

**National Sports Campus
Development Authority**

**Freedom of Information Act
Sections 15 and 16 - Reference Book**

**A Guide to the Operation of the Act and the
Functions, Records, Rules and Practices of NSCDA**



**NATIONAL
SPORTS CAMPUS
DEVELOPMENT AUTHORITY**

(November 2011)

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Part A – How the Act Operates in NSCDA

1. INTRODUCTION

Under the Freedom of Information (FOI) Act 1997 and the Freedom of Information (Amendment) Act, 2003 every person has the right to:

- access information held by public bodies;
- have official information relating to him/herself amended where it is incomplete, incorrect or misleading; and
- obtain reasons for decisions affecting oneself, consistent with the public interest and the right to privacy of individuals.

This reference book has been prepared and published in accordance with the requirements of Sections 15 and 16 of the 1997 Act as amended by the FOI (Amendment) Act, 2003 and it contains the information on the following:

PART A - the structure of NSCDA and how you can make a request to NSCDA to access information.

PART B - the functions of NSCDA; details of the services we provide and how they may be availed of and the classes of records we hold.

APPENDICES – FOI fees and making requests by e-mail.

2. SERVICES PROVIDED BY NSCDA

The National Sports Campus Development Authority Act was enacted in June 2006. The Act provided for the establishment of the National Sports Campus Development Authority (NSCDA) and the Authority came into being with effect from 1 January 2007. The principal function of the Authority, as set out by the establishing legislation, is to:

- Develop a sports campus;
- Furnish and equip the sports campus;
- Manage, operate and maintain the sports campus; and
- Encourage and promote the use of the sports campus by professional and amateur sports people and members of the public.

The Authority succeeded in function and responsibility Campus and Stadium Ireland Development Limited (CSID), and continues the role of overseeing, planning and developing a National Sports Campus at Abbotstown in Blanchardstown, Dublin 15.

The Executive of the Authority is responsible for managing the Development of the National Sports Campus concept in association with its major stakeholders (the National Governing Bodies of Sport in Ireland, the Irish Sports Council, the Olympics Council of Ireland, the Paralympics Council of Ireland and the Department of Transport, Tourism and Sport). The Executive is also responsible for the general administration of the Authority including servicing the needs of the Authority and the Board of its subsidiary company (NSCDA (Operations) Limited), as well as the direction of the operations company.

During 2009, the Authority completed the Design and Planning Stage of the wider Campus project and a 10-year Planning Permission for the facilities to be included in Phase 1 of the project was secured in August 2009. These facilities include:

- National Indoor Training Centre (will provide facilities for over 20 sports);
- National Indoor Athletics Training Centre;
- National Gymnastics Centre;
- Sports Science & Medical Facilities;
- Elite Fitness & Conditioning Centre;
- National Field Sports Training Centre (Rugby, Soccer, Gaelic Games & Hockey);
- On-site accommodation for sports men and women; and
- Community Facilities (including playing pitches and 15 all-weather pitches).

The Authority's subsidiary company – NSCDA (Operations) Limited – was established primarily to manage the day-to-day operation of the National Aquatic Centre. The Company is also responsible for the maintenance and servicing of other Campus facilities as they come on stream. The Authority (through the subsidiary company) is also responsible for the day to day operation and management of Morton Stadium, Santry – the National Athletics Stadium. This expanded function is mandated through an operational agreement with Fingal County Council – the owner of the Stadium.

3. ORGANISATIONAL STRUCTURE

The Authority is headed up by the Chief Executive Officer and is broadly divided into three main areas of responsibility: Administration; Development Management; and Operational Management.

<i>Chairman</i> Dan Flinter	
<i>Chief Executive Officer</i> Barry O'Brien	
<i>Head of Administration</i> Stephen Ryan	<i>Development Manager Operations Manager</i> David Conway

4. REQUESTING INFORMATION UNDER THE FOI ACTS

Individuals may seek access from the NSCDA to information not otherwise publicly available on the following records, held by the NSCDA, which come within the scope of the Act:

- All records relating to personal information held by the NSCDA irrespective of when created.
- All other records created from 21st April 1998, the commencement date set for the coming into force of the Act.
- Any other record necessary to the understanding of a current record.
- Personnel records of staff created from 21st April 1995 and those created prior to that date where being used or proposed to be used in a way which adversely affects or may affect the person involved.

