



Freedom of Information Act 2014

Explanatory Notes

What is Freedom of Information?

The Freedom of Information Act came into effect for local authorities on 21st October 1998. This Act gives you the right to access certain records held by Kerry County Council which are not normally publicly available.

If you are refused access to records the council must give you an explanation as to their reasons for refusal.

You can also make an application under the Freedom of Information Act for a statement of reasons regarding acts by Kerry County Council which affect you, and to have records containing your personal information which are held by Kerry County Council, amended if you are of the opinion that the information is incomplete, incorrect or misleading.

What records are available under Freedom of Information?

You can ask for the following records held by Kerry County Council:

- a. All records created after 21 October 1998.
- b. Records created before 21st October 1998 which may be required to understand records created after 21st October 1998
- c. Personal records regardless of when created.
- d. If you are a staff member, personnel records created from a date 3 years before 21st October 1998

Will there be a charge?

Under the Freedom of Information Act 2014, there is no charge for making a Freedom of Information request.

You may be charged a fee for search, retrieval and copying of records in instances where there are a significant amount of records which fall under the scope of your request.

The search & retrieval fees are €20 per hour and the cost of photocopying is €0.04 per page, €10 for a CD. However, there is a minimum threshold of €100 below which no search, retrieval and copying fees may be charged. Where the cost is €101 or over, the full search, retrieval and copying fees will apply.

There is a cap on the amount of search, retrieval and copying fees which may be charged, a maximum of €500.

Where the estimated search, retrieval and copying fees exceed €700, Kerry County Council can refuse to process the request, unless the requester is prepared to refine the request to bring the search, retrieval and copying fees under the limit.

How Can I Apply?

Fill in an application form **or** write a letter stating as specifically as you can, the records you are requesting and send it to the address below. The request should state that the request is being made under the provisions of the Freedom of Information Act 2014.

**Kerry County Council
Freedom of Information Unit
Áras an Chontae,
Rathass
Tralee
Co. Kerry**

Tel.: 066 718 3826

You can also email your request to FOI@kerrycoco.ie

In most circumstances, a decision on your request will issue within Four Weeks.

What if I am not satisfied with the decision?

If you are not satisfied with a decision you may ask Kerry County Council for an internal review of a decision of the FOI Officer. This will be conducted by a more senior officer than the FOI Officer, and will consist of a full and fresh review of the decision.

An internal review will be completed within three weeks of the request for an Internal Review. The fee for an internal review is €30 (€10 for Medical Card holders).

If you are not satisfied with the decision of the Internal Reviewer, you can apply to the Office of the Information Commissioner (www.oic.gov.ie) for a review of the decision of Kerry County Council. This application for a review must be made within six months of the decision of the Internal Reviewer.

If your application for a review by the Information Commissioner relates to personal records there is no fee. There is a fee of €50 (€15 for Medical Card Holders) for appeals relating to non-personal records.

Where can I get further information?

Kerry County Council has published a reference book in accordance with the FOI Acts. A copy of the book (Section 15 Book) can be downloaded from our website.

You can also check the website of the Office of the Information Commissioner www.oic.gov.ie