

Freedom of Information Acts

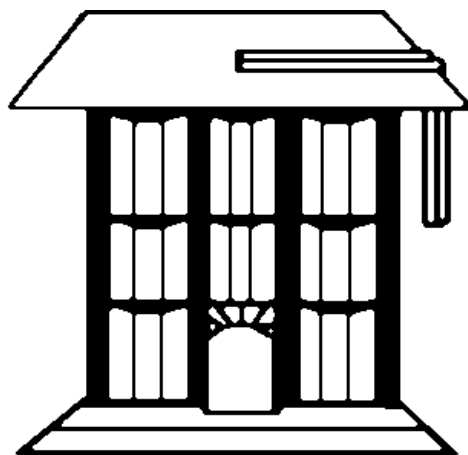
1997 and 2003

Sections 15 and 16

Reference Book

for

Waterford Teachers' Centre



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Waterford Teachers' Centre
Freedom of Information
Sections 15 and 16 Reference Book
- A Guide to the functions, records, rules and practices
of the Waterford Teachers' Centre
May 31st 2006

This Reference Book is compiled in accordance with the Freedom of Information Acts 1997, as amended by the Freedom of Information Act 2003. All references in this manual to the Freedom of Information Act or Acts refer to the 1997 Act as amended by the 2003 Act.

The Freedom of Information (FOI) Acts, effective from 21st April 1998, establish three new statutory rights:

- A legal right for each person to access information held by public bodies;
- A legal right for each person to have official information relating to him/herself amended where it is incomplete, incorrect or misleading;
- A legal right to obtain reasons for decisions affecting oneself.

The Acts assert the right of members of the public to obtain access to official information to the greatest extent possible consistent with the public interest and the right to privacy of individuals.

Purpose of Reference Book

This reference book has been prepared and published in accordance with the requirements of **Sections 15** and **16** of the FOI Acts.

Section 15 of the Act, requires us to publish a book that facilitates access to official information held by **Waterford Teachers' Centre**, by outlining the **structure** and **functions** of this organisation, details of the **services** we provide and how they may be availed of, information on the **classes of records** we hold, and information on **how to make a request** to the Department under the Freedom of Information Acts, 1997 and 2003.

Section 16 of the FOI Act requires us to publish a book containing the **rules, procedures, practices, guidelines and interpretations** used by the body, and an index of any precedents kept, for the purposes of decisions under any enactment or scheme administered by us 'with respect to rights, privileges, benefits, obligations, penalties or other sanctions to which members of the public are or may be entitled or subject under the enactment or scheme' together with 'appropriate information in relation to the manner or intended manner of administration of any such enactment or scheme.'

How to use this Reference Book

This book is divided into a number of parts.

Part 1 of the Book - **Access to Information** - explains how to access information from us under The FOI and any fees that may arise.

Part 2 of the Book - the “**Our Role and Structure**” - outlines the role of the **Waterford Teachers’ Centre** and its organisational structure.

This part gives a breakdown of our internal structure and organisation. Information is provided under the following headings:

- **Role** – outlines the main work the Centre does.
- **Structure** – gives details of the Centre’s management and personnel structure.
- **Work we do** – provides a synopsis of our main activities.
- **Classes of records held** – details the categories under which the Centre hold records.
- **Contact points**– how to contact the Centre for assistance.
- **Rules and Practices** – this information is provided in accordance with Section 16 of the FOI Act as amended. Where the Centre provides any scheme impacting on the public within the meaning of Section 16 of the Act, as outlined under the heading Purpose of Reference Book earlier, then the rules and practices that the Centre uses in delivery of this scheme are outlined or referenced under the Rules and Practices heading.

Appendices

- **Appendix 1**

FOI application form to request access to records under the Act from Waterford Teachers’ Centre.