Requests for information may be made in writing, by fax or e-mail to the contact point below. Please note that you may be asked to produce evidence of identity, especially when requesting personal information, so please be prepared to produce a valid Passport, Driving Licence, Birth Certificate or other acceptable form of ID.

Applications for information should be addressed to:

FOI Coordinator
National Sports Campus Development Authority
IIS Building
National Sports Campus
Abbotstown
Blanchardstown
Dublin 15
Tel: (01) 8097300
Fax: (01) 8097336
e-mail: info@nscda.ie

4.1 Fees

There are two types of fees payable under the FOI Act:

- 'Up-front' fees that accompany a request for a record under section 7 (or subsequent application for review under section 14 or 34 – see full details in Appendix A). A request for a record containing non-personal information must be accompanied by a fee of €15 or, if the person is covered by a medical card, by a fee of €10. The fees payable in respect of an Internal Review or an appeal the Information Commissioner are set out in Appendix A.
- Fees/deposits on foot of requests under section 7 related to the cost of search and retrieval and copying of records released. In accordance with the FOI Act, 1997, fees will generally be charged in connection with locating the relevant records (search and retrieval time) and copying the records but not in respect of the time spent by public bodies in considering a request. The charges for locating and copying records are prescribed by the Minister for Finance. However, where individuals are seeking records, which contain only personal information about her or himself, a fee for locating the records will not be imposed unless a large number of records are involved.

Where the appropriate 'up-front' fee has been paid and the estimated cost of search and retrieval of the records sought is likely to exceed €50.79, a deposit may be payable. In these circumstances, the NSCDA must, if requested, assist you to amend the request so as to reduce or eliminate the fee involved.

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 individual requesting the information.

5. REVIEWS AND APPEALS

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 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 subject to appeal.

5.1 Internal Review

You may seek an internal review, which will be carried out by an official at a higher level to the official who made the original decision, if:

- You are dissatisfied with the initial response received (refusal of information, form of access, fees, etc.).
- You have not received a reply within four weeks of your initial application. This is deemed to be a refusal of your request and allows you to proceed to an internal review.

FOI Coordinator
National Sports Campus Development Authority
IIS Building
National Sports Campus
Abbotstown
Blanchardstown
Dublin 15
Tel: (01) 8097300

Such a request for internal review must be submitted within four weeks from the date of the notification of the initial decision. NSCDA must complete the review within three weeks of receipt of such request. An internal review must normally be completed before an appeal may be made to the Information Commissioner.

5.2 Appeals to the Information Commissioner

Following completion of the internal review, you may seek an independent review of the decision from the Information Commissioner. If you have not received a reply to your application for an internal review within three weeks this it is deemed to be a refusal and you may appeal the matter to the Information Commissioner.

Appeals in writing may be made directly to the Information Commissioner at the following address:

Office of the Information Commissioner
18 Lower Leeson Street
Dublin 2
Tel: (01) 639 5689
Fax: (01) 639 5674 or 661 0570
E-mail: foi@ombudsman.irlgov.ie

6. CONFIDENTIALITY

NSCDA undertakes to use its best endeavours to hold confidential any information provided by you, subject to NSCDA's obligations under law, including the Freedom of Information Acts. Should you wish that any of the information supplied by you should not be disclosed because of its sensitivity, you should, when providing the information, identify same and specify the reasons for its sensitivity.

NSCDA will consult with you about this sensitive information before making a decision on any Freedom of Information request received in respect of it.

If information is not identified as sensitive, with supporting reasons, then it may be released in response to any relevant FOI request.

Part B - Guide to the Functions, Services and Records of NSCDA

7. FUNCTIONS, SERVICES & CLASSES OF RECORDS HELD BY NSCDA

7.1 Functions

The National Sports Campus Development Authority (NSCDA) was established in January 2007. The principal function of the Authority, as set out by the establishing legislation, is to:

- Develop a sports campus;
- Furnish and equip the sports campus;
- Manage, operate and maintain the sports campus; and
- Encourage and promote the use of the sports campus by professional and amateur sports people and members of the public.

The Authority succeeded in function and responsibility Campus and Stadium Ireland Development Limited (CSID), and continues the role of overseeing, planning and developing a National Sports Campus at Abbotstown, Blanchardstown, Dublin 15.

The Executive of the Authority is responsible for managing the Development of the National Sports Campus concept in association with its major stakeholders (including the National Governing Bodies of Sport in Ireland, the Irish Sports Council, the Olympics Council of Ireland, the Paralympics Council of Ireland and the Department of Transport, Tourism and Sport).

