

Office of the  **Director of Public Prosecutions**

Freedom of  **Info**rmation

**Freedom of Information Act 1997
Section 15 & Section 16 Reference Book**

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Guide to the Functions and Records of The Office of the Director of Public Prosecutions

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PART I

ACCESS TO INFORMATION RELATING TO THE OFFICE OF THE DPP

1. Introduction

The Freedom of Information (FOI) Act establishes three new statutory rights:

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

The Act asserts 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.

This manual is prepared in accordance with publication requirements set out in section 15 and section 16 of the Act.

2. Routinely available information

2.1 General information in relation to the Office of the Director of Public Prosecutions is routinely available to the public.

Contact Point	Information Available	Contact details
Communications & Development Unit	<ul style="list-style-type: none"> • General queries relating to the Office • Requests for copies of Annual Reports, Strategy Statements, Statement of General Guidelines for Prosecutors and other Office publications 	Tel: 01 678 9222 Fax: 01 678 9281
Office Website	<ul style="list-style-type: none"> • Information in relation to the functions of the Office • Copies of all Office publications • Copies of other relevant documents and reports • Links to other relevant national and international agencies within the criminal justice system 	www.dppireland.ie

Such information will continue to be available informally without the need to use the FOI Act.

- 2.2 Copies of all legislation relating to the functions and powers of the Office of the Director of Public Prosecutions are available from the Government Publications Sales Office. The list set out below is by no means exhaustive but, for ease of reference, refers to the principal areas of legislation relating to the functions of the DPP.

Contact Point	Principal areas of legislation relating to the functions of the DPP	Available in electronic format on the following websites
Government Publications Sales Office, Molesworth Street, Dublin 2. Contact details: Tel: 01-671 0309 Fax: 01-475 2760	<ul style="list-style-type: none"> Constitution of Ireland 1937 	www.taoiseach.gov.ie
	<ul style="list-style-type: none"> Criminal Justice (Administration) Act, 1924 	www.irishstatutebook.ie/front.html
	<ul style="list-style-type: none"> Prosecution of Offences Act, 1974 	www.bailii.org
	<ul style="list-style-type: none"> Criminal Justice Act, 1993 	

3. Information accessible under the FOI Act

The FOI Act is designed to allow public access to information held by public bodies which is **NOT** routinely available through other sources. Access to information under the Act is subject to certain exemptions and involves specific procedures and time limits.

Under section 46(1)(b) of the Act there is a specific exemption relating to records created or held by the Office of the Director of Public Prosecutions, other than records concerning the general administration of the Office. This means that **files relating to criminal prosecutions are not accessible to the public** under the FOI Act.

It must also be emphasised that, both as a matter of natural justice and because of legal constraints, **the Office is precluded from giving reasons for decisions not to initiate a prosecution.**

This manual provides a guide to the structure of the Office so as to help you access information concerning the **general administration of the Office** under the FOI Act.

4. Copies of this publication are available free of charge from:

Contact Point	Contact Details
Freedom of Information Unit, Office of the Director of Public Prosecutions, 14 – 16 Merrion Street, Dublin 2.	Tel: 01 678 9222 E-mail: foi@dppireland.ie
Office Website	www.dppireland.ie
Public Libraries & Citizen Information Centres	See Telephone Directory for details

PART II

FUNCTIONS & DESCRIPTION OF THE OFFICE OF THE DPP

1. Functions of the Office of the Director of Public Prosecutions

- 1.1 The office of the Director of Public Prosecutions was established by the Prosecution of Offences Act, 1974. The Act provided for the transfer to the Director of all functions previously performed by the Attorney General in relation to criminal matters and election and referendum petitions. The principal such function is the power to prosecute criminal offences.
- 1.2 The prosecution of offences involves three principal functions:
 - **The investigation** – this function is carried out by the Garda Síochána. The DPP has no investigative function. However, he does co-operate regularly with the Garda Síochána during the course of criminal investigations, particularly in furnishing relevant legal and prosecutorial advice.
 - **The decision to prosecute or not to prosecute** – this function is carried out by the Directing Division of the Office of the DPP and also includes decisions to withdraw proceedings or to accept pleas to lesser offences, decisions to bring appeals in relation to points of law or decisions to seek review of unduly lenient sentences.
 - **The presentation of the prosecution case in court** – this function is carried out in Dublin by the Solicitors' Division of the Office of the DPP and includes the conduct of summary prosecutions on behalf of the Director in all Courts sitting in Dublin, the preparation of books of evidence, the general preparation of indictable cases and attendance on counsel at the hearing. Outside Dublin a similar function is carried out on behalf of the Director by 32 Local State Solicitors.
- 1.3 The Director is independent in the performance of his functions.
- 1.4 The Office of the Director of Public Prosecutions does **not** provide legal advice to the general public.