Availability of this Book

Copies of this publication are available free of charge from our web-site at www.wtc.ie or by requesting a copy by telephone, fax, email, ordinary post, or a personal visit to the Centre

Part 1 - Access to Information

Routinely Available Information

Regular correspondence to the school Principal and its Staff deal with the vast bulk of information needing to be communicated by the Centre to its members. Information about National Inservice Courses is routinely sent to the Chairperson of the Board of Management and Principal of the Schools concerned. Information about all upcoming Local Inservice Courses is posted to the Principal and Staff of all schools in the Centre's catchment area in advance of the courses being held. Updates of the Resource Library Catalogue are posted to all schools on an annual basis. The names of substitute teachers with the subjects required by a school are faxed or emailed to the requesting school immediately.

A lot of information is also available to the general public on our web site. This website is updated regularly and most questions of a general nature can be accessed there. The site also has a feedback form that is regularly used by the education community to request information about courses and to communicate about the substitute teacher's register.

People requiring information can make their request by writing to the Centre, by calling to the Reception Office or by telephoning, faxing or emailing the Centre.

How to Contact the Centre:

Waterford Teachers' Centre
Newtown Road,
Waterford.

Telephone: 051-311000

Fax: 051-311050

E-mail: wtc@iol.ie

Website: www.wtc.ie

Reception: 9.00 a.m. to 5.30 p.m., Monday to Friday

Holidays: Centre is closed for varying periods during school holidays

Such information will continue to be made available without need to use the FOI Act and the Centre will strive to make as much information available as possible, without infringing on the rights of any other organisation or individual. However, access to information is subject to certain exemptions and involves specific procedures and time limits.

This manual is intended to be a guide to the structure of the Waterford Teachers' Centre so as to help members of the public to access information NOT routinely available through other sources. This manual will be subject to review on an ongoing basis.

Applications under the FOI Act

Under the FOI Act, anyone is entitled to apply for access to information not otherwise publicly available. Each person has a right to:

- Access to records held by us not covered by one of the exemptions in the Act.
- Correction of personal information relating to oneself held by us where it is inaccurate, incomplete or misleading.
- Access to reasons for decisions made by us directly affecting oneself.

The following records come within the scope of the Act:

- All records relating to personal information held by us irrespective of when created.
- All other records created from commencement date of the Act i.e. 21st April 1998.
- Any other records necessary to the understanding of a current record.
- Personnel records of serving staff created from 21st April 1995 and those created prior to that date where they are being used or proposed to be used in a way that adversely affects or may affect the person involved.

The Centre is normally obliged to respond to a request within 4 weeks. A week is defined in the Act to mean 5 consecutive weekdays, excluding Saturdays and public holidays (Sundays are also excluded, as they are not week days). Please note that deliveries of post to the Centre are suspended during holiday periods. These holiday periods when the Centre is closed always coincide with some or all of the holidays of the local schools. Hence the Centre will not receive your requests for information until it re-opens.

Applications under the FOI Act should be addressed to:

**Freedom of Information Officer
Waterford Teachers' Centre,
Newtown Road,
Waterford.**

Compiling your Application

Your application should be in writing and, if applicable, accompanied by the appropriate fee (see "fees" below). The relevant fee should be paid by Bank Draft or Postal Order, made payable to **Waterford Teachers' Centre**.

- ❖ You may use the form entitled 'Request for Information under the Freedom of Information Acts' which is widely available or the Waterford Teachers' Centre version of this form (see Appendix 1).
- ❖ If you are not using the form outlined above, then your application should indicate that the information is sought under the Freedom of Information Act 1997 and 2003.
- ❖ If you require a reply in a particular format i.e. photocopy, computer disk, etc. please mention this in your application.
- ❖ Please be as detailed and as specific as possible when compiling your application, as this will assist us in dealing with it. It can also result in lesser charges being incurred on search and retrieval in cases where these have to be paid.
- ❖ Where possible please try to indicate the time period for which you wish to access records e.g. records created between February 2006 and May 2006.
- ❖ If you have any difficulty in preparing your application Waterford Teachers' Centre will be happy to assist you in this regard.
- ❖ You may be required to prove your identity, especially when seeking personal information, so you may, therefore, be asked to produce your Birth Certificate, Driving Licence, Passport or other form of identity.
- ❖ Please include a daytime telephone number and or a mobile number, if possible, so that you may be contacted quickly to clarify details of your request. This will help speed up the process of finding relevant records.
- ❖ We are happy to provide assistance to members of the public who seek advice on making a request.
- ❖ We are available to provide assistance to **persons with a disability** to exercise their rights under the FOI Act (e.g. accepting oral requests from requesters who are unable to read, print and/or write due to their disability, enabling the requester to inspect or have records explained to him or her).

