

National Centre for Partnership Performance

Guide to the functions and information held by the National Centre for Partnership and Performance (NCPP) and information on the rules and practices of the NCPP

Freedom of Information Act 1997

Section 15 & Section 16 Reference Book

December 2006 Edition

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PART A: SECTION 15 REFERENCE BOOK

FUNCTIONS & INFORMATION

1. PREAMBLE

1.1. The Freedom of Information Act, 1997

From June 2002, the National Centre for Partnership and Performance (hereafter the NCPP) was scheduled as a public body under the Freedom of Information Act, 1997.

The Freedom of Information (FOI) Act, 1997 establishes 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 Act asserts 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.

The overall concept of the FOI is underpinned by the following broad principles:

- that decisions by public bodies should be more open to public scrutiny;
- that groups and individuals who are affected by decisions of public bodies should have the right to know the criteria used in making those decisions;
- that every citizen should have a right to know what information is held by Government records about him/her;
- that s/he should have the right to inspect files held about or relating to him/her;
- that s/he should have the right to have inaccurate material on file corrected; and

- that citizens, as shareholders in public bodies, should have the right to examine and review the deliberations and process of public bodies.

This part of the manual has been prepared and published in accordance with the requirements under Section 15 of the Act. Its purpose is to facilitate access to official information held by the NCPP through outlining:

- the structure and functions of the NCPP;
- the services provided and how they may be availed of;
- information on the classes of records held; and
- information on how to make a request to the NCPP under the Freedom of Information Act, 1997.

1.2. Routinely Available Information

The NCPP currently makes information routinely available to the public on its functions, activities and work processes. Such information will continue to be made available without the need to use the FOI Act, and includes

- The NCPP Strategic Plan, which the NCPP is required to produce at least every three years under the terms of the National Economic and Social Development Office Act (2006). This plan is incorporated into the strategic plan of the National Economic and Social Development Office, which is submitted to the Taoiseach, who causes the plan to be laid before each House of the Oireachtas. The Strategic Plan of the NCPP is also published and freely available in hard copy and electronic format from the NCPP
- The NCPP Annual Report, which the NCPP is required to produce annually under the terms of the National Economic and Social Development Office Act (2006). This report is incorporated into the Annual Report of the National Economic and Social Development Office, which is submitted to the Taoiseach, who causes the report to be laid before each House of the Oireachtas. The Annual Report of the NCPP is also published and freely available in hard copy and electronic format from the NCPP
- On a periodic basis, the NCPP publishes a newsletter which provides up-to-date information on the work and progress of the NCPP. This newsletter is distributed by post and electronically, as well as being available free of charge on the NCPP website, www.ncpp.ie

- On a regular basis, the NCPP issues publications which it makes available free of charge on its website, www.ncpp.ie

The FOI Act is designed to allow public access to information held by public bodies which is NOT routinely available through other sources. Access to information under the Act is subject to certain exemptions and involves specific procedures and time limits. This manual provides a guide to the structure of the NCPP so as to help public access to information under the Act.

A list of contact names and telephone numbers is included in Appendix 1. (See 5.1. for instructions on how to make a formal application under the FOI Act).

1.3. Statement of Policy with Regard to Confidentiality and FOI

The National Centre for Partnership and Performance undertakes to use its best endeavours 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, 1997. When supplying confidential or sensitive information to the NCPP that you do not wish to be disclosed, you should make this clear and specify the reasons for its sensitivity. The NCPP will consult with you before making a decision on any Freedom of Information request received, involving confidential information that you may have supplied.

As a general rule, a request under the FOI Act for access to a record which would involve the disclosure of personal information, other than the requester's own personal information, would be refused. Before any such personal records could be released to a third party, where the public interest is deemed to outweigh the right of privacy, the NCPP is obliged, in accordance with the provisions of section 29 of the Act, to seek the views of the person to whom the information relates regarding the release of same. If the NCPP decides to disclose personal information, against the wishes of the person consulted, that person will be advised of his or her right to seek a review of the NCPP's decision by the Information Commissioner before the information is released.

2. Descriptions and Functions of the National Centre for Partnership and Performance

2.1. Establishment of the NCPP

The National Centre for Partnership and Performance was originally established in 2001. Under the terms of the NESDO Act 2006, NCPP will in 2007 become a body under the National Economic and Social Development Office (NESDO).

2.2. Functions of the NCPP

The National Centre for Partnership and Performance is established to

- a) Support and facilitate organisational change and innovation based on partnership in order to bring about improved performance and mutual gains, and
- b) To contribute to national competitiveness, better public services, higher living standards, a better quality of working life, and the development of the workplace of the future

The National Centre for Partnership and Performance advises the Taoiseach on such matters relating to the deepening of workplace partnership in the public and private sectors.

2.3. Structure and Organisation

The National Centre for Partnership and Performance is governed by its Council, which is appointed by the Taoiseach. The council consists of a chairperson, a deputy chairperson and ordinary members.

Ordinary members include

- representatives of the Taoiseach, the Minister for Finance, the Minister for Enterprise, Trade and Employment and other ministerial representatives as determined by the Taoiseach.
- Persons nominated by organisations who the Taoiseach considers representative of business and employer interests participating in social partnership arrangements
- Persons nominated by the Irish Congress of Trade Unions, and

- Persons with the knowledge, experience and skills which the Taoiseach considers relevant to the functions of the Centre

The NCPP employs an Executive staff headed by a Director.