2. Mission Statement

The Mission Statement of the Office of the Director of Public Prosecutions is:

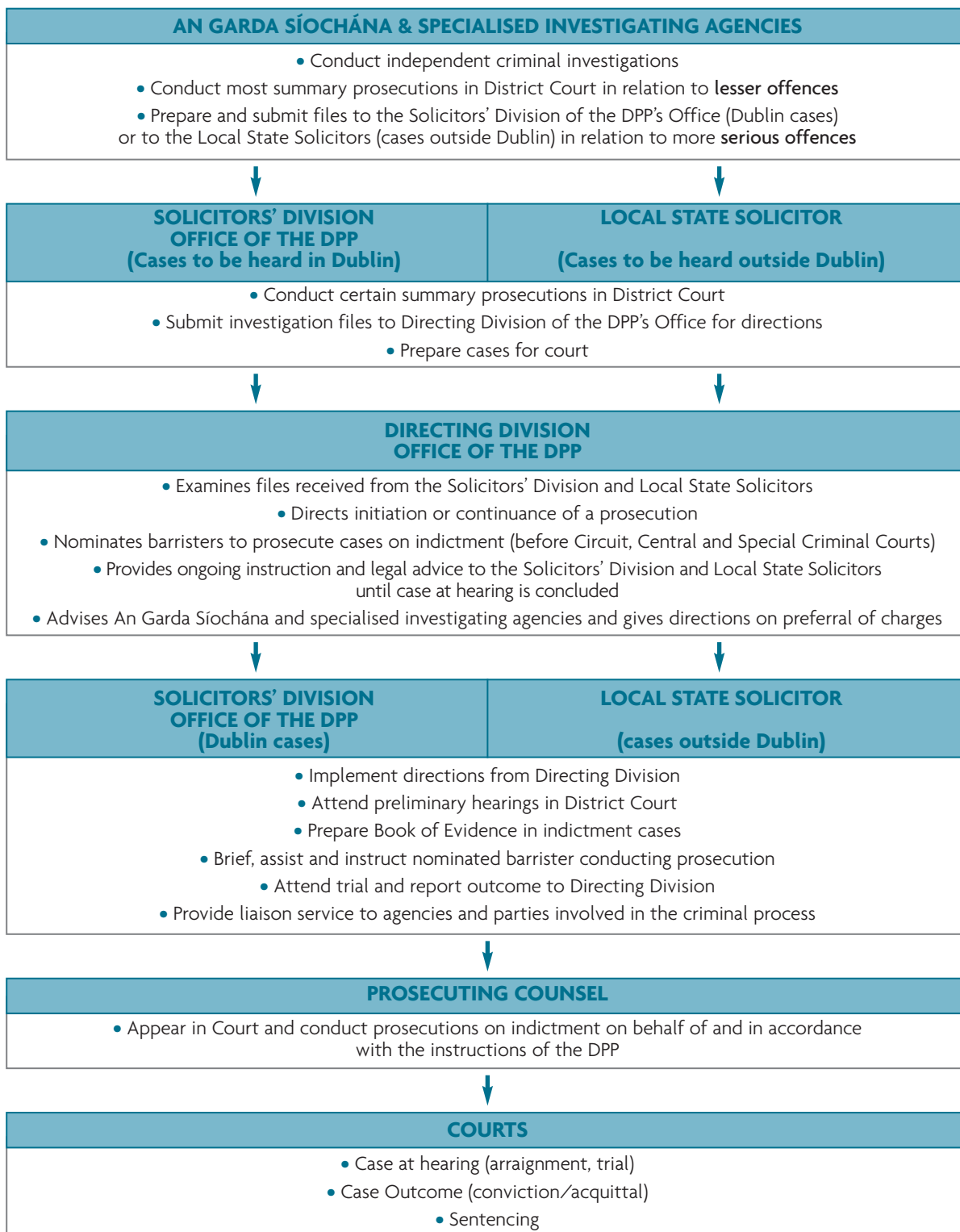
“To provide on behalf of the People of Ireland a prosecution service which is independent, fair and effective”

The independence of the Office was a key reason for its establishment. Subject to the Courts, the Director is independent of all other bodies and institutions, including both the Government and the Garda Síochána, and decisions are taken free from political or other influence.