The Executive is also responsible for the general administration of the Authority including servicing the needs of the Authority and the Board of its subsidiary company (NSCDA (Operations) Limited).

During 2009, the Authority completed the Design and Planning Stage of Phase 1 of the Campus project. The facilities to be included in Phase 1 of the Campus include:

- National Indoor Training Centre (will provide facilities for over 20 sports);
- National Indoor Athletics Training Centre;
- National Gymnastics Centre;
- Sports Science & Medical Facilities;
- Elite Fitness & Conditioning Centre;
- National Field Sports Training Centre (Rugby, Soccer, Gaelic Games & Hockey);
- on-site accommodation for sports men and women; and
- Community Facilities (including playing pitches and 15 all-weather pitches).

The Authority's subsidiary company – NSCDA (Operations) Limited – was established primarily to manage the day-to-day operation of the National Aquatic Centre. The Company is also responsible for the maintenance and servicing of other Campus facilities as they come on stream – including the headquarters of the Irish Institute of Sport at Abbotstown.

The Authority (through the subsidiary company) is also responsible for the day to day operation and management of Morton Stadium, Santry – the National Athletics Stadium. This expanded function is mandated through an operational agreement with Fingal County Council – the owner of the Stadium.

7.2 Services

As described above, NSCDA's principal function is to develop a campus of sporting facilities for use by both our elite athletes across all sports, local and community groups and clubs and the general public.

NSCDA's main customers and clients are the National Governing Bodies (NGBs) of sport in Ireland as well as Statutory and other bodies responsible for promoting and representing Irish sport – such as the Irish Sports Council, the Olympic Council of Ireland and Paralympics Ireland. Apart from facilities, operated under the aegis of the National Sports Campus, which are accessible to members of the public, NSCDA does not provide direct services to the public. However, information on Campus facilities is made available by the NSCDA.

7.3 Classes of Records Held

NSCDA maintains records related to the following:

- Work and meetings of the Authority (Board);
- Work and meetings of the Board of the Authority's subsidiary (NSCDA (Operations) Limited);
- General administrative records;
- Development and Planning of Campus facilities;
- Limited matters relating to the operation of Campus facilities (such as the National Aquatic Centre and Morton Stadium, Santry).

Appendix A

Fees that must accompany an FOI request/review application:

Type of Request/Application	<u>Standard Fee*</u>	<u>Reduced Fee ** **</u>
<u>Request for a record</u> Initial Request Internal Review Review by Information Commissioner	€15 €75 €150	€10 €25 €50
<u>Request for a record or containing personal information</u>	No charge	No charge
<u>Application under section 17 for amendment of a record containing incorrect, incomplete or misleading personal information</u>	No charge	No charge
<u>Application under section 18 for the reasons for a decision affecting the individual</u>	No charge	No charge

* Fee will not apply where a person appeals a decision to charge a fee or deposit, or a fee or deposit of a particular amount under section 47 of the FOI Act.

** Reduced fee will apply in respect of third parties who appeal a decision of a public body to release their information on public interest grounds.

Search and retrieval:

€20.95 per hour

Copying charges:

Photocopy per sheet: €0.04

Floppy disk: €0.51

CD Rom: €10.16

Radiograph: €6.35

FOI Requests by e-mail

FOI requests made by email are valid only when the upfront fee is received in the case of non-personal requests and if made in plain text format to foi@dast.gov.ie - requests sent to the email addresses of individual staff members are not valid. Please note that in submitting a request by email the sender is deemed to be aware of, and to have consented to, the following:

- Although requests can be sent by e-mail, a non-personal request can only be deemed a valid FOI request when the upfront fee has been received.
- E-mail requests will only be deemed received by NSCDA when the email has been actually opened in NSCDA and has been acknowledged to the sender. Until the email has been acknowledged, the email is not deemed received by NSCDA.
- Please note that a notification to the sender of an e-mail request via the "return receipt" or "delivery report" system does not guarantee that the e-mail application has been actually received in NSCDA. As indicated above, the e-mail application will only be deemed received by NSCDA when opened in NSCDA and an acknowledgement made to the sender of the request in question.
- Where an e-mail request is received by NSCDA outside of office hours, it will be opened on the next working day and will be acknowledged to the sender on that day. The request will be deemed received only when the acknowledgement has been made to the sender.

NSCDA cannot guarantee the confidentiality of any communications sent electronically.