



**FREEDOM OF INFORMATION ACT 1997
AND
FREEDOM OF INFORMATION (AMENDMENT) ACT 2003**

**SECTION 15
REFERENCE MANUAL**

**Date: June 2013
First Edition**

Notice

It is the intention of the Local Government Management Agency (LGMA) to keep this manual and the information it contains as accurate and up to date as possible. However users of the manual should be advised that some of the information supplied may through no fault of the LGMA have changed post publication. Changes in information may come about due to staff changes, contact details/ change of address, changes in legislation, changes in organisational structures and areas of responsibility. Where changes occur, the LGMA undertakes to update this manual within a reasonable timeframe. The most up to date version of this manual can be downloaded from the LGMA website www.lgma.ie

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1. Introduction

The Freedom of Information (FOI) Act 1997, as amended by the Freedom of Information Act 2003 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
- a legal right to obtain reasons for decisions affecting oneself

The Acts assert the rights 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.

This reference book has been prepared and published in accordance with the requirements of section 15 of the Acts. Its purpose is to facilitate access to official information held by the LGMA by outlining the structures and functions of the LGMA; the services provided and how they may be availed of; the classes of records held and how a request to the LGMA under the FOI Acts can be made.

This manual does not purport to be a definitive description of all of the activities of the LGMA. A copy of this manual and other LGMA publications are available on the LGMA website www.lgma.ie

Routinely Available Information

The LGMA is committed to making available to the public, information to the widest extent possible, consistent with the need to protect the right to privacy of the individual and the obligations placed on the LGMA to protect certain types of information. This reference manual provides information in relation to the functions and activities of the LGMA and sets out how information can be accessed.

The Freedom of Information Acts is designed to allow public access to information held by public bodies which is NOT routinely available through other means. Access to information under the Acts is subject to certain exemptions and involves specific procedures and time limits.

The LGMA makes information available to the public in relation to its functions and activities through its Annual Report. Information about the LGMA can also be obtained through the web site at www.lgma.ie. The 'Login' button on the website is for our extranet pre-defined users. The above information will continue to be made available without the need to use the FOI Acts.

2. Functions of the LGMA

The Local Government Management Agency was established by the Minister for the Environment, Community & Local Government on 1st August 2012 by an order made under the Local Government Services (Corporate Bodies) Act 1971 (Statutory Instrument No. 290 of 2012). It was established following the merger of the Local Government Management Services Board and the Local Government Computer Services Board. A number of functions from the abolished An Chomhairle Leabharlanna were subsequently transferred to the LGMA.

The functions of the LGMA are defined in three Transfer Orders and include:-

S.I. 288 of 2012 (Local Government Computer Services Board)

- (a) to organise, administer and provide, or arrange the provision of, a service for the supply of computer facilities (including facilities relating to the preparation of data for input to a computer, computer programming, systems analysis and design, and the operation of data processing facilities) for local authorities;
- (b) to co-ordinate, and secure compatibility in, the use of computers by local authorities generally with a view to securing the most effective use of available resources;
- (c) in matters related to its functions under paragraphs (a) and (b) of this article, to—
 - (i) provide, or arrange the provision of, training and education,
 - (ii) carry out, promote or assist the carrying out of, research, and
 - (iii) furnish advice, information and assistance to the Minister and to local authorities;
- (d) to host web sites on behalf of the following bodies where such hosting will be at least self-financing and will not result in any reduction in the effectiveness of the Agency in carrying out its duties under paragraphs

(a), (b) and (c) of this article:

The Office of President of Ireland,
The Department of the Taoiseach,
The Department of a Minister of the Government,
The Commissioners of Public Works in Ireland,
The Offices of the Revenue Commissioners,
The Office of the Attorney General,
The Offices of the European Union,
A board, authority or other body (other than a company)
established
by or under statute,

A company in which all the shares are held:

(i) by or on behalf of a Minister of the Government,
(ii) by directors appointed by a Minister of the Government,
(iii) by a board, authority or body established by or under
statute;

- (e) to sell software products which were developed for local authorities under paragraphs (a), (b) and (c) of this article;
- (f) to provide, following written consent from the Minister, consultancy services in respect of one product developed or employed by the Board under paragraphs (a), (b) and (c) of this article where such provision is subject to the following conditions:
- (i) in seeking the consent of the Minister under these paragraphs, the
Agency shall submit to the Minister a financial and
implementation
plan for the proposed consultancy services setting out, inter
alia, the rationale for the proposal, details of how the proposal
will be implemented and projections of income and expenditure
for the proposal,
- (ii) the provision of consultancy services will be at least self-
financing
and will not result in any reduction in the effectiveness of the
Agency in carrying out its duties under paragraphs (a), (b) and
(c) of this article, and
- (iii) the Agency shall comply with such conditions as the Minister
may specify.

