An Coimisinéir Faisnéise
Information Commissioner

ANNUAL REPORT

Supporting the right to information

2025

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2025

Contents

Performance Summary

689
applications were received in 2025, a 10% decrease on 2024

305
cases on hand at 1 January 2025

125
applications were not accepted and were closed by our support unit

+

557
applications for review accepted during 2025 – an 8% decrease on 2024

–

506
reviews completed in 2025 – a 2% decrease on 2024

=

356
cases on hand at year-end - a 16% increase

41%
of all reviews closed within four months – down from 42% in 2024

FOI USAGE

46,277
requests were made to public bodies in 2025 – an increase of 11% on 2024

A **65%** increase in the number of requests made to public bodies compared to 2015 (the first full year of the 2014 Act)

65%

* For the reasons set out in the "Update from the Director General" on Page 7, the statistics for cases received and processed by our Office are up to the end of November 2025 only. While cases were received and cases were completed in December, the December data is not reliable and not recoverable and has been excluded.

Introduction

2025 was an extremely busy period for our Office. In terms of demand for services, we saw a continuation of the trend of recent years of ever-increasing demand for FOI services. The number of FOI requests received by public bodies, which has increased year on year for several years now, reached another high point in 2025. Demand for our review services also remained high throughout the year.

I welcome the increase recorded in the number of FOI requests that were handled by FOI bodies outside of the statutory process. This is a welcome development, as our Office has long promoted the handling FOI requests outside of the formal process, pointing out that, where appropriate and practicable, such an approach can have benefits for both the body processing the request and the requester. I report in more detail on these matters later in Chapter 1.

In 2025, we received only two appeals to the High Court of our decisions, both of which remain ongoing at the time of writing. The Supreme Court refused an application made by an appellant for leave to appeal a judgment of the High Court dismissing his earlier appeal while his appeal to the Court of Appeal was also subsequently struck out. Unusually, our Office was also a respondent to defamation proceedings in 2025, which were dismissed by the High Court earlier this year. The reduced court activity for the year was a welcome development and meant that for the most part, our resources were focused on the large number of reviews we had on hand. I report further on our court activity in Chapter 3.

A more disappointing matter I feel compelled to highlight yet again is the ongoing lack of progress in the completion of the review of the FOI that was first announced five years ago by the then Minister for Public Expenditure and Reform. I am simply at a loss to understand why the review has not been completed to date. It remains a matter of significant frustration for our Office that we have not been able to progress the many recommendations for change we outlined in our submissions to the Department in response to the public consultation exercise conducted in 2022. We continue to advocate for the review to be completed and will work closely with the Department in the event that it is recommended, as I expect it to be, that the FOI Act be amended.

Our team delivered an extensive and productive outreach programme in 2025. The programme aimed to increase our engagements with FOI bodies to support and assist them in improving their FOI decision making. Further details of this work are set out on page 18 of this report.

I have consistently encouraged public bodies to properly resource and support their FOI functions particularly in terms of staffing, training and support for those working directly on FOI requests. I have also encouraged public bodies to proactively publish and disseminate as much information as possible so the public can access information without going through the FOI process. I firmly believe that proactive dissemination without the need for formal requests is the best way to deal with information requests and has the potential to reduce the administration burden placed on public bodies and cost to the taxpayer. I want to acknowledge the progress made in this regard and ask public bodies to continue to make information available to the widest extent possible.

I would also ask for the cooperation of requesters who are seeking information to use the process for the purpose that it was intended, and to cooperate with the public body and be reasonable in their requests, their conduct, and in their dealings with staff in public authorities, and not to engage in conduct that amounts to an abuse of the right of access.

Finally, I would like to record my thanks to all the staff of the Office of the Information Commissioner, under the leadership of Senior Investigator Stephen Rafferty, for their hard work, determination and dedication in delivering a high quality service in another very busy, challenging, demanding and productive year.

