

Please read the Introduction – See [Introduction](#).

## Section 10: Right of Person to Information Regarding Acts of FOI Bodies Affecting the Person

Section	Information Required
10(1)	<p>[To be asked only where relevant or where, for example, the position is not clear]</p> <ul style="list-style-type: none"> <li>• Does the application in this case seek a statement of reasons for an act or decision of your body (i.e. your Department, Office, organisation etc.) within the meaning of section 10? <ul style="list-style-type: none"> <li>○ If so, what is the act or decision concerned?</li> <li>○ If, in your opinion, the application does not relate to such an act/decision, explain the reasons for your view in this regard.</li> </ul> </li>   <li>• If you have not given a written statement of reasons to the applicant, please explain the reasons for this. <ul style="list-style-type: none"> <li>○ Is the applicant affected by the act/decision concerned and does s/he have a material interest in a matter affected by the act/decision or to which the act/decision relates? Explain the reasons for your view in this regard. (In doing so, please have regard to the definition of ‘material interest’ in section 10(5) and of ‘benefit’ in section 10(13) where relevant.)</li> </ul> </li>   <li>• If you have given the applicant a statement of reasons in this case, confirm that it meets the criteria set out below and provide your comments as to how it does so. <ul style="list-style-type: none"> <li>○ A statement of reasons must include the reasons for the act and any findings on any material issues of fact made for the purposes of the act concerned.</li> <li>○ You should also note that the Commissioner takes the following view with regard to the principal features of a statement of reasons – Generally speaking, it should be intelligible and adequate. It should be sufficiently clear to enable the applicant to understand without undue difficulty why the public body acted as it did. It should identify the criteria relevant to the act and explain how each of the criteria affected the act. However, it does not necessarily have to contain a detailed clarification of all issues identified by an applicant as relevant to a particular act or decision.</li> </ul> </li> </ul>

10(2)	<p><u>To be asked <b>only</b> if section 10(2) has been relied on and <b>only</b> as relevant:</u></p> <ul style="list-style-type: none"> <li>• Please explain why, in your view, the relevant information is contained in a record which would fall to be refused as an exempt record. <ul style="list-style-type: none"> <li>○ Explain the basis for your view that the record is an exempt record (by reference to the relevant provisions of the FOI Act) and provide details of your findings on any material issues relevant to that view and on any relevant public interest considerations.</li> </ul> </li> </ul> <p>AND / OR</p> <ul style="list-style-type: none"> <li>• Please explain why the giving of the statement of reasons in this case would require the disclosure of the existence or non-existence of a record, the non-disclosure of the existence or non-existence of which is required by the Act. <ul style="list-style-type: none"> <li>○ Provide details of the provision of the Act which requires the non-disclosure of the existence or non-existence of the record in this case and explain why disclosure of the existence or non-existence of a record (as opposed to the content of the record) would have the effect required by that provision</li> </ul> </li> <li>• Has notice of the decision not to provide a statement of reasons been given to the applicant as provided for in section 10(4)? If so, please provide a copy of the notice (if not already provided).</li> </ul>
10(3)	<p><u>To be asked if relevant and <b>only</b> if section 10(3) has been relied on:</u></p> <ul style="list-style-type: none"> <li>• Please show that the decision for which the statement of reasons has been sought is <ul style="list-style-type: none"> <li>○ a decision of the Public Appointments Service or other relevant licence holder not to accept a person as qualified for a position or</li> <li>○ a decision of the Chief Executive of the Public Appointments Service not to recommend a person to a local authority for appointment</li> </ul> </li> <li>• Explain why, in your opinion, the giving of a statement of reasons would be likely to prejudice the effectiveness of the process for selecting a person for appointment to the position or office.</li> <li>• Has notice of the decision not to provide a statement of reasons been given to the applicant as provided for in section 10(4)? If so, please provide a copy of the notice (if not already provided).</li> </ul>

