



Freedom of Information Act Sections 15 & 16 Reference Book

A guide to the functions, records, rules
and practices of the NATIONAL
TRANSPORT AUTHORITY

September 2012

Introduction

Background

This National Transport Authority FOI Sections 15 and 16 Reference Book – A Guide to the functions, records, rules and practices of the National Transport Authority is compiled in accordance with the Freedom of Information Acts 1997, as amended by the Freedom of Information Act 2003. All references in this Book 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; and
- 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.

In accordance with Section 15 of the Act, the purpose of this reference book is to facilitate access to official information held by the National Transport Authority, 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 Authority 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 two parts.

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

Part 2 - Our Role and Structure - outlines the role of the National Transport Authority 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 we do.
- Structure – gives details of our personnel structure.
- Work we do – provides a synopsis of our main activities.
- Classes of records held – details of the classifications under which we hold records.
- Contact points– how to contact us for assistance.
- Rules and Practices – this information is provided in accordance with Section 16 of the FOI Act as amended. Where we provide 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 we use 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 the National Transport Authority.
- Appendix 2 – Categories of Information available on the National Transport Authority website www.nationaltransport.ie.

Availability of this Book

Copies are available free of charge from our website www.nationaltransport.ie or you may request a printed copy from the National Transport Authority, Dún Scéine, Harcourt Lane, Dublin 2 (telephone: 01 879 3000).

Part 1 - Access to Information

Routinely Available Information

The sub-categories of information which are available on our website are set out in Appendix 2.

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 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 which adversely affects or may affect the person involved.

We will normally be 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).

Applications under the FOI Act should be addressed to:

Sara Morris
FOI Officer
National Transport Authority
Dún Scéine, Harcourt Lane, Dublin 2

Tel: 01 879 8300

Fax: 01 879 8333

Email: info@nationaltransport.ie

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 Cheque, Bank Draft, Postal Order or Money Order made payable to National Transport Authority. Cash is not accepted.

You may use the form at Appendix 1 to make your request. If you are not using the form, then your application should indicate that the information is sought under the Freedom of Information Act.

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 fall to be paid. Where possible please try to indicate the time period for which you wish to access records e.g. records created between May 2003 and December 2003. If you have any difficulty in preparing your application our staff 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 License, Passport or other form of identity.

Please include a daytime telephone number, if possible, so that you may be contacted quickly if it is necessary to clarify details of your request.

We are happy to provide assistance to members of the public who seek advice on making a request.

Assistance to persons with a disability

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 the National Transport Authority

The persons making FOI decisions are: Karl Seeber, Ciaran O'Gorman, Gillian Freeney, John Keyes, Berit Keyes, Noel Beecher, Siobhan O'Mahoney, Michael Aherne, Jennifer Gilna, Anneliese Jones, John O'Flynn, Joe O'Sullivan, Barry Dorgan, Tracy Sweetman, Jackie Mullen, Marianne Cassidy, Cormac Ross, Michael Fullerton, Neill Anderson, Mick MacAree, David Clements, Robert Parkinson and Charlie Brophy.

The persons who decide on internal appeals are: Hugh Creegan, Declan Sheehan, Jill Barry, Tim Gaston, Wendy Thompson, Michael Warnock-Smith and Philip L'Estrange.

We acknowledge receipt of FOI applications not later than 2 weeks 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.

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 a Public Body 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 which will be carried out by an official at a higher level if:

- a) you are dissatisfied with the initial response received i.e. refusal of information, form of access, charges, etc., or
- b) 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.

The persons who decide on internal appeals in the National Transport Authority are Anne Graham, Hugh Creggan, Jill Barry, Tim Gaston, Noel Beecher and Philip L'Estrange.

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

Ms. Sara Morris
National Transport Authority
Dún Scéine
Harcourt Lane
Dublin 2

Such a request for internal review must be submitted within 4 weeks of the initial decision. We 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 3 weeks, 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:

Office of the Information Commissioner
18 Lower Leeson Street
Dublin 2

Tel: 01 6395689
Email: info@oic.ie
Website: www.oic.ie

Fees

Application fees

A standard application fee of €15 must accompany an 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) A request under section 7 for a record or records containing only personal information related to the requester.
- b) An application under section 17 (right of amendment of records relating to personal information).
- c) 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 €75 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:

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

Review by Information Commissioner

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

- a) the person bringing the application is a medical card holder or a dependant of a medical card holder or
- b) 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:

- a) An application concerning records containing only personal information related to the applicant.
- b) An application in relation a decision under section 17 (right of amendment of records relating to personal information).
- c) An application in relation to a decision under section 18 (right of person to information regarding acts of public bodies affecting the person).
- d) 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).
- e) 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.
- f) An appeal of an internal review decision which is deemed to be refused because that decision was not made within the required time limits.

