already a client of the CEB. Any related forms should be added to the file. A list of all client files and the filing code should be available on PMS.

- A record should be kept on file of all meetings and communications with clients and non-clients, whether at the client or CEB premises.
- A letter should be sent acknowledging receipt of a grant application.
- Applications should be entered on:
 - A list for the next appropriate Evaluation Committee meeting
 - Performance Monitoring System (PMS)
- An official of the CEB should appraise the project by meeting with the client and making enquiries about the client and the type of business and requesting additional information from the client, if required.
- Applications with supporting documentation should be presented at the next appropriate Evaluation Committee meeting.
- The CEO should ensure that records are maintained of all Evaluation Committee meetings. The minutes should record the Committee's recommendations and its reasons for recommending a project for refusal/deferral pending further information. In respect of projects approved, the form and level of assistance should be noted.
- The Evaluation Committee should take account of public procurement, environmental protection, E.U. state aids and equality of opportunity requirements when reviewing project proposals. Any projects that are not in compliance with these requirements should be rejected.
- Final approval for a project should be at Board level, taking account of the recommendations of the Evaluation Committee.
- The Board shall ensure that the purpose of the approved projects is consistent with the overall objective of the measure funding the project.
- The Board should also ensure that there has been no overlapping of E.U. aid for the project and that the requirements in relation to monitoring of the "De Minimis Aid" provisions have been complied with.
- The company secretary should ensure that minutes are maintained of all Board meetings. The Board's decision with regard to each project should be noted in the minutes.
- Once approved, applicants should be sent an offer letter and a list of conditions and be requested to sign and return an acceptance of grant offer, and if appropriate, a deed of covenant, a promissory note and a standing order or direct debit mandate. The acceptance of grant offer should state the conditions relating to the grant.
- Applicants who are unsuccessful or those who are requested to provide further information should be notified in writing.
- Information received from grant applicants should be safeguarded and kept confidential.

- Each CEB shall prepare a complaints procedure setting out the course of action to be followed in the event of a customer complaint whether it be due to refusal of grant aid or any other matter.

Tender and Procurement Procedures

South Dublin County Enterprise Board seeks competitive tenders for orders for goods or services where the order is likely to be for an amount in excess of €6,350. Three competitive tenders are sought where three suppliers of the goods and services required have been identified. Orders for all goods and services in excess of €6,350 must be approved by the Board prior to issue.

Customer Service

The “Code of Practice for the Governance of State Bodies” details a list of principles of quality customer service for customers or clients of the public service.

South Dublin County Enterprise Board has prepared and published a Customer Care Charter to ensure it discharges its obligations to the Department of Enterprise, Trade & Employment by ensuring all activities are performed efficiently, professionally and cost effectively.

The Board recognises that it’s customers and client base are entitled to a prompt, timely, efficient and courteous service.

South Dublin County Enterprise Board shall guarantee that all legitimate complaints are addressed speedily and sympathetically.

APPENDIX 1

South Dublin County Enterprise Board

**Freedom of Information
Application Form**

Freedom of Information APPLICATION FORM

Please use BLOCK letters

Details of Applicant

Surname: _____

First Name: _____

Postal Address: _____

E-Mail Address: _____

| Telephone Number(s) | For Office Use Only |
|---------------------|--|
| Home: _____ | Date FOI Request Received __/__/____ |
| Business: _____ | Identity Verified <input type="checkbox"/> _____ |
| | Consent Confirmed <input type="checkbox"/> _____ |
| | Form of identity produced |
| | Birth Certificate <input type="checkbox"/> |
| | Driving Licence <input type="checkbox"/> |
| | Passport <input type="checkbox"/> |
| | 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.

Non Personal Information

A request for information of a non-personal nature must be accompanied by appropriate fee (€15 or reduced rate of €10 for medical card holders or dependant(s) of a medical card holder).

Form of Access

My preferred form of access is:

(please tick as appropriate)

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

