

Freedom of Information

Under the provisions of the Freedom of Information (FOI) Act 2014 you have a right to:

- Access records held by a Government Department or certain public bodies, including the ODF;
- Request correction of personal information relating to you held by a Government Department or certain public bodies, including the ODF, where it is inaccurate, incomplete or misleading;
- Obtain reasons for a decision made by a Government Department or certain public bodies, including the ODF, where the decision affects you.

What records can I ask for under FOI?

Subject to the provisions of the Ombudsman (Defence Forces) Act 2004 detailed below, you can ask for the following records held by the ODF:

- Any records relating to you personally, whenever created;
- Any other records created since the establishment of the ODF in December 2005.

A 'record' can be a paper document, information held electronically, printouts, maps, plans, microfilm, etc.

Information precluded under Section 10 of the Ombudsman (Defence Forces) Act 2004

Section 10 deals with the secrecy of information gathered by the ODF in relation to complaints investigated or being investigated. It states:

- “10.-(1) The Ombudsman or a member of the staff of the Ombudsman (including an investigation officer) shall not disclose any information, document, part of a document or thing obtained by the Ombudsman or an investigation officer in the course of, or for the purpose of, a preliminary investigation or an investigation under this Act except for the purposes of-
- (a) the preliminary examination or the investigation concerned,
 - (b) the making, in accordance with this Act, of any statement, report or notification on that preliminary examination or that investigation, or
 - (c) proceedings for an offence under the Official Secrets Act 1963 that is alleged to have been committed in respect of information or a document, part of a document or thing obtained by the Ombudsman or an investigation officer by virtue of this Act.”

In simple terms, the Freedom of Information Act applies only to the administrative files held by the Ombudsman for the Defence Forces. Investigation files are not subject to the provisions of the FOI Act.

Making an FOI application

The policy of the ODF is to make information available to the public in relation to its activities. Persons seeking information are encouraged to make direct contact with the ODF by telephone at +353 (1) 6633222 or by e-mail at admin@odf.ie and we will seek to provide relevant information to you informally without the need to make an FOI application.

Where you do wish to make an FOI application, you should send a request in writing or by e-mail to

Freedom of Information
Ombudsman for the Defence Forces
15 Lower Hatch Street
Dublin 2

Tel: +353 (1) 6633222
E-mail: admin@odf.ie

Your request should include the following:

- A statement that the request is made under the FOI Act;
- As much information and detail as possible about the records being sought;
- In what format you prefer to receive any records released (e.g. photocopies);
- Full contact details to enable us to contact you if necessary.

In most cases we will give a decision on your request within 4 weeks of receiving it.

Fees

There is no fee charged for submitting an FOI request. In respect of non-personal requests, other charges may be applied for the time spent finding records and for any reproduction costs incurred by the ODF in providing you with the material requested (search, retrieval and copying charges). However, we would encourage you to discuss the matter with us in the first instance and we will seek to deal with the matter without the need to make an FOI application and incur possible charges.

Review / Appeal of decision

If you are not satisfied by the FOI decision made by a member of staff of the ODF you may seek an Internal Review / Appeal of that decision by the Ombudsman. Such an Appeal must be made within 4 weeks of your receipt of the initial decision. The

Ombudsman will undertake a new examination of your FOI request and issue a decision within 3 weeks. There is no fee for appeals involving personal information. A fee of €30 will apply to non-personal information requests.

Information Commissioner

If you are not satisfied with the decision on Internal Review / Appeal, you may appeal that decision within 6 months by writing to the office of the Information Commissioner. If you make an appeal, the Information Commissioner will fully investigate and consider the matter and issue a fresh decision. All appeals should be addressed to:

The Information Commissioner
18 Lower Leeson Street
Dublin 2.

For more comprehensive information on Freedom of Information including the text of the FOI Acts, fees, etc, please visit the FOI Central Policy website at www.foi.gov.ie