Search and Retrieval and photocopying fees

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

- a) In respect of personal records, fees in respect of the cost of copying the records requested will apply.
- b) 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.
- c) No charges shall apply in respect of the time spent by public bodies in 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;
- 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.

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 997:

- €20.95 per hour - search and retrieval
- €0.04 per sheet for a photocopy
- €0.51 for a 3½ inch computer diskette
- €10.16 for a CD-ROM
- €6.35 for a Radiograph (X-Ray).

Part 2 – Our Role and Structure

About the Authority

The Authority is a statutory non-commercial body, which operates under the aegis of the Department of Transport, Tourism and Sport.

The National Transport Authority was established on foot of the Dublin Transport Authority Act 2008 and Public Transport Regulation Act 2009. While it was originally conceived as a transport authority for the Greater Dublin Area under the 2008 Act, it was recast as the National Transport Authority by the 2009 Act, which also extended its functions and geographic remit.

The Authority has responsibility for

- procuring public bus and rail services nationally;
- licensing commercial public bus services nationally;
- integrating information across these services;
- providing an integrated transport system in the Greater Dublin Area.
- regulating the small public service vehicle industry nationally.

The functions of the Authority can be summarised as follows:

National Functions

- procure public transport services by means of public transport services contracts,
- license public bus passenger services that are not subject to a public transport services contract,
- provide integrated public transport information,
- develop and maintain a regulatory framework for the control and operation of small public service vehicles and their drivers.

Greater Dublin Area Functions

- undertake strategic planning of transport,
- promote the development of an integrated, accessible public transport network,
- promote increased recourse to cycling and walking as a means of transport, and
- secure the provision of public transport infrastructure,
- provision of integrated ticketing and information systems for public transport,
- effective management of traffic,
- effective management of transport demand,
- development and implementation of a single public transport brand,
- collection of statistical data and information on transport, and
- conduct of research into transport.

Governance & Administration

The Authority is governed by a Board comprising up to twelve members appointed by the Minister for Transport, Tourism and Sport. Three positions on the Board are ex officio in nature. Those

positions are reserved for the CEO, another senior manager of the Authority and the Dublin City Manager.

Board members may be appointed for a period of up to five years and may be re-appointed. However, Board members may only serve a maximum of ten years. This restriction does not apply to the ex officio members who stand appointed for as long as they occupy the relevant position.

The Executive is headed up by a Chief Executive Officer, who is supported by four direct reports –

1. Director of Corporate Affairs;
2. Director of Finance
3. Director of Public Transport Services;
4. Director of Transport Investment and Taxi Regulation.

Our Policy on Confidentiality

The Authority 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 state this in writing when supplying this information. We will consult with you before making a decision on any Freedom of Information request received involving sensitive information which you may have supplied.

Contact Points

National Transport Authority
Dún Scéine
Harcourt Lane
Dublin 2

Tel: 01 879 8300
Fax: 01 879 8333
Email: info@nationaltransport.ie
Website: www.nationaltransport.ie

APPENDIX 1

Request for Information under the Freedom of Information Acts

Section 1 – Applicant Details (Please use BLOCK letters)

Surname: _____

First Name: _____

Postal Address: _____

Telephone Number(s) / Email

Home: _____ Business: _____ Mobile: _____

Email: _____

Details of Request

In accordance with section 7 of the FOI Act, I request access to records which are (tick as appropriate)

- Personal Information¹
- Non-personal

Please describe the records as fully as you can _____

Form of Access

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

- Obtain records through the post
- Other (please specify) _____

Please sign here: _____ Date: _____

¹ Note: If you are requesting personal information, please state precisely in whose name those records are held. Before you are given access to personal information relating to yourself, you may be asked to provide proof of your identity. You will not normally be given access to personal information of another person unless you have obtained the written consent of that person.