The Office is committed to operating to the highest professional standards and to treating all those with whom it has dealings fairly, equally and consistently without any wrongful discrimination.

3. The Criminal Prosecution Process

The following chart illustrates the criminal prosecution process and sets out clearly the role of the Office of the Director of Public Prosecutions within that process:



4. Description of the Office of the Director of Public Prosecutions

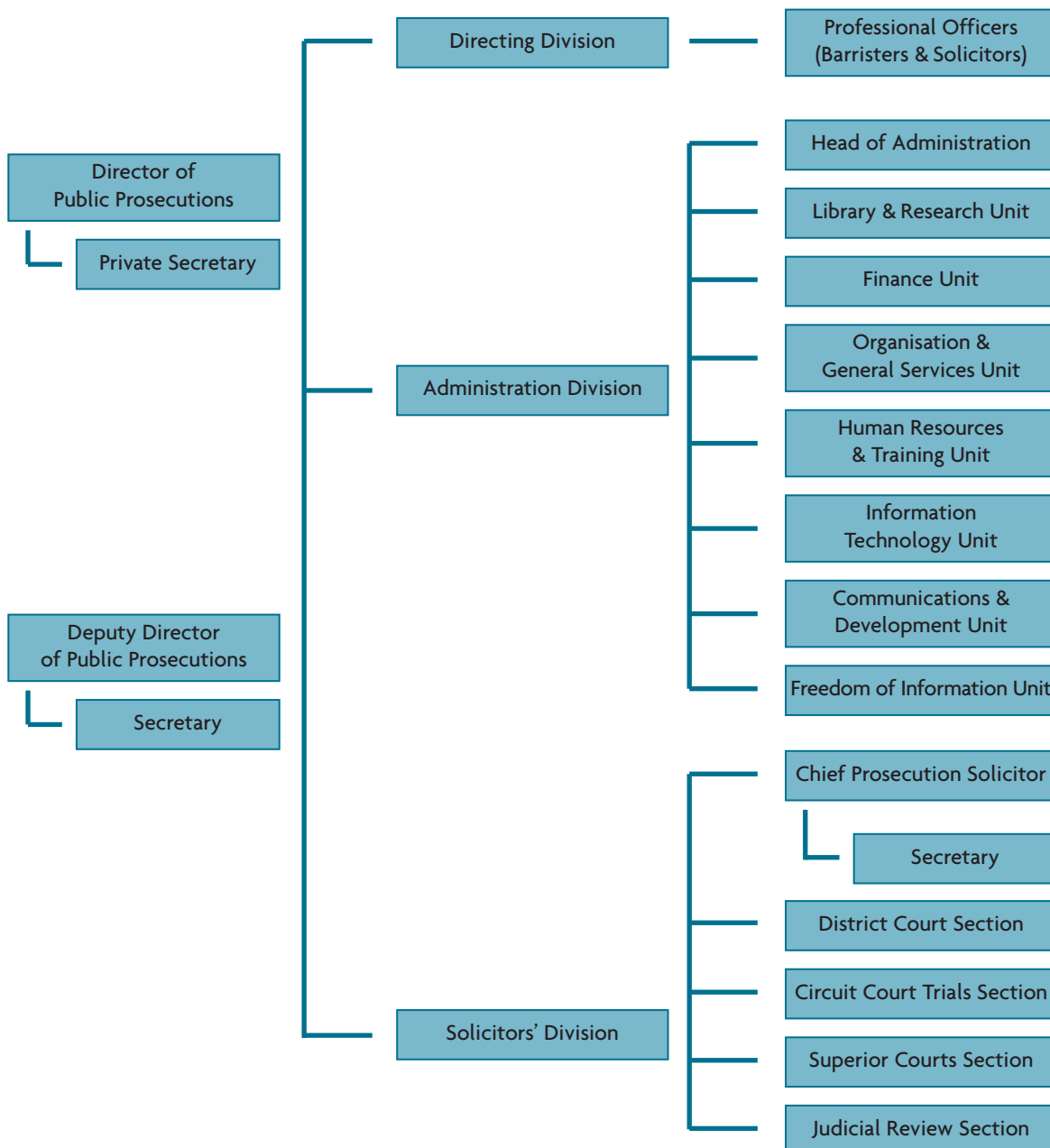
The Office of the Director of Public Prosecutions has three main divisions:

The Directing Division which consists of barristers and solicitors who examine criminal investigation files and decide whether or not a prosecution should be taken.