2.4. Working Arrangements

The National Centre for Partnership and Performance works through Plenary Sessions of the Council, as well as through various ad-hoc committees established by the Committee from time to time.

The Executive Staff of the NCPP are managed by the Director, who reports to the NCPP Council.

3. HOW TO GET INFORMATION

3.1. 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 the NCPP ;
- correction of personal information relating to oneself held by the NCPP where it is inaccurate, incomplete or misleading; and
- access to reasons for decisions made by the NCPP directly affecting oneself.

The following records come within the scope of the Act:

- all records relating to personal information held by the NCPP, irrespective of when created;
- all other records created from the commencement date of the Act (i.e. from 21 April 1998);
- all personnel records of staff in public bodies created less than 3 years before commencement (i.e from 21 April 1995); and
- any other records necessary to the understanding of a current record, even if created prior to 21 April 1998.

The NCPP is obliged to respond to the request within 4 weeks. Applications for information under the FOI Act should be addressed to:

Ms. Gaye Malone,

National Centre for Partnership and Performance

16 Parnell Square,

Dublin 1.

Tel: 01 8146300

Email gaye@ncpp.ie

Applications should be in writing and should clearly indicate that the information is sought under the Freedom of Information Act.

Please give as much detail as possible to enable the Secretariat to identify the record quickly and efficiently. If you have difficulty in identifying the precise record that you

require, the staff of the NCPP will be happy to assist in preparing your request. Please include a daytime telephone number and / or an e-mail address so that you can be contacted if it is necessary to clarify details of your request. People with disabilities will be facilitated by means of appropriate access arrangements.

3.2. 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 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 mechanism are outlined below.

3.3. 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 to:

Ms. Lucy Fallon-Byrne,

Director,

National Centre for Partnership and Performance

16 Parnell Square,

Dublin 1

Tel: 01 8146300

Fax: 01 8146301

E-mail: info@ncpp.ie

Such a request for internal review must be submitted within 4 weeks of the initial decision. The NCPP must complete the review within 3 weeks. Internal review must normally be completed before an appeal may be made to the Information Commissioner.

3.4. Review by the Information Commissioner

Following completion of an internal review, you may seek independent review of the decision from the Information Commissioner. You may seek this independent review if you are not satisfied with the decision of the internal review. 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 Commissioner. The Commissioner's decision can only be appealed to the High Court on a point of law.

Appeals in writing may be made directly to the Information Commissioner at the following address:

Office of the Information Commissioner,

18 Lower Leeson Street,

Dublin 2.

Tel: 01 6785222

Fax: 01 6610570

E-Mail: foi@ombudsman.irlgov.ie

4. FEES

Section 47 of the Freedom of Information Act, 1997 provides for fees, which may be charged as follows:

- for personal records, in respect of the cost of search and retrieval of the records requested will not apply, except where a large number of records are involved ; and
- for other (non-personal) information, in respect of the time spent in efficiently locating and copying records. No charges may apply in respect of the time spent by public bodies in considering requests.

The level of fees are currently set in accordance with Statutory Instruments Nos. 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 3.5 inch computer diskette.
- €10.16 for a CD-ROM.

- €6.35 for a radiograph (X-ray).

A deposit may be payable where the total fee is likely to exceed €50. In these circumstances, the public body must, if requested, assist the member of the public to amend the request so as to reduce or eliminate the amount of the deposit.

In practice, because of the nature of its work, the National Centre for Partnership and Performance holds very few records of a personal nature.

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.

5. CLASSES OF RECORDS

Records held by the National Centre for Partnership and Performance fall mainly into the following categories:

- Correspondence (general)
- Council
- Executive Committee
- Project Teams
- Financial Information and Accounts
 - Annual Accounts
 - Travel and Subsistence
 - Tenders
- Human Resource Development (e.g. staffing, recruitment, training and development, health and safety)
- Administration (e.g. furniture, telecommunications, security, orders, quotations)
- Computer Network (e.g. maintenance, development, tenders and purchase)

- Information
 - General information about the NCPP
 - Website
 - Newsletter
 - Media (press releases and press coverage)

APPENDIX 1

CONTACT NAMES FOR GENERAL REQUESTS FOR INFORMATION, OTHER THAN FOI

Mr. Peter Cassells,

Chairperson

National Centre for Partnership and Performance

16 Parnell Square

Dublin 1

Ms. Lucy Fallon-Byrne

Director

National Centre for Partnership and Performance

16 Parnell Square

Dublin 1

Ms. Gaye Malone,

Executive Secretary

National Centre for Partnership and Performance

16 Parnell Square

Dublin 1

PART B: SECTION 16 REFERENCE BOOK

6. RULES& PRACTICES

Section 16 of the Freedom of Information Act requires public bodies to publish a manual containing:

‘the rules, procedures, practices, guidelines and interpretations...and an index of any precedents kept...for the purposes of decisions...under...any enactment or scheme administered’ by the NCPP ‘with respect to the 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,’ and ‘appropriate information in relation to the manner or intended manner of administration of any such enactment or scheme.’

The nature of the NCPP’s work is such that it does not administer any schemes covered by Section 16.

In relation to tendering and recruitment processes, the NCPP acts in accordance with Civil Service guidelines, issued by the Department of Finance. Please see the Department of Finance's website www.irlgov.ie/finance for further information.