I am pleased to present this Report, the twenty-seventh Annual Report of the Information Commissioner since the establishment of the Office in 1998, covering the period from 1 January 2025 to 31 December 2025, to the Dáil and Seanad pursuant to section 47(2) of the Freedom of Information Act 2014.

Ger Deering
Information Commissioner
June 2026

Update from the Director General

I would like to commend our staff for their hard work during the year in meeting our key strategic objectives of delivering accurate, clear and well-grounded decisions on reviews of FOI decisions and delivering a comprehensive tailored outreach programme to public bodies to drive improvements in the delivery of FOI services.

Our goal in delivering our outreach was to help equip FOI decision makers with the tools and knowledge to effectively and accurately respond to FOI requests and to stress the potential benefits of handling requests outside of the FOI legislative framework. The benefits of this outreach may be reflected in the increase in the number of FOI requests that were withdrawn or handled by public bodies in 2025 outside the FOI legislative framework.

In December 2025, our Office was the subject of a random cybersecurity attack on some of its IT systems, including the electronic case management system OIC used to carry out its work. Our immediate priorities to protect personal data and restore our services safely were achieved and I am proud of the resilience of our staff in meeting the challenges head-on and quickly restoring our services.

Due to the loss of access to our case management system our casework is measured up until the end of November 2025 only. While cases were received and cases were completed in December, overall the December data is not reliable and not recoverable and has been excluded. Despite the shorter recording period, the completion figures remained high, almost the same as the full year 2024.

Our "corporate spine" supports the independence of the OIC and provides necessary back office supports such as HR, ICT, Finance, Procurement, Facilities, Legal and Communications. This enables the team to concentrate on OIC casework.

Our new Statement of Strategy - "Towards 2030", which we launched earlier this year, sets out our key objectives such as timely accurate and well-grounded decisions; further tailored outreach; central involvement in the review of the FOI Act; and harnessing digital technology developments to support delivery of our strategy. I look forward to working with the OIC team to implement this strategy.

Elaine Cassidy
Director General

CHAPTER 1

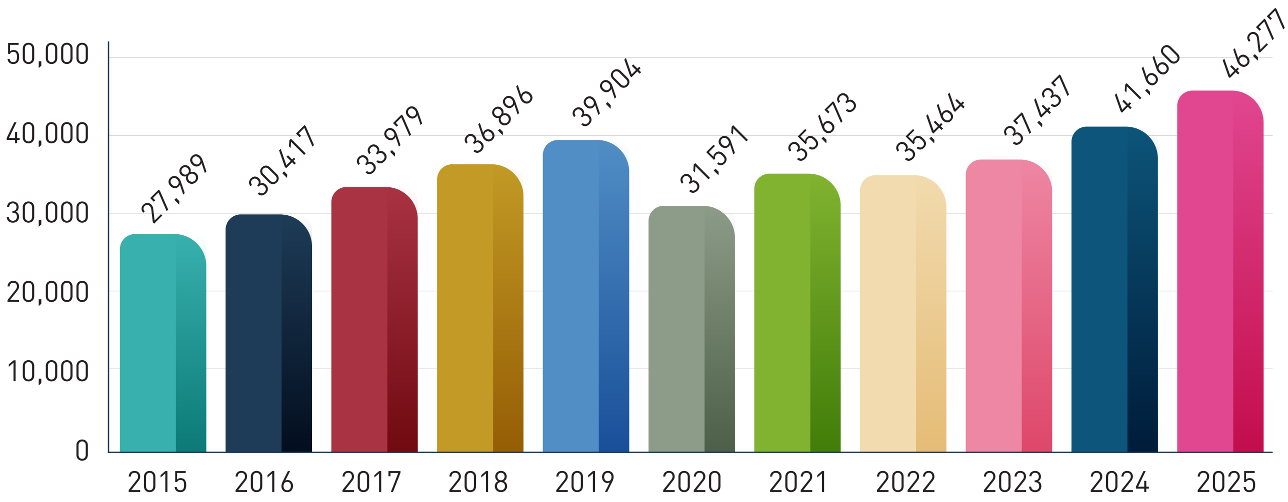
The year in review

Key FOI statistics for the year

The FOI Act 2014 provides for a general right of access to records held by public bodies and also provides that records should be released unless they are found to be exempt. The Act gives people the right to have personal information about them held by public bodies corrected or updated and gives people the right to be given reasons for decisions taken by public bodies, where those decisions expressly affect them.