The Solicitors' Division which consists of solicitors and legal executives who prepare and conduct cases on behalf of the Director in all Courts sitting in Dublin.

The Administration Division which provides support and other services to both the Directing Division and Solicitors' Division in order to enable the Office to fulfil its statutory function.

ORGANISATION STRUCTURE



PART III

STRUCTURE & ORGANISATION OF THE DIVISIONS OF THE OFFICE OF THE DPP

1. THE DIRECTING DIVISION

1.1 Structure of the Division

STRUCTURE OF DIRECTING DIVISION
DEPUTY DIRECTOR
PROFESSIONAL OFFICERS (Barristers and Solicitors)

The function of the Directing Division is to determine, following an examination of an investigation file, whether there should be a prosecution or whether a prosecution commenced by the Garda Síochána should be maintained.

The direction which issues indicates the charges if any, to be brought before the courts. In some cases further information and investigation may be required before a decision can be made.

The decision to prosecute is based on a *prima facie* case - evidence which could, though not necessarily would, lead a court or a jury to decide, beyond reasonable doubt, that the person is guilty of the offence.

1.2 Delivery of Service

- Examines criminal investigation files received from the Solicitors' Division and Local State Solicitors
- Directs initiation or continuance of a prosecution
- Nominates barristers to prosecute cases on indictment (before Circuit, Central and Special Criminal Courts)
- Provides ongoing instruction and legal advice to the Solicitors' Division and Local State Solicitors until case at hearing is concluded
- Advises specialised investigating agencies and gives directions on preferal of charges

The Directing Division provides services mainly to the Garda Síochána and other specialised investigating agencies; Local State Solicitors, Members of the Bar, Revenue Commissioners, Attorney General's Office, Government Departments, Local Authorities and other agencies involved in the criminal justice process. They do not provide services directly to the public.

1.3 Classes of records

- Records relating to criminal prosecutions.

Under section 46(1)(b) of the Act there is a specific exemption relating to records created or held by the Office of the Director of Public Prosecutions, other than records concerning the general administration of the Office. This means that **files relating to criminal prosecutions are *not* accessible to the public** under the FOI Act.

1.4 Information available

General information in relation to work of the Directing Division is set out in Office publications such as Annual Reports; Strategy Statements; the Statement of General Guidelines for Prosecutors; all of which are available from the Communications & Development Unit or by accessing the Office Website.

Contact Point	Contact Details
Office Website	www.dppireland.ie
Communications & Development Unit, Office of the Director of Public Prosecutions, 14-16 Merrion Street, Dublin 2.	Tel: 01 678 9222 Fax: 01 678 9281

1.5 Contact point

For general information in relation to the Directing Division please contact:

Contact Point	Contact Details
Communications & Development Unit, Office of the Director of Public Prosecutions, 14-16 Merrion Street, Dublin 2.	Tel: 01 678 9222 Fax: 01 678 9281

2. SOLICITORS' DIVISION

2.1 Structure of the Division

STRUCTURE OF SOLICITORS' DIVISION			
CHIEF PROSECUTION SOLICITOR			
Superior Courts Section	Circuit Court Trials Section	District Court Section	Judicial Review Section
(Solicitors, legal executives, executive officer & clerical officers)	(Solicitors, legal executives, executive officer, staff officer & clerical officers)	(Solicitors, legal executives, executive officer, staff officers & clerical officers)	(Solicitor, legal executives, staff officer & clerical officers)

The function of the Solicitors' Division of the Office of the Director of Public Prosecutions is to act for the Director and the Garda Síochána in the preparation and presentation of cases in the Dublin District and Circuit Court, the Central and Special Criminal Courts, the Court of Criminal Appeal, and the High and Supreme Courts.

Outside the Dublin area this function is carried out by 32 Local State Solicitors who deal with cases in their respective regional areas.

2.2 Delivery of service

- Conduct certain summary prosecutions in District Court
- Submit investigation files to Directing Division of the DPP's Office for directions re prosecution
- Prepare cases for court
- Implement directions from the Directing Division
- Prepare Book of Evidence in indictment cases
- Brief, assist and instruct nominated barrister conducting prosecution
- Attend trial and report outcome to DPP
- Provide liaison service to agencies and parties involved in the criminal process

The Solicitors' Division provides services mainly to the Garda Síochána and other specialised investigating agencies. They also liaise with victims of crime and expert witnesses. They do not provide a service directly to members of the public.

