



etb

Bord Oideachais agus Oiliúna
an Chabháin agus Mhuineacháin
*Cavan and Monaghan
Education and Training Board*

Freedom of Information (FOI) Frequently Asked Questions (FAQs)

This page contains the answers to Frequently Asked Questions about FOI. If you cannot find the answer to your question here or require further information please contact the [FOI Officer](#).

What is FOI?

The FOI Act provides that, from 21 April 1998, every person has the following legal right:

- the right to access official records held by Government Departments or other public bodies as defined by the act;
- the right to have personal information held on them corrected or updated where such information is incomplete, incorrect or misleading;
- the right to be given reasons for decisions taken by public bodies that affect them.

These rights mean that people can seek access to personal information held on them no matter when the information was created, and to other records created after 21 April 2008.

Do I need to make an FOI request to get information from the Cavan and Monaghan ETB?

No, it is not necessary to make an FOI request to get information from the CMETB. It is a policy of CMETB to make as much information as possible available through information leaflets, publications and in response to enquiries.

General information requests and information regarding publications can be e-mailed to info@cmetb.ie.

CMETB's publications/reports are published on the website: www.cmetb.ie.

How does FOI work?

The Act requires public bodies to respond to requests from the public for information they hold. In most cases, public bodies must give their decision on a request within 4 weeks of receiving it. A week is defined in the Act to mean 5 consecutive week-days, excluding Saturdays and public holidays (Sundays are also excluded as they are not considered week-days).

Will I be charged for requesting information under the FOI Act?

Charges may be applied for the time spent locating records and for any photocopying costs incurred by the CMETB in providing you with the material requested. It is very unlikely that any fees will be charged in respect of personal records, except in cases where a large number of records are involved.

Section 27 of the FOI Act provides for fees. Fees are currently set as follows in accordance with Statutory Instrument No. 484 of 2014 at <http://www.irishstatutebook.ie/2014/en/si/0484.html>

Fee List

- €30.00 internal appeal fee (€10 for medical card holders)
- €50.00 appeal to the Information Commissioner (€15 for medical card holders and for third parties appealing a decision of a public body to release their information on public interest grounds)
- €20.00 per hour - search and retrieval, where the time exceeds 5 hours
- €0.04 per sheet for a photocopy
- €10.00 for a CD
- €6.00 for X-Ray.

All payments to CMETB should be made by way of personal cheque or money postal order made payable to Cavan and Monaghan ETB. CMETB will no longer accept cheque payments from business users in accordance with the [Department of Finance Circular 01/2013](#). For further information regarding payment methods for business users, please email foi@cmetb.ie

How do I make an FOI request?

You should make your request in writing to:

**Freedom of Information Officer
Cavan and Monaghan ETB
Administration Centre
Market Street
Monaghan**

Or by email to:

foi@cmetb.ie

Your request should include the following:

- A statement that the request is being made under the FOI Act.
- As much information as possible about the records being sought in order to facilitate the search. Where possible please try to indicate the time period for which you wish to access records e.g. records created between May 2013 and December, 2013. Also, if possible, try to specify the areas of the ETB which you feel would be most relevant to your request e.g. Human Resources Department, Corporate Services Department, Property Department, School or Centre.
- The format in which you wish to receive any records released (e.g. photocopies).
- For personal requests, some form of identification (copy of passport, driving licence, birth certificate, etc.) or letter of consent if solicitors are acting on your behalf.
- Please include a day time telephone number, if possible, so that you may be contacted quickly if it is necessary to clarify details of your request.

If you wish you can use the [CMETB's Standard FOI Application Form](#) to make your request.

Can I get help in making a request?

Yes, if you require any help, the FOI Officer (at the above address) will be happy to assist you in the formulation of your request. The FOI Officer is also available to provide assistance with 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).

Can I get access to any information that I seek?

The following records come within the scope of the FOI Act:

- All personal records held by CMETB regardless of when they were created.
- All other records created from the commencement of the Act (21 April 2008).
- Any records necessary to the understanding of a current record even if created prior to 21 April 2008.

However, in order to allow for the proper conduct and functioning of ETB business, it will sometimes be necessary to exempt from release certain types of information in some circumstances. These exemptions, which are set out in the Act, include exemptions for records relating to:

- Government meetings,
- Deliberations of the ETB
- law enforcement and security,
- confidential and commercially sensitive information,
- personal information (other than information relating to the person making the request).

How soon can a person making a request expect a reply?

Under the Act, a request for records must be acknowledged within 2 weeks and, in most cases, responded to within 4 weeks. A week is defined in the Act to mean 5 consecutive week-days, excluding Saturdays and public holidays (Sundays are also excluded as they are not considered week-days).

In some limited situations under the FOI Act the making of a decision could take longer than 4 weeks (e.g. if a third party is involved there may be an extension of 3 weeks before a reply issues). If this occurs, you will be notified in writing.

If you have not received a reply within 4 weeks, you are automatically entitled to consider your request as having been refused and you may immediately appeal to CMETB for a review on the matter (please see below).

What can I do if I am not satisfied with the decision on my request?

If you are dissatisfied with CMETB's response you can seek to have a decision re-examined by a more senior officer within CMETB (Internal reviewer). You should make your appeal within 4 weeks from the date of reply (although late appeals may be permitted in certain circumstances). Applications for review of a decision should be sent to:

Freedom of Information Officer
Cavan and Monaghan ETB
Administration Centre
Market Street
Monaghan

Or by email to:

foi@cmetb.ie

In the case of personal requests no charges apply.

In the case of non-personal requests, your application should be accompanied by a fee of €30.00 (€10.00 for a medical card holders)

What can I do if I am not satisfied with the decision on internal review?

If you are dissatisfied with the decision of CMETB's Internal Reviewer, you have the right to appeal the decision within 6 months to the Information Commissioner. Applications should be sent directly to the:

Office of the Information Commissioner
18 Lower Leeson Street
Dublin 2
Ph: + 353-1-6395689
Lo-call 1890 253238
Fax: + 353-1-6395674 or + 353-1-6395676
www.oic.gov.ie
Email: info@oic.gov.ie

There is no charge for an application for review to the Information Commissioner of a decision relating to the requester's personal information.

In the case of non-personal requests, your application should be accompanied by a fee of €50 (or a reduced fee of €15 for medical card holders).