This part of Chapter 1 provides more detail on FOI usage during 2025. Further information is provided in the tables in Chapter 4.

Number of FOI requests to public bodies 2015 – 2025



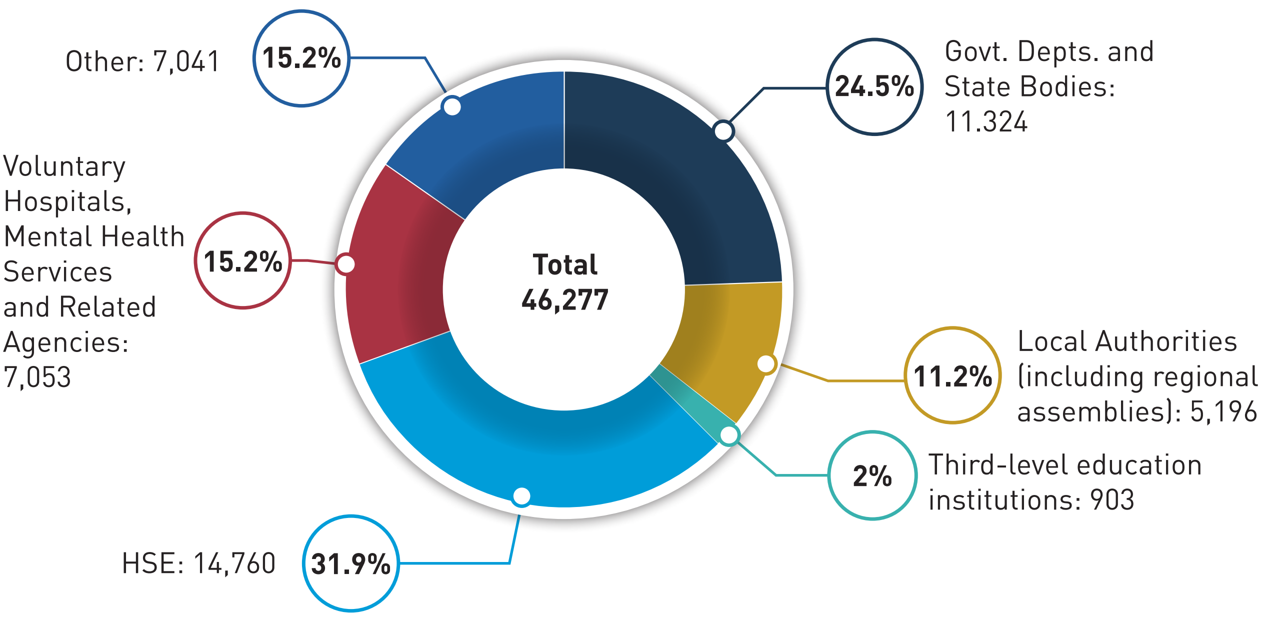
Figures on FOI usage for the year are supplied by the Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation (DPER), the Health Service Executive (HSE), the Local Authorities FOI Liaison Group, the Department of Health, the National Federation of Voluntary Bodies and the Liaison Group for the Higher Education Sector, and are collated by our Office.

The increased usage of the FOI Act continued unabated in 2025. Public bodies reported a total of 46,277 requests received in 2025. This represents an increase of 11% on 2024, which matches the 11% increase recorded in 2024 over 2023. Consecutive annual increases of over 10% in the number of FOI requests received by public bodies is testament to FOI's ever-increasing importance as a means of accessing information held by those bodies. Indeed, for the second consecutive year, the number of FOI requests made to public bodies in 2025 was the highest recorded since the introduction of the 2014 FOI Act.