2.3 Classes of records

- Records relating to criminal prosecution files.

Under section 46(1)(b) of the Act there is a specific exemption relating to records created or held by the Office of the Director of Public Prosecutions, other than records concerning the general administration of the Office. This means that **files relating to criminal prosecutions are *not* accessible to the public** under the FOI Act.

2.4 Information available

General information in relation to the work of the Solicitors' Division is set out in Office publications such as Annual Reports; Strategy Statements; the Statement of General Guidelines for Prosecutors; all of which are available from the Communications & Development Unit or by accessing the Office website.

Contact Point	Contact Details
Office Website	www.dppireland.ie
Communications & Development Unit, Office of the Director of Public Prosecutions, 14-16 Merrion Street, Dublin 2.	Tel: 01 678 9222 Fax: 01 678 9281

2.5 Contact point

For general information in relation to the Solicitors' Division please contact:

Contact Point	Contact Details
Communications & Development Unit, Office of the Director of Public Prosecutions, 14-16 Merrion Street, Dublin 2.	Tel: 01 678 9222 Fax: 01 678 9281

3. ADMINISTRATION DIVISION

3.1 Structure of Division

STRUCTURE OF ADMINISTRATION DIVISION		
HEAD OF ADMINISTRATION (Principal Officer)		
REGISTRY	HUMAN RESOURCES & TRAINING UNIT	LIBRARY
Staff Officer Clerical Officers	Assistant Principal Higher Executive Officer Executive Officers Clerical Officers	Librarian Legal Researchers Assistant Librarian Library Assistant Staff Officer Clerical Officer
WORD PROCESSING UNIT	ORGANISATION & GENERAL SERVICES UNIT	COMMUNICATIONS & DEVELOPMENT UNIT
Staff Officer Clerical Officers	Assistant Principal Higher Executive Officers Executive Officers Clerical Officers Services Officers	Higher Executive Officer Executive Officer Clerical Officer
IT UNIT	FINANCE UNIT	PRIVATE SECRETARY & SECRETARIES OFFICES
Assistant Principal Higher Executive Officers Executive Officers Clerical Officer	Assistant Principal Higher Executive Officer Executive Officer Clerical Officers	Director's Office Higher Executive Officer Clerical Officer Deputy Director's Office Clerical Officer Chief Prosecution Solicitor's Office Clerical Officer

The role of the Administration Division is to provide the administrative and other support services necessary to enable the Office to carry out its statutory function.

3.2.1 REGISTRY SECTION

Delivery of Service

- Provides a file registration, tracking and information service to the staff of the DPP's Office.

Services provided to members of the public

- The Unit does not provide services directly to members of the public.

Classes of Records held

Records relating to:

- Criminal prosecution files
- Judicial Review matters
- General administration

3.2.2 WORD PROCESSING UNIT

Delivery of Service

- Provides word processing service to the Directing Division
- Provides telephonist/receptionist services

Services provided to members of the public

- The Unit does not provide services directly to members of the public

Classes of Records held

Records relating to:

- Criminal prosecution files

3.2.3 IT UNIT

Delivery of Service

- Provides IT support service to the staff of the Office
- Maintains existing IT systems
- Procures and develops new IT systems
- Develops Office IT Strategy and policies
- Procures all IT hardware, software and communications technology for the Office
- Maintains and develops the communications infrastructure of the Office
- Liaises with other bodies in the Criminal Justice System to develop better communications and sharing of information

Services provided to members of the public

- The Unit does not provide services directly to members of the public

Classes of Records held

Records relating to:

- IT projects
- IT procurement
- Copy invoices for IT goods and services purchased
- Office software, hardware, communications and systems

3.2.4 HUMAN RESOURCES & TRAINING UNIT

Delivery of Service

- Manages the Human Resources function within the Office
- Implements Government policy in relation to employment in the civil service
- Administers the schemes, rules, codes, procedures and practices which apply to civil service employment (e.g. terms & conditions, annual leave, attendance, promotion)
- Develops and implements staff training programme
- Administers the Performance Management and Development System
- Deals with industrial relations matters

Services provided to members of the public

- The Unit does not provide services directly to members of the public

Classes of Records held

Records relating to:

- Personal files
- Staffing
- Recruitment
- Competitions and appointments
- Pay and remuneration
- Leave and attendance
- Terms and conditions
- Performance Management and Development System
- Training
- Superannuation
- Human Resources Management System