10(6)(a)	<p><u>[To be asked only where the application is made by the parent or guardian of the individual affected by the act and only where relevant / appropriate.]</u></p> <ul style="list-style-type: none"> <li>• Provide the information sought at either A) <u>or</u> B), as appropriate: <ul style="list-style-type: none"> <li>A) If the individual affected by the act has not attained full age, confirm his/her date of birth.</li> <li>OR</li> <li>B) If the individual affected by the act is an individual of full age who is incapable of exercising his/her rights under the FOI Act as specified in the Regulations*, please show that the individual falls within the class specified in Regulation 6(2)(b) (i.e. at the time of the application, the individual has, or is subject to, a psychiatric condition, mental incapacity or severe physical disability, the incidence and nature of which are certified by a registered medical practitioner and who, by reason of that condition, incapacity or disability, is incapable of exercising his/her rights under the FOI Act)</li> </ul> </li> <li>• Explain the basis on which you concluded that the applicant is the parent or guardian of the individual to whom the information relates.</li> <li>• Please explain the reason for your decision by reference to the relevant Regulations* and furnish any information provided by the applicant in connection with this application.</li> <li>• If you concluded that granting the application would not be in the best interests of the minor / individual concerned, please explain the reasons for this conclusion and provide details of any circumstances and any other matters which were considered relevant in making your decision in this regard.</li> <li>• Confirm whether, during the course of your decision-making in this case, it was considered appropriate to consult with any person regarding this application and explain the reasons for your view in this regard. If any consultations took place, provide details of the consultations and provide copies of the relevant communications.</li> </ul> <p>*Freedom of Information Act 2014 (Sections 9(6), 10(6) and 37(8)) Regulations 2017. S.I. 53 of 2017.  (Note: If the application was made prior to 10 November 2016, please refer to the relevant provision(s) of the Freedom of Information Act 1997 (Section 18(5A)) Regulations 2009 (S.I. 386 of 2009)).</p>
10(6)(b)	<p>To be asked <u>only</u> where the individual affected by the act of an FOI body is dead and only where relevant / appropriate.]</p> <ul style="list-style-type: none"> <li>• If not apparent from the records, please show the basis on which it was claimed, or on which you concluded, that the individual is dead</li> <li>• Furnish any information provided by the applicant in connection with this application.</li> </ul> <p style="text-align: right;">See 10(6)(b) contd. over/</p>

<p>10(6)(b) contd.</p>	<ul style="list-style-type: none"> <li>• Provide the information sought at (a) or (b) or (c) below, as appropriate to the circumstances of this case. <ul style="list-style-type: none"> <li>(a) Is the applicant a personal representative of the individual affected by the act (or someone acting with the consent of a personal representative)? <ul style="list-style-type: none"> <li>○ If so, is the personal representative acting in due course of administration of the estate?</li> <li>○ Explain the basis for your conclusions in this regard and provide any relevant information.</li> </ul> </li> </ul> <p>OR</p> <li>(b) Is the applicant a person on whom a function is conferred by law in relation to the individual affected by the act or his/her estate? <ul style="list-style-type: none"> <li>○ If so, is s/he acting in the course of the performance of that function?</li> <li>○ Explain the basis for your conclusions in this regard and provide any relevant information.</li> </ul> </li> </li></ul> <p>OR</p> <li>(c) Is the applicant the spouse or the next of kin of the individual affected by the act as defined in the Regulations*? <ul style="list-style-type: none"> <li>○ If so, explain the basis for your conclusions in this regard.</li> <li>○ If relevant, explain why you concluded that the public interest (including the public interest in the confidentiality of personal information) would not, on balance, be better served by granting the application than by refusing it. Provide details of the public interest factors taken into account in making your decision and provide details of any circumstances and/or any other matters to which you had regard in this respect.</li> <li>○ If relevant, provide details of any consultations which took place in relation to this application and provide copies of any relevant communications in this regard.</li> </ul> </li> <p>*Freedom of Information Act 2014 (Sections 9(6), 10(6) and 37(8)) Regulations 2017. S.I. 53 of 2017. (Note: If the application was made prior to 10 November 2016, please refer to the Freedom of Information Act 1997 (Section 18(5A)) Regulations 2009 (S.I. 386 of 2009)).</p>
<p>10(7)</p>	<p><u>To be asked if relevant and <b>only</b> where section 10(7) has been relied on.</u></p> <ul style="list-style-type: none"> <li>• Please explain the reasons why you concluded that the application/request in this case is frivolous or vexatious or forms part of a pattern of manifestly unreasonable requests / applications.</li> <li>• Provide details of the information relied on by you in reaching this conclusion</li> </ul> <p style="text-align: right;">See 10(7) contd. over/</p>

10(7) contd.	<ul style="list-style-type: none"><li>• Also provide the following information:<ul style="list-style-type: none"><li>○ the number of requests / applications made by the requester /applicant (or anyone with whom, in your view, the s/he was acting in concert)</li><li>○ details of the dates, nature and scope of the requests/ applications concerned</li><li>○ if relevant, please provide your view regarding the purpose of the requests/applications made and/ or the intent of the requester / applicant.</li></ul></li></ul>