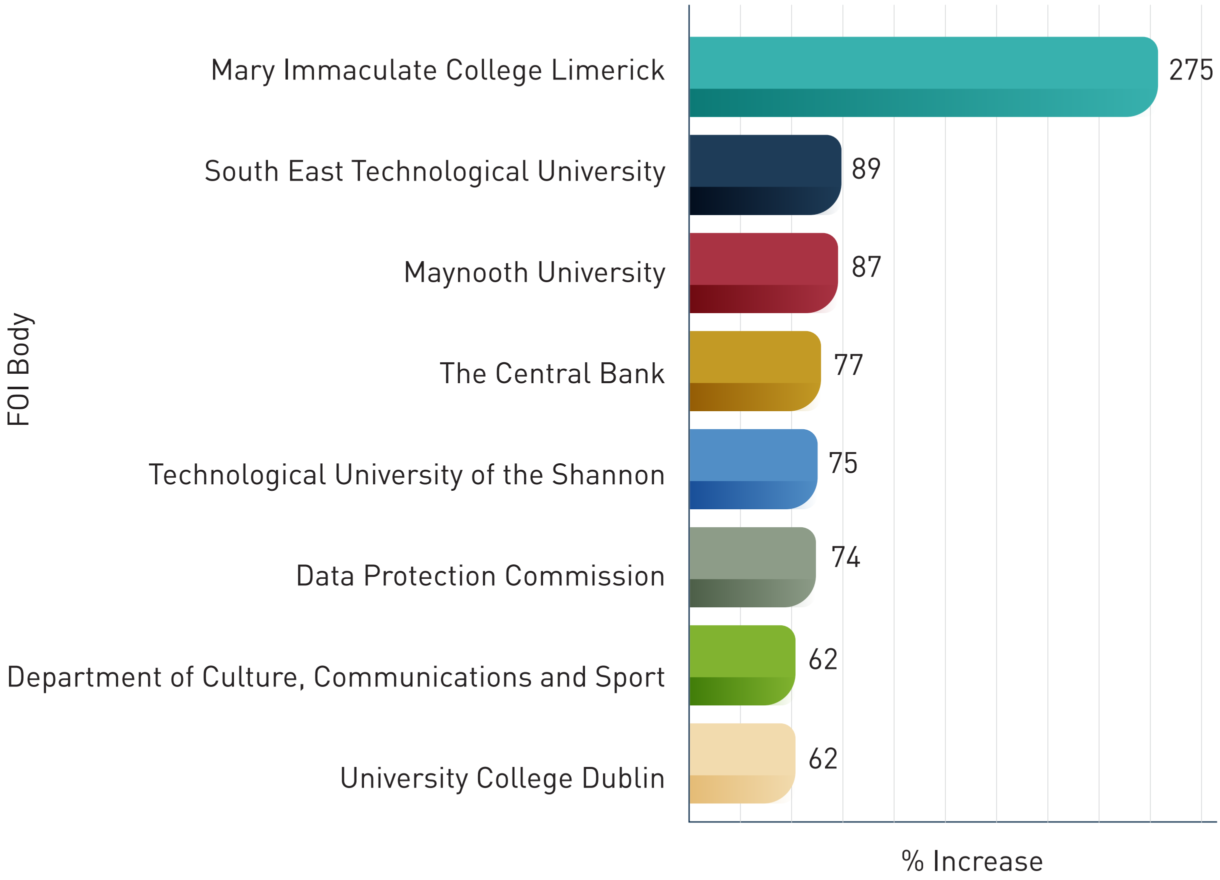
Top ten bodies who received most requests during 2025

FOI body	2025	2024	+-%
HSE	14,760	13,310	+11
HSE South	6,076	5,353	+14
HSE West	4,049	3,360	+21
HSE Dublin Mid-Leinster	2,179	1,791	+22
HSE Dublin North East	1,639	2,141	-23
HSE National Requests-Corporate	817	665	+23
Department of Social Protection	2,610	2,618	-0.3
Tusla - Child and Family Agency	1,639	1,401	+17
Department of Justice, Home Affairs and Migration	1,522	1,216	+25
Dublin City Council	825	719	+15
Beaumont Hospital	822	671	+23
The Coombe Hospital	753	692	+9
An Garda Síochána	736	497	+48
Department of Housing, Local Government and Heritage	715	522	+37
St. James's Hospital	609	612	-0.5

Sectoral breakdown of FOI requests to public bodies in 2025



A number of public bodies reported notable increases in FOI requests received over the course of 2025 when compared to the previous year.