FOI Decision Making in Waterford Teachers' Centre

- The Director of Waterford Teachers' Centre is the Freedom of Information Officer and the FOI Decision Maker for the Centre. Director decides on whether access to requested records should be provided.
- In the event that a request is turned down and an appeal is made against the decision then the Elected Officers of the Management Committee will conduct the internal review process. These are the Chairperson, vice-Chairperson, and Treasurer of the committee.
- The Centre will acknowledge receipt of FOI applications not later than 10 working days following their receipt and forward them to the FOI Decision Maker for decision. The Decision Maker proceeds to deal with the request, liaise with the requester as appropriate and make a decision on the matter.
- Please note that the Centre is closed for holidays at Christmas, Easter and Summer and that post deliveries to the Centre are suspended for these periods. These periods are two weeks at Christmas, one week at Easter and five weeks during the Summer.

Rights of Review and Appeal

The Act sets out a series of exemptions to protect sensitive information where its disclosure may damage key interests of the State or of third parties. Where Waterford Teachers Centre invokes these provisions to withhold information, the decision may be appealed. Decisions in relation to deferral of access, charges, forms of access, etc. may also be the subject of appeal. Details of the appeals mechanisms are as follows:

Internal Review

You may seek internal review of the initial decision by the Decision Maker. The Officers of the Management Committee as outlined above will carry this out.

You may seek an internal review if:

- you are dissatisfied with the initial response received i.e. refusal of information, form of access, charges, etc..
- or
- you have not received a reply within 4 weeks of your initial application. This is deemed to be a refusal of your request and allows you to proceed to internal review.

Requests for internal review should be submitted in writing and, if applicable, accompanied by the appropriate fee, (see under Fees) to:

**FOI Review Committee
Waterford Teachers' Centre
Newtown Road
Waterford.**

The relevant fee should be paid by Bank Draft or Postal Order, made payable to Waterford Teachers' Centre.

- Such a request for internal review must be submitted within 4 weeks of the initial decision.
- The Centre must complete the review within 3 weeks.
- Internal review must normally be completed before an appeal may be made to the Office of the Information Commissioner.

Review by the Information Commissioner

Following completion of internal review, you may seek independent review of the decision from the Information Commissioner. Also if you have not received a reply to your application for internal review within 15 working days, this is deemed to be a refusal and you may appeal the matter to the Information Commissioner.

Appeals in writing, and, if applicable, accompanied by the appropriate fee, (see under Fees below) may be made directly to the Information Commissioner at the following address:

**Office of the Information Commissioner
18 Lower Leeson Street,
Dublin 2**

**Telephone: 01-6395689
Fax: 01-6395676
E-mail: info@oic.ie
Website: <http://www.oic.ie>**

Application Fees

A standard application fee of **€15** must accompany a FOI request made under section 7 of the Act for a record or records **containing non-personal information**.

A reduced fee of **€10** applies if the person making such a request is covered by a medical card.

The following requests/applications are exempt from application fees:

- ❖ A request under section 7 for a record or records containing only personal information related to the requester.
- ❖ An application under section 17 (right of amendment of records relating to personal information).
- ❖ An application under section 18 (right of person to information regarding acts of public bodies affecting the person).

Internal Review Fees

A standard application fee of **€15** must accompany an application for internal review under section 14 of the Act.

A reduced fee of **€25** applies if the person bringing the application is a medical card holder or a dependant of a medical card holder.

The following internal review applications are exempt:

- ❖ An application in relation to a decision concerning records containing only personal information related to the applicant.
- ❖ An application in relation a decision under section 17 (right of amendment of records relating to personal information).
- ❖ An application in relation to a decision under section 18 (right of person to information regarding acts of public bodies affecting the person).
- ❖ An application in relation to a decision to charge a fee or deposit, or a fee or deposit of a particular amount.
- ❖ An appeal of a decision that is deemed to be refused because the original request was not replied to within the required time limits.

