

## **Frequently asked questions**

### **If I give St. Michael's House information on my products or services, will this be subject to the Freedom of Information Act?**

Yes, but that does not mean it will automatically be released if it is requested, as an exemption of the FOI Act may apply. We will usually seek your views before making a decision on disclosure of information that might affect your rights or interests

### **My company holds information on behalf of St. Michael's House. How am I affected?**

If we get a request for information that includes information you hold on our behalf, we will ask you to provide it quickly so that we can comply with FOI. This is to give us time to consider the information for exemptions and to prepare the information for release. The current timelines under FOI is 20 working days for the release of information, St. Michael's House Services will look for you the contractor to provide the information requested within 10 days.

### **What if a request for information comes direct to my company?**

You have no obligations to respond to such a request if FOI does not apply to your organisation. If you receive a request that relates to information you hold on behalf of St. Michael's House Services you should not in any case disclose it without our explicit agreement.

To be helpful to the requester, if the information requested relates to St. Michael's House Services, you should advise that the request should be submitted to St. Michael's House Services or transfer the request direct to us.

### **Can I get access to any information I seek ?**

Access to any official documentation held by St. Michael's House Services can be sought under the Act. In certain defined circumstances it will sometimes be necessary to exempt from release certain types of information. These exemptions are set out in the Act. Some key exemptions which may be used relate to:

- Personal information (other than information relating to the person making the request);
- Information supplied to St. Michael's House Services in confidence;
- Law enforcement and public safety;
- Commercially sensitive information;
- Deliberations of Public bodies;
- Matters subject to Client Privilege;
- Functions and negotiations of Public bodies.

### **Are there any exemptions that allow St. Michael's House to refuse to supply information?**

FOI provides for exemptions, such as:

1. Meetings of the Government

2. Deliberations of FOI Bodies
3. Security, defence and international relations
4. Information obtained in Confidence
5. Personal information
6. Financial and economic interests of the State.

Where qualified exemptions apply, St. Michael's House has to undertake a public interest test to decide whether it is in the public interest to disclose or withhold it. The public interest in withholding the information must outweigh the public interest in releasing it.

### **Could information I supply to St. Michael's House be protected by having a confidentiality clause in contracts or by providing the information in confidence?**

Confidentiality clauses are discouraged under the FOI unless there are genuine commercial and/or legal reasons why the information should be treated as confidential.

Information provided in confidence is only exempt if its disclosure would give rise to an actionable breach of confidence. This is a narrow legal exemption, which only applies in limited circumstances and you should not assume that this exemption will apply just because you think information is confidential.

If you consider that information that you provide to St. Michael's House is confidential, you should notify the FOI Officer of this, identify the information and provide reasons why you consider the information to be confidential under the FOI.

### **What will St. Michael's House do if it receives a request for information that might affect my company?**

When considering requests we will, wherever possible, consult you about information that may affect your rights or interests unless we are already certain that we must or must not disclose it. This consultation will help us to decide if an exemption applies and what the considerations are in applying a public interest test about information disclosure.

The law makes us alone responsible for making the final decision regarding disclosure.

### **What is a record as defined under Freedom of Information?**

The FOI Act gives a broad definition to the term 'record'. The definition covers all document types and does not distinguish formats, being equally applicable to documents created, maintained and stored manually and/or electronically. The Act includes:

"... any memorandum, book plan, map drawing, diagram, pictorial or graphic work or other document, any photograph, film or recording (whether of sound or images or both), any form in which data (within the meaning of the Data Protection Act, 1988) are held, any other form (including machine-readable form) or thing in which information is held or stored manually, mechanically or electronically and anything

that is part or a copy, in any form, of any of the foregoing or is a combination of two or more of the foregoing ...

For any queries or comments please contact the Freedom of Information Officer at St. Michael's House or by emailing: [info@smh.ie](mailto:info@smh.ie)