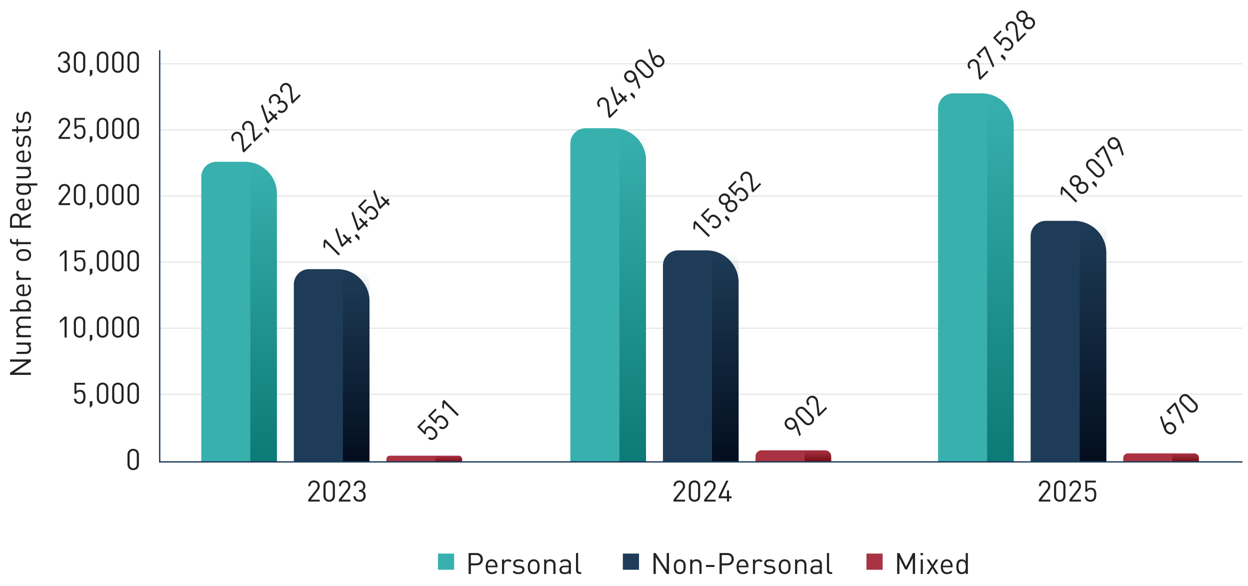


Some of the larger percentage increases involved a number of FOI requests that was still relatively small overall (for example, the number of requests received by Mary Immaculate College Limerick increased from 4 in 2024 to 15 last year – a 275% increase, though the overall number of requests remained relatively low). Other bodies saw a large increase in terms of both percentages and raw numbers – for example, the 62% in requests recorded by University College Dublin reflects an increase from 99 FOI requests received in 2024 to 160 last year.

A number of other organisations recorded significant decreases in requests received. For example, the Department of Children, Disability and Equality recorded a decrease of almost 63%, while the number of requests received by the Department of Agriculture, Food and the Marine and the Department of Defence fell by 35% and 36% respectively.

There were some notable trends in the number of requests received across the various sectors in comparison to 2024. Government Departments and State Bodies, which received 37.6% of all requests in 2024, received only 24.5% of all requests in 2025. Voluntary hospitals, mental health services and related agencies saw a slight increase a of just under 3.5% (15.2% of all FOI requests received in 2025, compared with 11.8% in the previous year). The numbers recorded by the local authority, HSE and third-level institution sectors all remained relatively stable. The largest sectoral increase was from all other miscellaneous FOI bodies, rising by over 10% (15.2% in 2025 compared to 5.1% in 2024).

