

Freedom of Information Issues

The *Freedom of Information Acts 1997 and 2003* (the FOI Acts) provide for the right of access by members of the public to records held by public bodies, subject to number of restrictions and exemptions. Many of these restrictions and exemptions are also subject to a public-interest test.

While all of the Department's submissions are being made available, some of the documents have been redacted, i.e. edited to withhold certain elements of text, in line with the range of restrictions and exemptions that apply under the FOI Acts. The full text of the FOI Acts (including an amalgamated text) is available at the website of the FOI Central Policy Unit of the Department of Public Expenditure and Reform (www.foi.gov.ie/legislation), and the key, relevant provisions of the FOI Acts are summarised below for reference:

Section 19(1) – material prepared for consideration by the Government or a Sub-Committee of the Government

Section 19(2) – material containing or revealing statements made at Government meetings

Section 20(1) – material relating to the deliberative processes of a public body

Section 21(1)(b) – material whose release would impair the performance by a public body of its functions (including industrial relations and staff management)

Section 21(1)(c) – material that would disclose positions to be taken in negotiations of the Government or a public body

Section 22(1) – material subject to legal professional privilege

Section 23(1)(a) – material whose release could impair

- (i) the prevention, detection or investigation of offences
- (ii) enforcement of law
- (iii) lawful methods or plans for ensuring public safety
- (iv) fairness of court proceedings
- (v) security of prisons / penal institutions

or, among other items:

- (viii) security of communications systems used by Gardaí, Defence Forces etc.

Section 24(1) - material whose release could impair

- (a) the security of the State
- (b) the defence of the State
- (c) the international relations of the State
- (d) matters relating to Northern Ireland.

Section 24(2)(a)(ii) relates to information concerning detection and prevention of activities intended to undermine the public order or authority of the State.

Section 26 – confidential material

Section 27 – commercially sensitive material

Section 31 – material whose release could impair the financial or economic interests of the State.