

# *Kilkenny County Council*

## **Internal Audit Report Freedom of Information Requests**

**Date:** 14<sup>th</sup> November 2022

### **Report Distribution**

Tim Butler, Director of Services  
Catherine Cooney, Administrative Officer  
Eamonn Tyrrell, A/Administrative Officer  
Audit Committee Members  
Local Government Auditor

### **Introduction**

Kilkenny County Council is a Freedom of Information Body as prescribed in the Freedom of Information (FOI) Act 2014. The FOI Act provides, that from the effective date, every person has the following legal rights:

- the right to access official records held by Government Departments or other public bodies as defined by the Act
- the right to have personal information held on them corrected or updated where such information is incomplete, incorrect or misleading
- the right to be given reasons for decisions taken by public bodies that affect them
- Regulations provide that parents, guardians and next-of-kin may apply to exercise these rights in certain circumstances
- These rights mean that people can seek access to personal information held on them no matter when the information was created, and to other records created after the effective date.

The purpose of the Act is to make records available ‘to the greatest extent possible’, to promote openness, transparency and accountability. The Act facilitates scrutiny, discussion, comment and review of activities of FOI bodies. FOI bodies must presume release of records unless it is exempted in the Act. A release under FOI is deemed to be a release to the public at large.

Kilkenny County Council's Freedom of Information Officer is based in the Corporate Affairs Directorate, their role includes the following;

- To log and track FOI requests and ensure deadlines are met
- To engage with requesters where appropriate
- Provide expertise and support for internal and external engagements including the Central Policy Unit (CPU) & Office of Information Commissioner (OIC)
- Report to Senior Management Team on developments and issues that may arise
- Collate statistics and report to the CPU as required
- Ensure Section 8 Publication Scheme requirements are met, e.g., FOI Disclosure Logs
- Ensure good standards of FOI compliance

Decision Makers are assigned for each section within the Council to process FOI requests. They work with the FOI Officer particularly in relation to fees, collation of responses, etc. All requests are checked by the FOI Officer prior to release. There is also an Internal Reviewer in place to review any FOI appeals that may arise. If the requestor is still unhappy he or she has the right to appeal the decision to the Information Commissioner. Kilkenny County Council received 105 FOI requests for non-personal information and 7 personal FOI requests in 2021.

### **Approach**

Internal Audit spoke with Freedom of Information Staff to obtain an overview of the Freedom of Information Requests process in Kilkenny County Council. The Freedom of Information Act 2014 was reviewed. A sample of 11 files from the FOI Disclosure Log for 2021 (non-personal information) were examined to ensure compliance with the relevant legislation. Two additional FOI requests for personal information were also examined.

**Scope & Limitations of scope**

Scope of the audit was limited to the sample of 13 FOI request files. These comprised of requests that were granted, part-granted, withdrawn and refused.

**Audit Risk**

Risk of errors when processing FOI requests due to lack of training for Decision Makers.

**Co-operation of Management and staff**

Internal Audit received full co-operation from Council Management and Staff throughout the Audit and would like to thank them for their assistance.

**Internal Audit Opinion**

Internal Audit's findings/implications and recommendations are detailed below. Based on this audit of Freedom of Information Requests in Kilkenny County Council the audit opinion is satisfactory. The internal control system is effective. Established control procedures reasonably assure the achievement of operating and control objectives. Risk exposure or risk of loss is low.

This report was distributed to the Corporate Directorate and includes their Management Action Plan.

The report was approved by the Management Team on 22<sup>nd</sup> November 2022.

The Audit Committee reviewed the Audit Report at their meeting of 5<sup>th</sup> December 2022.

*Brigid Webster, Internal Auditor*

## Findings, Recommendations and Management Comments

A sample of 13 Freedom of Information Requests were reviewed to ensure compliance with the FOI Act 2014. The procedure for processing the Freedom of Information Requests in Kilkenny County Council is robust. The files are logged and tracked and adhere to the timelines set down in legislation, which is to issue original decision within 20 days of receiving a valid request. Engagement with the requesters is evident on the files and assistance was given to requesters to refine or clarify requests as appropriate.

The Decision Makers in the Sections work closely with the Freedom of Information Officer when advice is required with collation of responses. There were no appeals of FOI decisions in Kilkenny County Council to either the Internal Reviewer in the Council or the Information Commissioner in 2021. I can confirm that the ‘Section 8 Publication Scheme’ requirements as detailed in the FOI Act 2014 is in place and is available to view with the FOI Disclosure Logs on Kilkenny County Councils website.

<i><b>Findings</b></i>	<i><b>Implications</b></i>	<i><b>Recommendations</b></i>	<i><b>Management Action Plan &amp; Timeframe</b></i>
<p><b>1. Training</b></p> <p>Currently Kilkenny County Council has 36 Decision Makers across it’s Directorates. Of these 26 have attended the FOI Decision Maker Training. The remaining 10 have not attended the relevant training.</p>	<p>Decision Makers may not understand how to process FOI requests correctly and with confidence.</p>	<p>I would recommend that FOI Decision Maker Training is rolled out to the remaining Decision Makers as soon as possible.</p> <p>In addition, best practice indicates that refresher FOI training should be given to staff annually.</p>	<p>FOI Training has been arranged for December 2022 and will be provided on an ongoing basis.</p>