**FOI Central Policy Unit**

**Notice 16**

**Guidelines in Relation to the Display of FOI Requests on**

**Websites in the format of a disclosure log**

Background

1. A considerable number of FOI requests have been processed over the years since FOI was first enacted. A number of FOI bodies have published on their websites a log of the FOI requests which they have received and responded to.

2. As set out in the Code of Practice, a log of FOI requests received should be available on the websites of FOI bodies. The log should provide information on the date of the request, the category[[1]](#footnote-1) of the requester, a description of the request (categories of records sought), the decision made and the date of release (if a request is granted). These details will assist others who may be seeking the same information.

3. The information on the log should not contain details in relation to personal requests nor should it contain details of requesters which could be considered personal.

4. Where organisations have the capacity to do so, they may wish to consider placing the released information onto the website to facilitate access by others.

General

5. As publication of material on the web provides wide and immediate access to the information concerned both in Ireland and abroad, it is important that steps are put in place to ensure that the requirements of the Act are met. Particular care needs to be taken to ensure that privacy rights are not infringed, that persons are not subject to commercial disadvantage through the inadvertent release of records and that exempt information is not published erroneously.

6. It must also be emphasised that the publication of material on websites must be operated on an equitable basis i.e. it would not be appropriate to single out any particular users of the Act for selective publication.

7. As set out in the Code of Practice, it is suggested that bodies notify members of the public of their policy in relation to the publication of FOI request details. This could take the form of a statement in the acknowledgment issued in response to an FOI request. Such a statement should make it clear that the policy does not apply to requests for personal information.

Personal Information

8. When operating these arrangements, it is recommended that FOI Units examine each FOI request on receipt with a view to identifying requests for personal information including requests from parents, guardians or next-of- kin on behalf of minors, disabled persons or the deceased. All details of such requests, including the identity of the requester, the letter of notification of the decision on the request and copies of the relevant records released should be identified as not for publication.

9. There may be cases where a request is not for personal information as defined in the Act but which nevertheless carries a potential to indirectly reveal information of a personal nature. An example would be a request for information about a particular incident or event that involved the requester or another party where neither the event nor the identities of those involved is generally known. In such cases, enquiries may be made by Departments/Offices to attempt to establish if the publication of a request and the relevant records risks the inadvertent release of personal information about an identifiable individual. In any case of doubt, it is recommended that the relevant details are not published.

Procedures

10. Certain other records released under FOI will not be appropriate for publication and these will need to identified by FOI Units in consultation with the appropriate decision-maker. These would include records containing commercially sensitive information relating to a person that have been released to that person under FOI and records containing commercially sensitive information relating to a third party where the third party has consented to their release to a particular requester.

11. It is recommended that procedures are put in place to ensure that exempt information, information inadvertently released under FOI or other requests or information inappropriate for publication is not published. In addition to personal information and certain commercially sensitive information, the type of information in question could comprise:

* Third party information that it has been decided to release on public interest grounds but where the decision is still subject to or under appeal to the Information Commissioner/ High Court/ Supreme Court.
* Third party information, which the Information Commissioner/ High Court/Supreme Court has ordered to be released to a particular requester on public interest grounds, but which may have adverse effects for a third party if the records in question were also subject to general publication on a website, as distinct from release to that requester.
* Full records where only edited versions of the records have been released under FOI.
* Records which are subject to refusal to confirm or deny provisions.

12. It is recommended that the FOI officer at senior level in each be assigned responsibility for “signing off” on records to be published on the website. It will be the responsibility of this officer to examine each record prior to publication and to authorise its publication.

Identity of FOI requesters

13. While it is advised that requesters be identified solely by category, it should be noted that the identity of a person can be requested under FOI and that Departments/Offices should be prepared for the possibility of ‘follow-up’ FOI requests being made for the identity of a requester where the details of the request but not the identity of the requester have been published. Such requests fall to be considered on their merits under the FOI Act.

FOI Central Policy Unit

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e.g. “journalist”, “member of the public”, “member of business/interest group”, member of Oireachtas”, “member of Local Authority”, etc

1. [↑](#footnote-ref-1)