Review by Information Commissioner Fees

A standard application fee of **€150** must accompany applications to the Information Commissioner for review of decisions made by public bodies under section 34 of the Act.

A reduced fee of **€50** applies if

- ❖ the person bringing the application is a medical card holder or a dependant of a medical card holder

or

- ❖ the person is specified in section 29(2) i.e. a third party with the right to apply directly to the Information Commissioner where a public body decides to release their information on public interest grounds.

The following applications to the Information Commissioner do **not** require an application fee:

- ❖ An application concerning records containing only personal information related to the applicant.
- ❖ An application in relation a decision under section 17 (right of amendment of records relating to personal information).
- ❖ An application in relation to a decision under section 18 (right of person to information regarding acts of pubic bodies affecting the person).
- ❖ An application in relation to a decision to charge a fee or deposit exceeding €25.00 under section 47 in respect of search and retrieval and photocopying of records (decisions in relation to the charging of fees or deposits for search and retrieval and/or photocopying of less than €25 are not subject to review by the Information Commissioner).
- ❖ An application in relation to a decision to charge a fee under section 47(6A), or a fee of a particular amount under section 47(6A), on the grounds that the records concerned do not contain only personal information related to the requester or the requester is not a medical card holder or a dependant of a medical card holder.
- ❖ An appeal of an internal review decision that is deemed to have been refused because that decision was not made within the required time limits.

Search and Retrieval Fees

Fees may also be charged for search and retrieval of records as follows:

- In respect of personal records, fees in respect of the cost of copying the records requested will apply.
- In respect of other (non-personal) information, fees may be charged in respect of the time spent in efficiently locating and copying records, based on a standard hourly rate of €20.95. No charges shall apply in respect of the time spent by the Centre considering requests.

A deposit may be payable where the total fee is likely to exceed €50.79. In these circumstances, we will, if requested, assist the member of the public to amend the request so as to reduce or eliminate the amount of the deposit.

Charges may be waived in the following circumstances:

- where the cost of collecting and accounting for the fee would exceed the amount of the fee;
- or**
- where the information would be of particular assistance to the understanding of an issue of national importance;
- or**
- in the case of personal information, where such charges would not be reasonable having regard to the means of the person requesting the information.

Section 47 of the FOI Act sets out the rules for applying search and retrieval fees. Fees are currently set as follows in accordance with Statutory Instruments Nos. 264 of 2003, 139 of 1998 and 13 of 1997:

- €20.95 per hour - search and retrieval
- €0.04 per sheet for a photocopy
- €0.51 for a 3½ inch computer diskette
- €0.16 for a CD-ROM

Part 2 - Role and Structure

Our Vision

Waterford Teachers' Centre is a learning community where Teachers are empowered to achieve their full potential as Professional Educators and where other partners in the local School Community are facilitated in meeting their training needs so that they can perform their roles effectively.

Our Mission Statement

Waterford Teachers' Centre through its Management Committee, Trustees, Director, Staff and Tutors responds to the needs of Teachers in our catchment area and strives for excellence whilst providing them with suitable opportunities to pursue their own professional and personal development. The Centre also works collaboratively with the other education partners for the benefit of all involved in the local School community

Mission Achievement

1. Providing programmes that respond to and meet the locally researched and identified needs of the local Teaching and School Community.

These programmes will cover -

- curriculum inservice needs
- classroom management skills
- support structures
- professional development
- personal development

2. By working in partnership with the Department of Education and Science and acting as a major local resource in the provision of inservice training through national inservice programmes and the implementation of other projects and initiatives in the education system.

3. By placing the facilities and resources of the Centre, where possible, at the disposal of the local Teaching Community to the extent that our means permit.

4. By working with all the partners in the local School Community and other agencies and groups for the benefit of those served by the Centre.