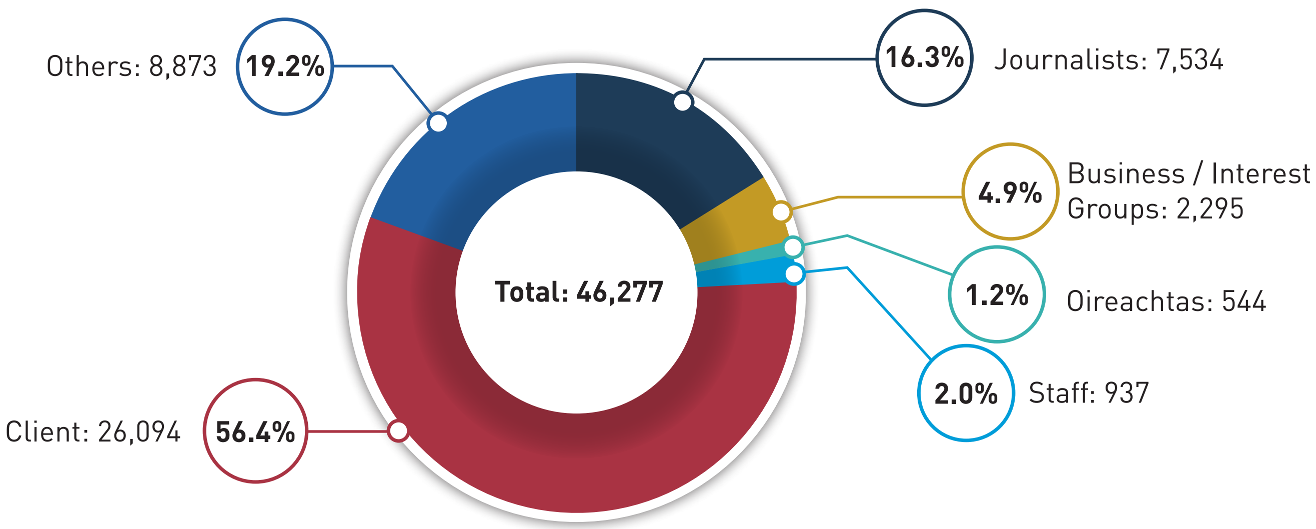
Types of Request to Public Bodies



- More than 72% of requests made to local authorities were for access to non-personal information.
- 63% of requests made to Government departments were for access to non-personal information.
- Of the requests received by the HSE, over 88% were for access to personal information.
- The figure for the HSE was replicated across the overall health sector. Over 87% of all requests to the health sector in general (including the HSE and voluntary hospitals) were requests for personal information.

See Chapter 4, Tables 6-11, for more details.