S. I. 289 of 2012 (Local Government Management Services Board)

- (a) to provide for local authorities and for such other bodies as may, from time to time, stand designated pursuant to section 3(2) of the Principal Act—

- (i) such services as may be required by them for the purposes of staff negotiations, including proceedings under any scheme of conciliation and arbitration and Labour Court proceedings, and
- (ii) such other management services as may be required by them, and
- (b) to provide for managers such services for meetings of managers and such other support services as the Council shall from time to time determine and as can be provided by the Board within the limits of the financial contributions made by the several councils of counties and corporations of county boroughs to the Board recouped in such proportions as those authorities may agree upon, or, failing such agreement, in such proportions as may be determined by the Minister.

S.I. 423 of 2012 (An Chomhairle Leabharlanna)

- (a) the provision of advice, assistance and services to library authorities in relation to the public library service,
- (b) the making of such recommendations to and the provision of such services for the Minister in relation to the public library service as the Minister may request or as the Council sees fit,
- (c) action to promote and facilitate library co-operation,

3. Structure and Organisation of the LGMA and Classes of Records Held

Mission:

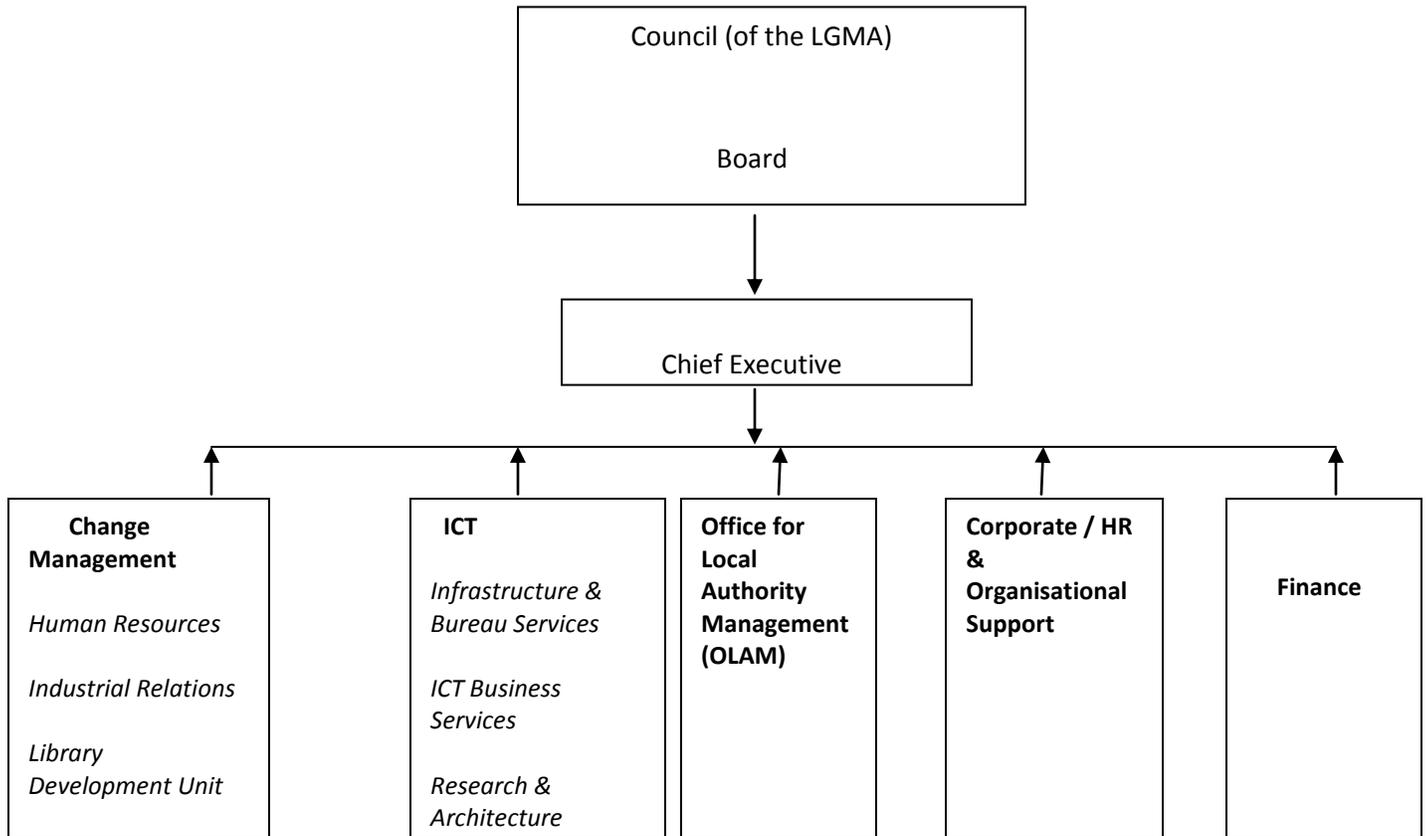
The Local Government Management Agency (LGMA) is a national centre of excellence for providing, procuring and co-ordinating a range of services and supports required by the local government sector at both local and national level that are most effectively and efficiently co-ordinated and at times delivered nationally.