Our Policy of Confidentiality

This Centre undertakes to treat as confidential any information provided to it in confidence by individuals or others, subject to its obligations under law, including the Freedom of Information Act. If, for any reason, you wish that information provided to us should not be disclosed because of its sensitive nature, then you must, when supplying the information, make clear this wish and specify the reasons for the information's sensitivity. We will consult with you before making a decision on any Freedom of Information request received involving sensitive information that you may have supplied.

Role

Waterford Teachers' Centre is one of a network of twenty-one full-time and nine part-time Education Support Centres. The Centre is grant-funded by the Teacher Education Section of the Department of Education and Science. An Education Support Centre is a Statutory Body and its role is defined as follows in Part VI, Section 37 of the **Education Act 1998** as:

37. (1) In this section "education support centre" means a place in which services are provided for schools, teachers, parents, boards and other relevant persons which support them in carrying out their functions in respect of the provision of education, which is recognised for that purpose by the Minister in accordance with subsection (2)
- (2) The Minister may recognise a place as an education support centre and where the Minister so recognises a place he or she shall cause the name and address of the centre to be entered in a register maintained by the Minister and available for inspection by members of the public during normal working hours.
- (3) An education support centre shall have a management committee, to manage the business and staff of that centre.
- (4) A committee established in accordance with subsection (3) shall be a body corporate with perpetual succession and with power to sue and may be sued in its corporate name and no action shall lie against a member of a board in respect of anything done by that member in good faith and in pursuance of their functions as such members.
- (5) The Minister may withdraw recognition from an education support centre.

- (6) The Minister may, from time to time, make regulations relating to all or any of the following matters:
- (a) Procedures for the appointment of management committees
 - (b) The appointment and remuneration of staff
 - (c) The making of grants to education support centres
 - (d) The provision of information to the Minister on any matters relating to the operation of education support centres
 - (e) Access to an education support centre and to the financial and other records of that education support centre by persons appointed by the Minister, and
 - (f) Such other matters relating to the operation of such centres as the Minister considers appropriate.

Fulfilment of Remit

To fulfil its remit under the Education Act 1998 and to help realise its Vision, Waterford Teachers' Centre actively works towards:

- Provide training, development and support for teachers and the wider school community, both in terms of meeting locally researched and identified teacher and school community needs and also through involvement in national in-service programmes
- Be involved, as a major strategic resource within education, in a range of national and other projects, programmes and initiatives as may be decided by the Minister, following consultation and in partnership with the Centres, for implementation in the education system from time to time
- Act as far as possible as a resource and meeting centre for the local education community and to actively promote its role.
- To plan for the development of expertise in key areas and to share such expertise throughout the Education Support Centre network and the educational system in general.
- Co-operate and engage with other Education Support Centres, full and part-time, so as to ensure that an effective network of Centres is established
- To develop expertise in key areas as agreed by the Centres in consultation and partnership with the Department of Education and Science and to share such throughout the Education Support Centre network and the education system in general
- To provide other services and supports as may be requested by the Minister

Structure and Organisation

The members of Waterford Teachers Centre are the teachers in primary and post primary schools in Waterford City and County, teachers in the southern half of County Tipperary up as far as Cashel, and teachers from South Kilkenny who wish to be members. Waterford Teachers' Centre is managed by a committee elected annually at the AGM in accordance with the constitution of the Centre. That Constitution sets down the composition of that unpaid voluntary management committee, all of whom must be teachers. The composition is:

- A Primary Panel not exceeding six teachers
- A Secondary Panel not exceeding five teachers
- At Third Level/ Further Education Panel not exceeding two members
- Two Trustees

The Management Committee meet at least once a month for the school-year and elect the following Officers from their membership at the first meeting after the Annual General Meeting:

- Chairperson
- Vice- Chairperson
- Treasurer

The Director of the Centre is Secretary to the Management Committee and is seconded from a teaching position by the Department of Education and Science. The Director is responsible, subject to the authority of the Management Committee, for the day to day running of the Centre. The Director is also the Accounting Officer for the Centre and is responsible for keeping the accounts of the Centre and for making regular reports to the Management Committee and for preparing a statement of accounts which must be duly audited and submitted to the AGM of the Centre and to the Teacher Education Section of the Department of Education and Science. The Director is required to perform any other duties that may be assigned from time to time by the Management Committee as being appropriate to the position.