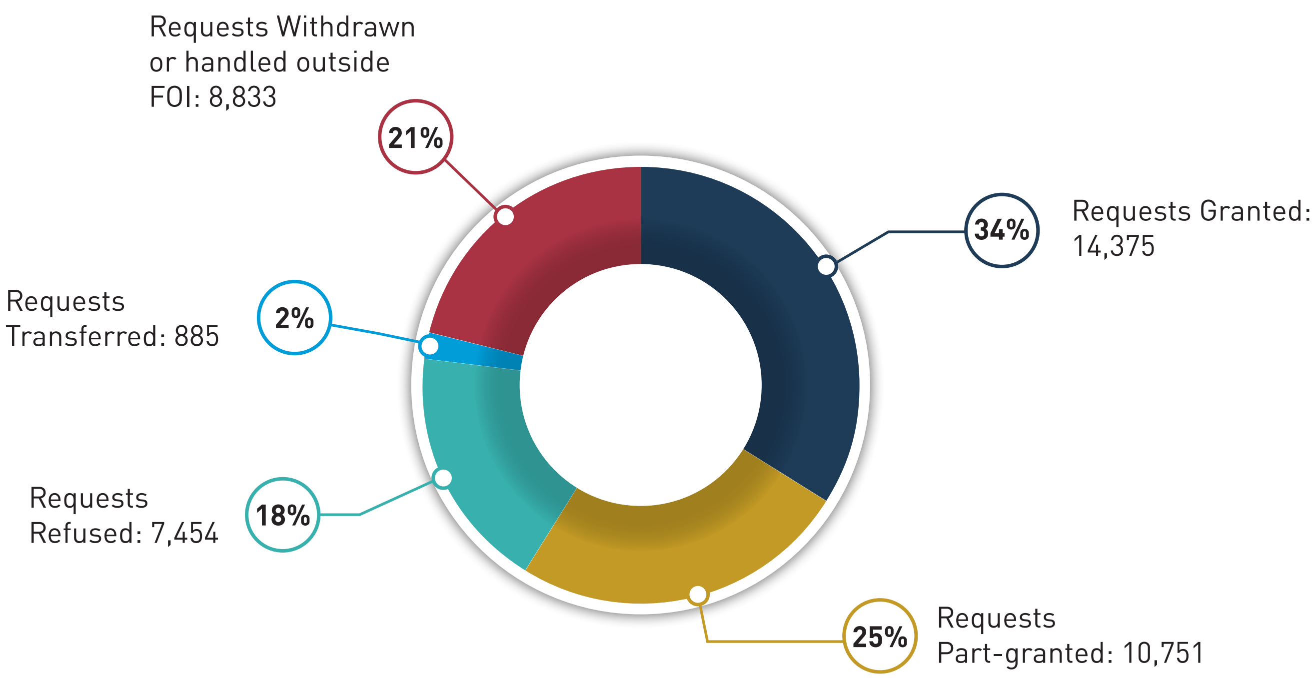
Category of requester to public bodies in 2025



The percentage of requests made in 2025 by each category of requester was broadly similar to 2024. However, there were slight differences in the make-up of various requesters to public bodies. The percentage of requests made by journalists rose from 14% in 2024 to 16.3% in 2025. Requests made by business / interest groups fell by 1.6%, from 6.5% in 2024 to 4.9% in 2025. Clients of FOI bodies accounted for 56.4% of requests, down from 58% in 2024. Requests from parties other than clients or staff of public bodies, journalists, business groups, or Oireachtas members increased from 18.6% in 2024 to 19.2% in 2025.

There were some notable differences in release rates in 2025 compared to the previous year. The percentage of requests that were granted in full notably fell by 7%, from 41% in 2024 to 34% last year. The percentage of requests that were granted in part also fell, from 30% in 2024 to 25% in 2025. The percentage of requests that were refused or transferred stayed constant at 18% and 2% respectively. The most dramatic increase was in FOI requests that were withdrawn or handled outside the FOI legislative framework, which rose from 9% in 2024 to 21% last year. In various external presentations given by our Office over the last number of years (including as part of our Outreach programme), we have stressed the potential benefits to public bodies and requesters of handling requests outside of the FOI legislative framework, where same is feasible and practical, so it is somewhat gratifying to note this reflected in the increase in cases handled outside of FOI. See Chapter 4, Table 5 for more details.