3.2.5 ORGANISATION & GENERAL SERVICES UNIT**Delivery of Service**

- Ensures Office accommodation is maintained to required standard
- Purchases and ensures maintenance of Office machinery and equipment
- Purchases Office stationery and supplies
- Ensures adherence to Health & Safety legislation
- Provides Office travel and subsistence services
- Maintains record of assets
- Provides certain HR and other office support functions

Services provided to members of the public

- The Unit does not provide services directly to members of the public

Classes of Records held

Records relating to:

- Accommodation
- Office equipment and supplies
- Travel and subsistence services
- Assets Register

3.2.6 FINANCE UNIT

Delivery of Service

- Ensures adherence to statutory and other financial reporting obligations of the Office
- Processes all general payments
- Arranges payment of fees to counsel
- Prepares Annual Estimates and Appropriation Account
- Development of Financial Systems, including Management Information Framework

Services provided to members of the public

- Payments made to suppliers of goods and services.

Classes of Records held

Records relating to:

- Annual appropriation account and estimates
- Monthly accounts, reports and returns
- Records of financial transactions
- Financial procedures
- Details of and correspondence with suppliers
- Government initiatives and developments in the financial area

3.2.7 LIBRARY

Delivery of Service

- Development and maintenance of library collections, both printed and electronic
- Acquisition of all library stock
- Development of research and know-how facilities
- Provision of information service for legal and administrative staff

Services provided to members of the public

- The Unit does not provide services directly to members of the public

Classes of Records held

Records relating to:

- Procurement of library collections
- Tender documents for library equipment and stock
- Licence agreements
- Subscriptions to information services
- Memberships of professional organisations
- Stock records
- Internal library administration files

3.2.8 **COMMUNICATIONS & DEVELOPMENT UNIT**

Delivery of Service

- Co-ordination, printing & distribution of all Office publications
- Organisation and co-ordination of Office conferences & seminars
- Development of Business Planning process
- Provide Secretariat to Partnership Committee
- Dealing with all general telephone enquiries
- Implementation of Quality Customer Service Initiative
- Maintenance and design of Office Website

Services provided to members of the public

- Provides a telephone information service to members of the public
- Deals with requests for copies of all Office publications
- Maintains the Office Website

Classes of Records held

Records relating to:

- Office publications
- Conferences and seminars
- Business Planning process
- Partnership Committee
- Quality Customer Service Initiative
- General telephone queries
- Website

3.2.9 **OFFICE OF THE PRIVATE SECRETARY TO THE DIRECTOR**

Delivery of Service

- Provision of secretariat for the Director
- Co-ordination of Parliamentary Questions
- Co-ordination of Freedom of Information Requests
- Dealing with all Press queries

Services provided to members of the public

- Deal with all Press queries
- Processes Freedom of Information Requests

Classes of Records held

Records relating to:

- Director's general correspondence
- Management Advisory Committee minutes
- Freedom of Information Requests
- Parliamentary Questions
- Media queries
- Conference & seminar papers

3.2.10 OFFICE OF THE SECRETARY TO THE CHIEF PROSECUTION SOLICITOR

Delivery of Service

- Provision of secretariat for the Chief Prosecution Solicitor

Services provided to members of the public

- The Office does not provide services directly to members of the public.

Classes of Records held

Records relating to:

- Chief Prosecution Solicitor's general correspondence
- Material relating to various committees and working groups
- Conference & seminar papers

3.2.11 OFFICE OF THE SECRETARY TO THE DEPUTY DIRECTOR

Delivery of Service

- Provision of secretariat for the Deputy Director

Services provided to members of the public

- The Office does not provide services directly to members of the public.

Classes of Records held

Records relating to:

- Deputy Director's general correspondence
- Material relating to various committees and working groups
- Conference & seminar papers

3.3 Information available and contact points

- **General information** in relation to the work of the Administration Division is outlined in Office publications such as Annual Reports and Strategy Statements which are available from the Communications & Development Unit or by accessing the Office website.