Vision:

An authoritative agent partnering local authorities in the transformation of the Local Government Sector through the direct provision of defined shared services and the promotion of best practice within and between local authorities. The Agency works closely with local authority management and key government departments to identify strategic challenges, to support continual improvement and innovation across the sector and to help local authorities deliver value for money.

The LGMA currently employs 111 staff located between premises at Local Government House, 35 – 39 Ushers Quay, Dublin 8 and Phoenix House, 27 Conyngham Road, Dublin 8.

LGMA Structure



Classes of Records Held (Corporate)

- Minutes of Board Meetings
- Strategic Management Papers
- Declarations of Interests
- Personnel Files
- Statistical Returns
- Engagement of Consultants Documentation
- Training Plans/Profile
- Legislation
- Annual Report
- Building Administration
- Correspondence with Local Authorities
- Correspondence with other Government Bodies
- Freedom of Information Manuals - Sections 15 & 16
- Executive Board Papers
- Legal Documents
- Minutes of Committee Meetings
- Recruitment and Selection Files
- Superannuation Documentation
- PMDS Documentation
- Tender Documents
- Insurances
- Health and Safety Documentation
- Freedom of Information Requests

Classes of Records Held (Financial)

Budgets	Financial Accounts
Management Accounts	Audit Files
General Procurement – Quotes/Orders	Debtors/Creditors
Salaries	Taxation Documentation
Project Costing	

Classes of Records Held (Technical)

Technical Specifications
Technical User Guides
Technical Standards
Policy Notes

Classes of Records Held (CCMA)

Surveys	Press Releases
Submissions	Reports

LGMA Board Membership 2013

The LGMA Establishment Order, Statutory Instrument Number 290 of 2012 sets out:

The Board shall consist of—

- (a) not less than six and not more than eight qualified persons appointed by the Council in accordance with the requirements of this article, and*
- (b) not less than one and not more than three serving officers of the Department of the Environment, Community and Local Government as the Minister shall appoint from time to time.*

Council of the Board Appointees:

Mr. P. Carey – Laois Co. Manager
Mr. H. Kearns – Sligo Co. Manager
Mr. M. Malone – Kildare Co. Manager
Mr. D. McLoughlin – Westmeath Co. Manager
Mr. M. Riordan – Cork Co. Manager
Mr. E. Sheehy – Wicklow Co. Manager
Mr. M. Walsh - Waterford City Manager

Vacancy

DoECLG Appointees:

Mr. D. Enright – Principal Officer DoECLG
Mr. P. McDonald – Principal Officer DoECLG
Mr. B. Quinlan – Principal Officer DoECLG

4. Fees associated with seeking Information Under the Freedom of Information Act 1997 and Freedom of Information Act 2003

Under the Freedom of Information Acts, anyone is entitled to apply to the LGMA for access to information that is held by it and not otherwise publicly available. Each person has a right to:

- access to records held by the LGMA
- correction of personal information relating to oneself held by the LGMA where it is inaccurate, incomplete or misleading
- access to reasons for decisions made by the LGMA directly affecting oneself

The following records come within the scope of the Acts:

- all records relating to personal information held by the LGMA irrespective of when created
- all other records created from the commencement of the FOI Acts - 21st April 1998
- any records necessary to the understanding of a current record even if created prior to 21st April 1998

The right of access does not apply to 'exempt records' which are specified in detail in the Acts.

