



STATUTORY INSTRUMENTS.

S.I. No. 484 of 2014



FREEDOM OF INFORMATION ACT 2014 (FEES) REGULATIONS

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I, BRENDAN HOWLIN, Minister for Public Expenditure and Reform in exercise of the powers conferred on me by sections 3 and 27 of the Freedom of Information Act 2014 (No. 30 of 2014), hereby make the following Regulations:

1. (1) These Regulations may be cited as the Freedom of Information Act 2014 (Fees) Regulations 2014.

(2) These Regulations come into operation on 16 October 2014.

2. In these Regulations a reference to a section is a reference to that section of the Freedom of Information Act 2014 (No. 30 of 2014) and, save where the context otherwise requires, a reference to a paragraph is a reference to a paragraph of the Regulation in which the reference occurs.

3. (1) Subject to paragraphs (2), (3) and (4), an amount of €20.00 per hour is hereby prescribed for the purposes of paragraph (a) of section 27(3).

(2) Subject to paragraph 4, the appropriate maximum amount under paragraph (1), for the purposes of paragraph (c) of section 27(3) is hereby prescribed as €500.

(3) The appropriate minimum amount under paragraph (1), for the purposes of paragraph (d) of section 27(3) is hereby prescribed as €100.

(4) The overall ceiling limit, for the purposes of paragraph (b) of section 27(12) is hereby prescribed at €700.

4. (1) Subject to paragraph (3)(a), a fee of €30.00 is prescribed for the purposes of paragraph (a)(i) of section 27(13), in respect of a person who makes an application under section 21, not being

(a) an application in relation to a decision under section 9 or 10, or

(b) an application in relation to a decision to charge a fee or deposit, or a fee or deposit of a particular amount, under section 27.

(2) Subject to paragraph (3)(b), a fee of €50.00 is prescribed for the purposes of paragraph (a)(ii) of section 27(13), in respect of a person who makes an application under section 22, not being an application in relation to

(a) a decision under section 21 relating to a decision under section 9 or 10, or

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 28th October, 2014.

- (b) a decision made by a head under section 9 or 10, or
 - (c) a decision under section 21, or a decision under section 27, that a fee or deposit of an amount prescribed under Regulation 6 of these Regulations should be charged under section 27.
- (3) (a) In respect of persons referred to in paragraph (1) who are
- (i) medical card holders, or
 - (ii) dependants of medical card holders,
- the amount of the fee referred to in paragraph (1) is prescribed as the amount specified in that paragraph less €20.00.
- (b) In respect of persons referred to in paragraph (2) who are
- (i) medical card holders, or
 - (ii) dependants of medical card holders,
- the amount of the fee referred to in paragraph (2) is prescribed as the amount specified in that paragraph less €35.00.
- (4) In this Regulation

“dependant of a medical card holder” means a person

- (a) by or in respect of whom it has been established, to the satisfaction of the Health Service Executive, that he or she is a dependant of a medical card holder and by or in respect of whom that fact has been established to the satisfaction of the head concerned, and
- (b) by or in respect of whom, in the opinion of the head, the request or, as the case may be, the application, concerned is not being made on behalf of some other person who, in the opinion of the head, is seeking to avoid the payment of a fee of the amount specified in paragraph (1) or (2).

“medical card holder” means a person who

- (a) has established, to the satisfaction of the Health Service Executive, that he or she has full eligibility for health services (within the meaning of the Health Act 1970) and has established that fact to the satisfaction of the head concerned, and
- (b) in the opinion of the head, is not making the request or, as the case may be, the application, concerned on behalf of some other person who, in the opinion of the head, is seeking to avoid the payment of a fee of the amount specified in paragraph (1) or (2).

5. (1) For the purposes of paragraph (b) of section 27(3), the following is hereby prescribed:

- (a) the amount of 4 cent per sheet in relation to a photocopy,
- (b) the amount of €10.00 in relation to a CD ROM (that is to say, a compact disk read-only memory), and
- (c) the amount of €6.00 in relation to a radiograph (X-ray).

6. (1) The following amounts are prescribed for the purposes of paragraph (d) of section 22(1):

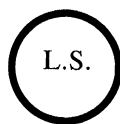
- (a) €25.00 in relation to a fee determined under paragraph (1) of section 27 or a deposit determined under paragraph (5) of that section, and
- (b) a specified amount in relation to a fee, or a fee of a particular amount charged under paragraph (a) of section 27(13) where
 - (i) the record or records concerned does not or do not contain only personal information relating to the applicant concerned, or
 - (ii) the applicant concerned is not a medical card holder or a dependant of a medical card holder.

(2) In subparagraph (b) of paragraph (1) “specified amount” means the amount of the fee, or the fee of a particular amount, referred to in that subparagraph less one euro.

7. Where a fee prescribed by these Regulations is paid and, subsequently, the request under section 12 or, as the case may be, the application under section 21 or 22 is withdrawn under section 12(8), 21(8) or 22(8), the amount of the fee shall be refunded.

8. The Freedom of Information Act 1997 (Section 47(3)) Regulations 1998 (S.I. No 139/1998) and the Freedom of Information Act 1997 (Fees) Regulations 2003 (S.I. No 264/2003) are hereby revoked.

9. A head shall have regard to any guidelines, relevant to these Regulations, drawn up and published by the Minister.



GIVEN under my Official Seal,
16 October 2014.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations prescribe amounts of fees and charges for the purposes of Section 27 and 21(d) of the Freedom of Information Act 2014 (No 30 of 2014) in respect of requests made under Section 12 of that Act and in respect of certain applications for review of decisions of FOI bodies under sections 21 and 22.

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