APPENDIX 2

Categories of Information available on the National Transport Authority website www.nationaltransport.ie

Home

FAQs

Contact us

General Enquiries

Rail Passenger Rights

Find Us

About Us

Our Role in Public Transport

Board

Board Meeting Minutes 2011

2010

2009

Board Meeting Minutes 2012

Executive

Taxi Advisory Committee

Links

Public Transport Services

Luas

Performance Reports

Rail Contracts

Service Changes

Waterford-Rosslare Reports

Performance Reports

Quarterly Performance Reports

Bus

Commercial Operators

Dublin Bus Contracts

Performance Reports

Bus Éireann

Contracts

Performance Reports

Taxi

Taxis

Hackneys

Limousines

Wheelchair Accessible Taxis

Wheelchair Accessible Hackneys

Fares

Bus

Rail

Luas

Integrated Fares
Fares Determinations
Leap Card – Integrated Ticketing
Real Time Passenger Information
Public Service Obligation Contracts
Rail Passengers’ Rights
Journey Planner

Taxi and Bus Licensing

Taxi

Wheelchair Accessible Vehicle Grant Scheme

Taxi Statistics

Active Driver Licences June 2012

Vehicle Licences County and Category June 2012

Fixed-Charge Penalties June 2012

Breakdown of Prosecutions by Area June 2012

Breakdown of Complaints June 2012

Breakdown of Prosecutions June 2012

Skills Development Test June 2012

New Area Taxi Roof Sign Stickers

Order Your Area Roof Sign Stickers

Taxi Forms & Guides

SPSV Driver Licensing

Rights and Responsibilities

Apply for an SPSV Driver Licence

Your Driver Licence

SPSV Vehicle Licensing

SPSV Licence Categories

Vehicle requirements for new SPSV vehicle licences

List of Vehicle Licensing Fees

Required Documents for Vehicle Licensing

SPSV Licensing Terms and Conditions

Vehicle Requirements

Safety Equipment Licence

Certificates Vehicle

Licensing Centres

Apply for an SPSV Vehicle Licence

Step 1- Getting the Right Vehicle

Step 2 – Application

Step 3 – Conditional Offer Completion

Step 4 – Initial Suitability Inspection

Renew an SPSV Vehicle Licence

Change the Vehicle on an SPSV Vehicle Licence

Step 1 – Ensure Your Replacement Vehicle is Suitable Before Purchasing

Step 2 – Make Sure Your Documents Are In Order

Step 3 – Initial Suitability Inspection

Change Other Details on an SPSV Vehicle Licence

Transfer an SPSV Licence to Another Person

Actions to be taken by the Buyer

Actions to be Taken by the Seller

Surrender an SPSV Licence

SPSV Dispatch Operator Licensing
Renew an SPSV Dispatch Operator Licence
Apply for an SPSV Dispatch Operator Licence
Change the Details on an SPSV Dispatch Operator Licence
Area Roof Sign Stickers
SPSV online feedback form
Vehicle Age Checker
Taxi Rank
SPSV Related Enquiries
Latest News for SPSV Operators
Taxi Review Implementation
Actions Completed
SPSV Skills Development Programme
Applying for a Test
The Skills Development Test
Studying for Your Test
Book Your Test
Locations Reschedule /
Cancel Test FAQs
Customer Charter
Official SPSV Manual for Download
Bus
Guidelines for Licensing New
Licence Applications Renewing an
existing licence Transferring an
Existing Licence Amending an
existing licence Appealing a
Decision on a Licence Database of
Licence Holders Service Requiring
a Licence
Forms
Latest News for Bus Operators

Investment Projects
Integration Projects
Real Time Information
Journey Planner
Leap Card - Integrated Ticketing
Transport Projects
Business Cases
Programme Reports 2011
Smarter Travel
Smarter Travel Workplaces
Green Schools Travel
Community Travel Plan Pilot
Car Sharing

Planning and Policy
Transport Planning Policy
Guidelines

Planning Submissions
Greater Dublin Area
National
Data and Analysis
Land Use Planning
Modelling
Guide
Reports
Surveys
The Greater Dublin Area Education Survey
The Airport Travel Survey
The Household Travel Survey
Sample Journeys
Frequently Asked Questions

Public Consultations
Planned
Current
Closed

Publications
Corporate
Access to Environmental Information
Capital Investment
Transport Planning
Archive
Legislation
Taxi
Bus and Rail
Transport Services
Bus
Rail
Taxi
Transport Investment

Terms & Conditions
Privacy Statement
Freedom of Information
Access to Environmental Information
Sitemap
Archive
Search
Newsletter Registration
Accessibility Statement