Requests for information under the FOI Acts should be addressed to:

**Ms. Jackie Russell,
FOI Officer,
Local Government Management Agency,
Local Government House
35 – 39 Ushers Quay,
Dublin 8.**

Phone: (01) 6332200
Fax: (01) 6332201
e-mail jrussell@lgma.ie

Applications must be in writing and should indicate that the information is sought under the Freedom of Information Acts. If information is desired in a particular form e.g. computer disk, photocopy etc. this should be specified in the application. Please give as much detail as possible to enable the record to be identified. If difficulty is experienced in identifying the precise record required, LGMA staff will be happy to assist in the formulation of the request. The LGMA is obliged to respond to FOI requests within four weeks. Requests will be acknowledged within two weeks.

Rights of Review and Appeal

The Acts set 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 with-hold 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 set out below:

Internal Review

Applicants may seek an internal review of the initial decision. This review will be carried out by an official at a higher level if:

- a) the applicant is dissatisfied with the initial response received e.g. refusal of information, form of access, charges etc. or
- b) the applicant has not received a reply within four weeks of the initial application – this is deemed to be a refusal of the request and allows the applicant to proceed to internal review.

Requests for an internal review should be submitted in writing to the FOI Officer. A request for internal review must be submitted within four weeks of the initial decision. The LGMA must complete the review within three weeks. An internal review must normally be completed before an appeal may be made to the Information Commissioner.

Review by the Information Commissioner

Following completion of the internal review, an applicant may seek an independent review of the decision from the Information Commissioner. An applicant may also appeal to the Commissioner if the LGMA does not reply to their request for an internal review of the original decision within three weeks.

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

**Office of the Information Commissioner,
18 Lower Leeson Street,
Dublin 2.**

**Phone: (01) 6395689
Fax: (01) 6395674
e-mail: info@oic.ie**

Charges relating to obtaining information under the FOI Acts

There is no application fee for requests for personal information relating to the requester.

In the case of requests for non-personal information a fee of €15 (or €10 for medical card holders) must accompany the request for information. There may also be further charges for the time spent retrieving records (€20.95 per hour) and for any photocopying costs (4 cent per sheet). Such charges are very unlikely to be applied in the case of personal information relating to the requester.

There is no charge for applications to have incomplete, incorrect or misleading personal information corrected.

A fee of €75 must accompany most applications **for internal review** of a decision of a public body (€25 if the applicant is covered by a medical card). There is no fee for internal review applications concerning only personal information relating to oneself or in relation to a decision to impose a fee or deposit.

A fee of €150 must accompany most applications for review **by the Information Commissioner** (€50 if the applicant is covered by a medical card) or in relation to a review concerning certain third party information. There is no fee for review applications concerning only personal information relating to oneself or in relation to decisions to impose fees or deposits.

Policy with regard to confidentiality and Freedom of Information

The LGMA undertakes to hold any information provided to it by individuals or others on a confidential basis, subject to the LGMA's obligations under law, including the Freedom of Information Acts. If, for any reason, it is wished that information provided to the LGMA should not be disclosed because of its sensitive nature, then it is incumbent upon the person or body when supplying the information to make clear this wish and to specify the reasons for the information's sensitivity. The LGMA will consult with any individual or body so supplying sensitive information before making a decision on any freedom of information request received.

5. Glossary of frequently used terms:

CCMA – County & City Managers Association
DoECLG – Department of the Environment, Community and Local Government
DOS - Director of Service
DPER – Department of Public Expenditure & Reform
FOI – Freedom of Information
Co Co – County Council
HIS – Head of Information Systems
HOF – Head of Finance
HPS – HR, Payroll & Superannuation
IBP – International Best Practice
IMPACT – Irish Municipal, Public & Civil Trade Union
IPA – Institute of Public Administration
LANC – Local Authority National Council
LANPAG – Local Authority National Partnership Advisory Group
LASAG – Local Authority Safety Advisors Group
LGERG – Local Government Efficiency Review Group
LGMA – Local Government Management Agency
LRC – Labour Relations Commission
NIB - National Implementation Body
PAS – Public Appointments Service
PMAG – Performance Management Advisory Group
PMDS – Performance Management Development System
PMO – Project Management Office
SIPTU – Services Industrial Professional & Technical Union
SPC – Strategic Policy Committees