Contact Point	Contact Details
Office Website	www.dppireland.ie
Communications & Development Unit, Office of the Director of Public Prosecutions, 14-16 Merrion Street, Dublin 2.	Tel: 01 678 9222 Fax: 01 678 9281

- Press Queries can be made to:

Contact Point	Contact Details
Private Secretary, Office of the Director of Public Prosecutions, 14-16 Merrion Street, Dublin 2.	Tel: 01 678 9222

- Freedom of Information Requests can be made to:

Contact Point	Contact Details
Freedom of Information Unit, Office of the Director of Public Prosecutions, 14-16 Merrion Street, Dublin 2.	Tel: 01 678 9222

PART IV

HOW THE ACT OPERATES IN THE OFFICE OF THE DPP

1. Entitlements under the FOI Act

Under the FOI Act, anyone is entitled to apply for access to information held in the Office of the Director of Public Prosecutions relating to the general administration of the Office which is not otherwise publicly available. Each person has a right to:

- access records held by this Office concerning the general administration of the Office;
- correction of personal information relating to oneself held by this Office concerning the general administration of the Office, where such information is inaccurate, incomplete or misleading;
- access to reasons for decisions made by this Office concerning the general administration of the Office which directly affect oneself.

2. The following records come within the scope of the Act

- all records concerning the general administration of the Office relating to personal information held by the Office, irrespective of when created
- all other records concerning the general administration of the Office created from commencement date of 21 April 1998
- any of the records concerning the general administration of the Office necessary to the understanding of a current record

3. How to make an application under the FOI Act

3.1 Applications for information under the FOI Act for this Office should be addressed to:

Contact Point	Contact Details
Freedom of Information Unit, Office of the Director of Public Prosecutions, 14 - 16 Merrion Street, Dublin 2.	Tel: 01 678 9222 E-mail: foi@dppireland.ie

3.2 Your application should be in writing. You may use the application form entitled 'Request for Information under the Freedom of Information Act' which is available from the Freedom of Information Unit (Tel. 01-678 9222) or which can be accessed on the Office website at www.dppireland.ie.

3.3 If you are not using the application form you should indicate that your application is being made under the Freedom of Information Act.

3.4 Please indicate if information is desired in a particular form i.e. photocopy, computer disk, etc.

3.5 Please give as much detail as possible to enable the staff of the Office to identify the record. If you have difficulty in identifying the precise records which you require, the staff of the Office will be happy to assist you in preparing your request.

3.6 If you are seeking personal information, your application should be accompanied by some form of identification such as your Birth Certificate, Driving Licence, Passport or other form of identity.

3.7 Please include a day time telephone number so that you can be contacted if it is necessary to clarify details of your request.

4. Assistance for persons with a disability

- 4.1 Persons who are unable to read, print and/or write due to a disability will be afforded every assistance by the staff of the FOI Unit to exercise their rights under the FOI Act.

5. The FOI decision-making process

- 5.1 Decisions on FOI applications are made by officers, at a level not below Higher Executive Officer, who have been delegated by the Director as FOI Decision Makers. Internal Review decisions are made by officers, at a level not below Assistant Principal level, who have been delegated by the Director as Internal Reviewers under s.4 of the FOI Act.
- 5.2 Applications under the FOI Act are acknowledged by the FOI Unit within 2 weeks of receipt. The Unit then forwards the application to the Decision Maker in whose section the relevant records are held. The Decision Maker will deal with the request within 4 weeks. If consultation with a third party is required the decision will be made within 7 weeks of receipt.

6. Rights of Review and Appeal

The Act sets out a series of exemptions to protect sensitive information the disclosure of which may damage key interests of the State or of third parties. Where a Department/Office 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 set out below.

7. Internal Review

- 7.1 You may seek internal review of the initial decision if:
- (i) you are dissatisfied with the initial response received i.e. refusal of information, form of access, charges, etc; or
 - (ii) 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.
- 7.2 Internal review will be carried out by an official of a higher grade than the official whose decision is being appealed. Requests for an internal review should be submitted to:

Contact Point	Contact Details
Freedom of Information Unit, Office of the Director of Public Prosecutions, 14 - 16 Merrion Street, Dublin 2.	Tel: 01 678 9222 E-mail: foi@dppireland.ie

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

8. Review by the Information Commissioner

- 8.1 If still dissatisfied 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 3 weeks, this is deemed to be a refusal and you may appeal the matter to the Commissioner.

