



Your right to Access Social Welfare Records

What is Freedom of Information?

Under the Freedom of Information Act, you have the right to:

- access records of the Department of Social Protection (DSP)
- have official DSP information relating to you amended where it is incomplete, incorrect or misleading
- obtain reasons for acts of the Department that affect you.

Note

You may not be able to access certain records which are exempt under the Act, for example, information relating to: another person; government meetings; law enforcement and security; confidential and commercially sensitive information.

What can you ask for?

Your Social Welfare Records

You have a legal right to seek access to personal records that we hold about you in this Department and to have the information amended if it is not accurate.

'Records' include information that is held on computer and on paper files.

For example, you have the right to seek access to records relating to claims you have made for a social welfare payment.

Other social welfare records

You have the right to seek access to non-personal records created after 21 April, 1998. These records include information on policy formulation or procedures used by the Department in determining entitlement to payment.

In certain circumstances, you may be allowed access to records created before 21 April, 1998.

Information routinely available

The Department routinely makes information available to the public through information leaflets, publications on its website and in response to enquires. Freedom of Information provides an additional source of information by making it easier to get access to records not routinely available.

Is there a charge?

There is usually no charge for access to personal information. There is no fee in respect of requests for non-personal records since October 2014.

Search and retrieval and/or photocopying charges may apply.

FOI requests that involve up to 5 hours of search and retrieval are free. Full fees apply to requests involving more than 5 hours.

Multi-faceted or voluminous requests may be refused on administrative grounds.

Note

To help avoid or reduce fees, please ensure requests refer to specific details and business areas.

Who can get the information?

In general, no one else has the right of access to your personal records unless you give your consent in writing. You may be asked for proof of identity, for example, Public Service Card, birth certificate, driver's licence or passport.

Are there any restrictions?

Normally, there isn't any restriction on getting access to your personal records. However, access may be refused to records that contain information about another person or otherwise exempt records such as information given to the Department in confidence.

How to make a request?

Requests must be made in writing and contain enough information so that we know what records you are looking for. Your written request should refer to the Freedom of Information Act. You should state if you would like to obtain copies of the records involved in any special form such as a photocopy.

You can use the request form **FOI 1** to make your request or contact:

- your local Social Welfare Office
- Email: foi@welfare.ie (recommended for non-personal requests only)

Note

Please note that the Department of Social Protection cannot guarantee that any personal and sensitive data, sent by email, is fully secure. Customers who choose to use this channel are deemed to have accepted any risk involved.

• Information Services

Department of Social Protection
Social Welfare Services
College Road
Sligo

Telephone: 071 919 3302

LoCall: 1890 66 22 44

If you are calling from outside the Republic of Ireland please call +353 71 91 93302

Note

The rates charged for the use of 1890 (LoCall) numbers may vary among different service providers.

Who decides if information can be given?

Requests for information are decided by specially appointed officials (called 'FOI Officers').

On receipt, requests will be referred for decision to the FOI Officer in the office or section where the records are held. Your request will be acknowledged within 10 working days of receipt and you may be contacted to clarify details of your request, if necessary.

Normally you will be notified in writing of the FOI Officers decision within 4 weeks of receipt of your request, unless an extension is required.

Where your request is being refused, you will be notified of the reasons for the refusal to grant your request, whether fully or partially.

If your request is approved, you will be advised of the arrangements for giving you access to the record.

Can a decision be reviewed?

If you are not satisfied with the decision of the FOI Officer or if you do not receive a reply within 4 weeks of the receipt of your request, (or an extended period agreed by you) you may ask for the decision to be reviewed at a higher level in the Department. A fee of €30 (€10 for medical card holders) will apply if you make an application for a review of a decision on a request for non-personal records.

If you are still not satisfied with the decision of the Reviewing Officer or you do not receive a reply within 3 weeks of the date of receipt of the review request, you have the right to appeal to the Information Commissioner, whose decision is final and conclusive.

A fee of €50 (€15 for medical card holders) will apply if you make an application to the Information Commissioner for a review of a decision on a request for non-personal records.

The Commissioner's decision can only be appealed to the High Court on a point of law.

Issued by:
Information Services
Department of Social Protection
Social Welfare Services
College Road
Sligo

For more information:

- Log on to www.welfare.ie.
- Telephone (071) 919 3302
LoCall: 1890 66 22 44
If you are calling from outside the Republic of Ireland please call +353 71 91 93302
- Drop in to your local Intreo Centre, Social Welfare Office or Citizens Information Centre.

Can you have your records amended?

If you have evidence that the DSP records to which you are granted access are incorrect, incomplete or misleading, you should apply to the FOI Officer to have them amended.

You can use this request form **FOI 2** to make your request or contact:

- your local Social Welfare Office
- **Information Services**
Department of Social Protection
Social Welfare Services
College Road
Sligo

Telephone: 071 919 3302

LoCall: 1890 66 22 44

If you are calling from outside the Republic of Ireland please call +353 71 91 93302

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If your application is refused (fully or partially), you can ask to have that decision reviewed by a more senior official. If you are still dissatisfied, you can appeal the decision to the Information Commissioner.

Other FOI Publications

Access to internal guidelines and procedures

All the internal scheme guidelines used in making decisions on entitlement to the various services provided by the Department can be accessed on the internet at www.welfare.ie.

If you want guidelines on a particular matter or scheme, you can contact your local Intreo Centre,

local Social Welfare Office, Information Services or the section of the Department dealing with the particular scheme, for a printed copy of the relevant guidelines.

Where can I get more information?

Further information about this Department's Freedom of Information arrangements is available by contacting:

FOI Unit

Social Welfare Services Office
Shannon Lodge
Carrick on Shannon
Co Leitrim

Telephone 071 96 72546 (from Republic of Ireland only), or

If you are calling from outside the Republic of Ireland please call +353 71 96 72546.

Note

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Other public bodies

The following public bodies are also subject to the Freedom of Information Act and you have the right of access to records held by them:

- Social Welfare Appeals Office
- Social Welfare Tribunal
- The Pensions Authority
- Citizens Information Board
- Office of the Pensions Ombudsman

This leaflet is intended as a guide only and is not a legal interpretation.