

# FREEDOM OF INFORMATION ACT (FEES) (NO. 2) REGULATIONS 2014

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

1. These Regulations may be cited as the Freedom of Information Act (Fees) (No.2) Regulations 2014.

2. (1) In these Regulations –  
“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 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) of Regulation 4.

“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 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) of Regulation 4.

(2) In these Regulations a reference to a section or part of a section is to that section or part of that section of the Freedom of Information Act 2014 (No. 30 of 2014).

3. (1) Subject to paragraphs (2), (3) and (4) –

(a) an amount of €20.00 per hour is prescribed for the purposes of paragraph (a) of section 27(3), and

(b) the following amounts are prescribed for the purposes of paragraph (b) of section 27(3):

(i) 4 cent per sheet in relation to a photocopy;

(ii) €10.00 in relation to a CD ROM (a compact disk read-only memory);

(iii) €6.00 in relation to an x-ray.

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

(3) The appropriate minimum amount under paragraph (1), for the purposes of paragraph (d) of section 27(3), is prescribed as €101.

(4) The overall ceiling limit under paragraph (1), for the purposes of paragraph (b) of section 27(12), is prescribed as €700.

4. (1) Subject to paragraph (3), 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 an application –

(a) where the record or records concerned contains or contain only personal information relating to the applicant,

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

(c) 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 (4), 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 –

- (a) where the record or records concerned contains or contain only personal information relating to the applicant,
- (b) in relation to a decision under section 21 relating to a decision under section 9 or 10,
- (c) in relation to a decision made by a head under section 9 or 10, or
- (d) in relation to a decision under section 21, or a decision under section 27, that a fee or deposit of an amount prescribed under Regulation 5 should be charged under section 27.

(3) In respect of the following persons referred to in paragraph (1) the amount of the fee prescribed is €10.00:

- (a) medical card holders;
- (b) dependants of medical card holders.

(4) In respect of the following persons referred to in paragraph (2) the amount of the fee prescribed is €15.00:

- (a) medical card holders;
- (b) dependants of medical card holders;
- (c) persons specified in paragraph (a) or (b) of section 38(2).

5. 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 subsection (1) of section 27 or a deposit determined under subsection (5) of that section;

(b) the amount being the amount of the fee, or the fee of a particular amount charged under section 27(13) less one euro, 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.

6. 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.
7. The Freedom of Information Act 2014 (Fees) Regulations 2014 (S.I. No. 484 of 2014) are hereby revoked.

GIVEN under my Official Seal,

\_\_\_\_\_ November 2014.

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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(1)(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.