8.2 Appeals in writing may be made directly to the Information Commissioner at the following address:

Contact Point	Contact Details
Office of the Information Commissioner, 18 Lower Leeson Street, Dublin 2.	Telephone: 01 678 5222 Fax: 01 661 0570 E-mail: foi@ombudsman.irlgov.ie www.irlgov.ie/oic

9. Fees

There are basically two types of charges that apply under the Freedom of Information Act:

9.1 Fees for Requests

- (i) **Standard Fees that accompany a request for a record:** A fee of €15 **must** accompany a request for records other than records containing only personal information relating to oneself. A reduced fee of €10 applies if you are covered by a medical card. Neither fee applies if the request is for only personal information relating to oneself.
- (ii) **Additional Fees/deposits in relation to the cost of search and retrieval and copying of records released:** Requesters can also be charged for the time spent finding records that are to be given to them, and for any photocopying costs incurred by the public body in providing material to the requester. Requesters cannot be charged for the time spent on deciding whether or not to grant their request. Such costs are very unlikely to arise in the case of personal information.
- (iii) A deposit may be payable where the total additional fee is likely to exceed €50. In these circumstances the public body must, if requested, assist the member of the public to amend the request so as to reduce or eliminate the amount of the deposit.
- (iv) There are certain situations where these additional fees can be waived and these are as follows:
 - where the cost of collecting and accounting the fee would exceed the amount of the fee;
 - 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 requester.

9.2 Fees for appealing a decision of a public body

- (i) A fee of €75 must accompany most applications for internal review of a decision of a public body. A reduced fee of €25 applies if you are covered by a medical card. There is no fee for internal review applications concerning only personal information relating to oneself or in relation to a decision to impose a fee or deposit.
- (ii) A fee of €150 must accompany most applications for review by the Information Commissioner. A reduced fee of €50 applies if you are covered by a medical card or in relation to a review concerning certain third party information. There is no fee for review applications concerning only personal information relating to oneself or in relation to decisions to impose fees or deposits.

9.3 For more detailed information on the new regulations concerning fees please contact our FOI Unit.

10. Confidentiality Policy

- 10.1 It should be borne in mind that only those records concerning the general administration of the Office come within the scope of the FOI Act and in that context the Office of the Director of Public Prosecutions undertakes to hold any information provided to it by individuals or others, not relating to the general administration of the Office, on a confidential basis.
- 10.2 Individuals or bodies supplying information to this Office relating to general office administration who do not want such information disclosed because of its sensitive nature must make this clear and specify the reasons for the sensitivity of the information. The Office will consult with any individual or body so supplying sensitive information before making a decision under any Freedom of Information application received.
- 10.3 In the event that any information supplied relating to general office administration is not identified as confidential, with supporting reasons, then it is likely to be released in response to an FOI application. It should also be noted however that even if information supplied by an individual or bodies is marked confidential the Office may decide following consultation to release such information under FOI.

EXEMPTION NOTICE

Under section 46(1)(b) of the Freedom of Information Act 1997 there is a specific exemption relating to records created or held by the Office of the Director of Public Prosecutions, other than records concerning the general administration of the Office. This means that files relating to criminal prosecutions are not accessible to the public under the FOI Act.

PART V

INFORMATION ON RULES, PRACTICES AND PROCEDURES IN RELATION TO DECISION MAKING BY THE OFFICE

1. Requirements of Section 16 of the Freedom of Information Act

- 1.1 Section 16 of the Freedom of Information Act requires public bodies to prepare, publish and make available “the rules, procedures, practices, guidelines and interpretations used by the body, and an index of any precedents kept by the body, for the purposes of decisions, determinations or recommendations, under or for the purposes of any enactment or scheme administered by the body 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, and appropriate information in relation to the manner or intended manner of administration of any such enactment or scheme”.
- 1.2 The intention is to make available publicly the rules, procedures and practices under which a public body makes decisions which may affect members of the public so that every citizen can make an informed judgment as to whether their entitlements have been accorded to them in full.
- 1.3 Because of the restriction set out at section 46(1)(b) of the FOI Act the publication of rules, procedures and practices, as outlined above, applies only to those records relating to the general administration of the Office of the Director of Public Prosecutions.
- 1.4 The Office of the Director of Public Prosecutions administers no enactments or schemes relating to the general administration of the Office other than those which apply to the Public Sector generally.

2. Enactments or Schemes applying to the Public Sector

- 2.1 These include matters relating to pay and conditions of service, the rules and practices applying to human resource management, and the conventions and procedures applying to Public Sector financial management. The following is an example of the material referred to:
 - Civil Service Regulations Acts
 - Remuneration
 - Personnel Code
 - Superannuation Schemes
 - Rules, procedures, practices and guidelines on IT related procurements, including telecommunications and office machinery
 - Advice and guidance on IT technical strategies and standards
 - Training
 - Public Financial Procedures

This list is not exhaustive but the material is comprehensively covered in the Section 16 Freedom of Information Manual published by the Department of Finance and available on their website at www.finance.irlgov.ie.