REQUEST FOR ACCESS TO RECORDS UNDER THE FREEDOM OF INFORMATION ACT 2014

To: FOI Officer, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Road, Cavan.

Please use BLOCK letters

Details of Applicant

First Name: 

Surname: 

Postal Address: 

Email Address: 

Telephone Number(s)

Home: 

Business: 

Mobile: 

Details of Request

In accordance with the Freedom of Information Act 2014, I request access to records which are:

(please tick as appropriate)

Personal  □  Non-personal □

In the space provided below, please describe the records as fully as you can. If you are requesting Personal Information, please state precisely, in whose name those records are held. It is not usual to be given access to personal information of another person unless you have obtained the written consent of that person.

I request the following records:

I wish to request the following records:

All records in your attendance/flex-time recording system(s) showing, in respect of every employee, showing the surplus or deficit carried over by each person at the end of each four-week attendance period from 11 May 2014 to 10 May 2015.

I would like to receive this information by email in a Microsoft Excel sheet. This should show the time credit or deb carried over by each employee. As these records relate to official duties done by public workers, I do not believe that the individuals’ names should be redacted, however if they are to be redacted, I request that an anonymised unique identifier be attached to each employee’s records, in order that comparisons can be made.
27/05/2015

FOI Request Reference: FOI/2015/49

Dear

I refer to your request which was received by this office on 25/05/2015 which you have made under the Freedom of Information Act 2014 for records held by this FOI body. Your request sought:

All records in your attendance/flexi-time recording system[s] showing, in respect of every employee, showing the surplus or deficit carried over by each person at the end of each four week attendance period from 11 May 2014 to 10 May 2015.

The decision maker handling your request is Mr Hugh Clarke, Human Resources Division, Department of Communications, Energy and Natural Resources, 29-31 Adelaide Road, Dublin 2 and they can be contacted at 01 6782180. A final decision on your request would normally be sent to you within 4 weeks, where a week is defined as 5 working days excluding the weekend and public holidays. This means that you can expect a decision letter to issue not later than 23/06/2015.

There are some limited situations under the FOI Act which could mean that the period for a final decision may be longer than this 4 week period. If this occurs in the case of your request, you will be advised promptly in writing setting out the reason and the new decision date.

Should our final decision not reach you on time, please feel free to contact the decision maker named above to discuss any problems that may have arisen. If you have not heard from us once the allotted time has expired, you are automatically entitled to appeal for a review of the matter. This review proceeds on the legal basis that the initial request is considered to be refused once the specified time for responding to it has expired. The review is a full and new examination of the matter carried out by a more senior member of staff.

In the event that you need to request such a review, you can do so by writing to FOI Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Rd, Cavan, Co Cavan or alternatively by sending an e-mail to FOIUNIT@dcenr.gov.ie. You should state that you are seeking this review because an initial decision was not sent to you within the time allowed for a response. In that event, you would normally have 4 weeks (after the initial decision should have been sent to you) in which to make the appeal. Consideration will be given to late applications in appropriate circumstances.

Please note the Department of Communications, Energy and Natural Resources has a policy of posting a summary of all non-personal requests and decisions on the Departments website.

Yours sincerely,

Carmel Conaty
FOI Unit
19th June 2015

Re: FOI request 2015/49

Dear

I refer to the request which you made under the Freedom of Information Act 2014 for records held by this Department:

"All records in your attendance/flex-time recording systems showing, in respect of every employee, the surplus or deficit carried over by each person at the end of each four-week period from 11 May 2014 to 10 May 2015."

I have now made a final decision to refuse your request on 19th June 2015 under section 37(1) of the act:

"37. (1) Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual)."

The surplus/deficit carried over by each person is Personal Information and not part of an employee’s terms and conditions of employment.

Section 37 requires that a public interest test be undertaken to consider whether these records are released in the public interest. Essentially this means that I need to consider whether the public interest would be better served by the release of this information then the withholding of this information.

My view is that the public interest would be on balance better served by refusing your request rather than granting it. I have considered many factors in arriving at this decision including the impact of the release of those records.
In the event that you are unhappy with this decision you may appeal it. In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Department of Communications Energy and Natural Resources, Elm House, Earlsvale Road, Cavan. You should make your appeal within 4 weeks from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays.

Please note that the application fee for an appeal is currently €30 and a reduced fee of €10 applies if you are covered by a medical card. Payment should be made by way of bank draft, money postal order, or personal cheque made payable to the Department of Communications Energy and Natural Resources.

Yours sincerely,

Hugh Clarke
Human Resources Division