In addition to the Director, the Centre employs four administrative staff, an ICT Advisor and two part-time Housekeepers. The four administrative positions are:

- Centre Secretary
- Reception Office Manager
- Administrative Assistant
- Accounts Administrator

Services

- Local delivery of National Inservice Programmes
- Organisation and delivery of Local Courses outside of school hours
- Funding for whole-staff course
- Support for Teacher Professional Networks
- Support for Teacher Professional Communities
- Local Initiatives/Special Projects
- ICT Advisory service through the National Centre for Technology in Education
- Curriculum Advisory Service through the Primary Curriculum Support Programme
- Venue hire at reasonable cost for the Education Community
- Resource Library
- Software resources for inspection and evaluation within the Centre
- Substitute Teachers Register for School Principals
- Waterford Teachers' Centre website
- Secretarial Services for the Education Community

Classes of Records

Management Committee	Including meeting minutes, and sub-committee-minutes as well as committee member's details
Reports	Annual Reports and Director and ICT Advisors monthly reports
Financial	Includes all accounts records, salary, and pension details
Tax/Social Welfare	Includes all Tax matters including PAYE and PRSI payments
Procurement	Includes details viz. purchase of equipment and services on behalf of the Centre as well as Government and European Union Guidelines concerning procurement
Personal	Includes files of past and present personnel
Inservice Courses	Flyers, attendance sheets and evaluations
Schools	Details of schools in our catchment area
Teachers	Details collected subject to our Data Protection Policy
Trainers	Details of personnel employed on National Inservice Programmes
Library	List of acquisitions and borrower's records
Statistics	Breakdown of categories of inservice provided
F.O.I.	All requests and records created under FOI legislation.
Correspondence	Letters to and from members and others
Audit Reports	Report of the Internal Audit Unit of the Dept. of Ed. and Science

How to Contact the Centre:

Waterford Teachers' Centre
Newtown Road,
Waterford.

Telephone: 051-311000

Fax: 051-311050

E-mail: wtc@iol.ie

Website: www.wtc.ie

Reception: 9.00 a.m. to 5.30 p.m., Monday to Friday

Holidays: Centre is closed for varying periods during school holidays



**Waterford Teachers' Centre
Request for Access to Records
under the**

Appendix 1

Freedom Of Information Act, 1997 and 2003

Please use BLOCK letters

Details of Applicant

Surname: _____ **First Name:** _____

Postal Address: _____

Telephone Number(s):

For Office Use Only

Home: _____

Date FOI Request Received _____

Business: _____

Identity Verified _____

Mobile: _____

Consent Confirmed _____

Form of identity produced

Birth Certificate _____

Driving Licence _____

Passport _____

Other _____

Personal Information

Before you are given access to personal information relating to yourself, you may be asked to produce your Birth Certificate, Driving Licence, Passport or other form of identity.

Form of Access

My preferred form of access is:
(please tick as appropriate)

to receive copies of the records by post

other – please specify

Details of Request

In accordance with section 7 of the FOI Act, I request access to records that are:

(please tick as appropriate)

Personal

Non-personal

*(In the space provided **please describe the records as fully as you can** as this will assist the Centre's FOI decision makes in dealing with your application. If you are requesting personal information, please state precisely in whose name those records are held. You will not normally be given access to the personal information of another person unless you have obtained the written consent of that person. **If you require more space to complete your description of records please attach a page**).*

I request the following records:

PLEASE SIGN HERE _____ **DATE** _____

Note on Freedom of Information arrangements in Waterford Teachers' Centre

In Waterford Teachers' Centre the Director deals with all applications under the FOI Act. Applications should be addressed by post along with the relevant fee to:
The Freedom of Information Officer, Waterford Teachers' Centre, Newtown Road, Waterford.

Further information is available on our Website at www.wtc.ie, or by telephoning the Centre on 051-311000.