Release rates by public bodies in 2025



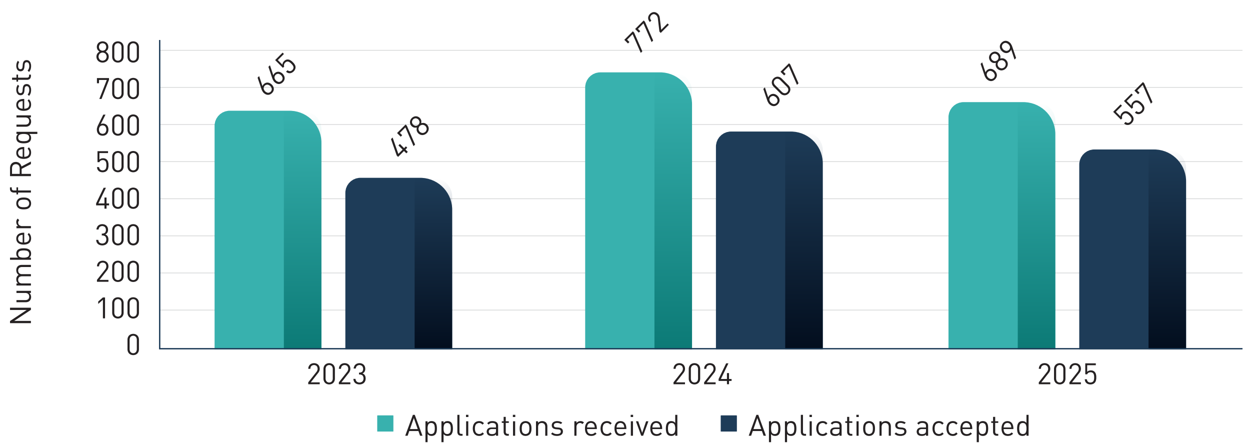
The work of our Office in 2025

Applications to our Office for review are made by requesters (and, in certain cases, third parties) who are not satisfied with a decision of an FOI body. Decisions made by our Office following a review are legally binding and can be appealed to the High Court, generally only on a point of law. As I have outlined above, details of our activity in 2025 relate to the period up to the end of November 2025 only due to the cyber-attack we suffered in December 2025.

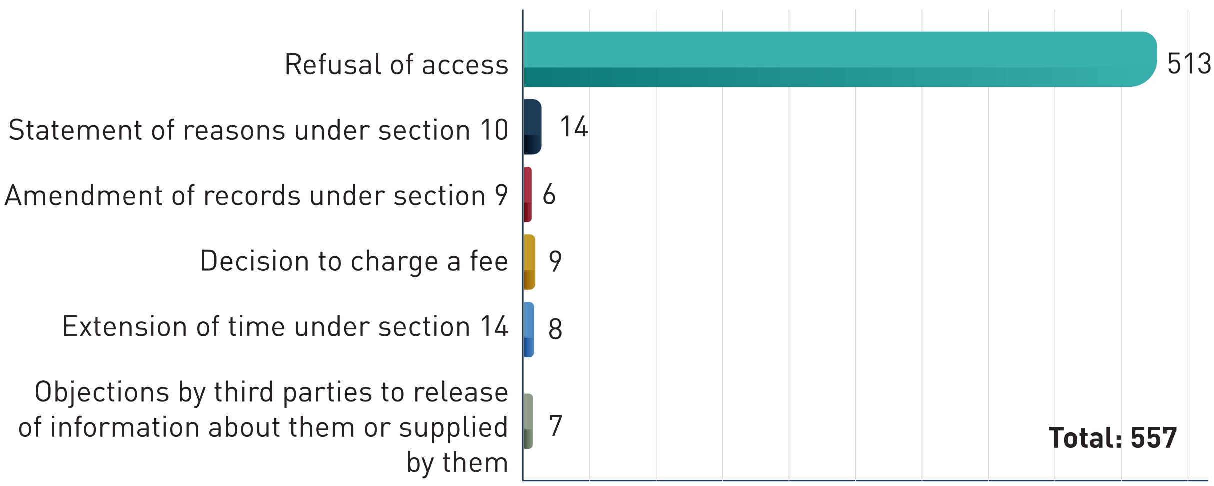
In our 2024 Annual Report, we noted that our Office had accepted more applications for review in the year to end than in any other year since the introduction of the 2014 Act. While we recorded receipt of 689 applications to 30 November 2025, we were on course to have received a similar number of applications in 2025 to the number received in 2024.

It should be noted that while we accept most applications, a number of invalid applications are rejected each year. Invalid applications arise mainly due to the failure of applicants to avail of an internal review of the initial decision before applying to our Office for a review. We closed 125 cases up to 30 November 2025 (compared with 189 in 2024) which were not accepted for review.

Applications to OIC 2023-2025

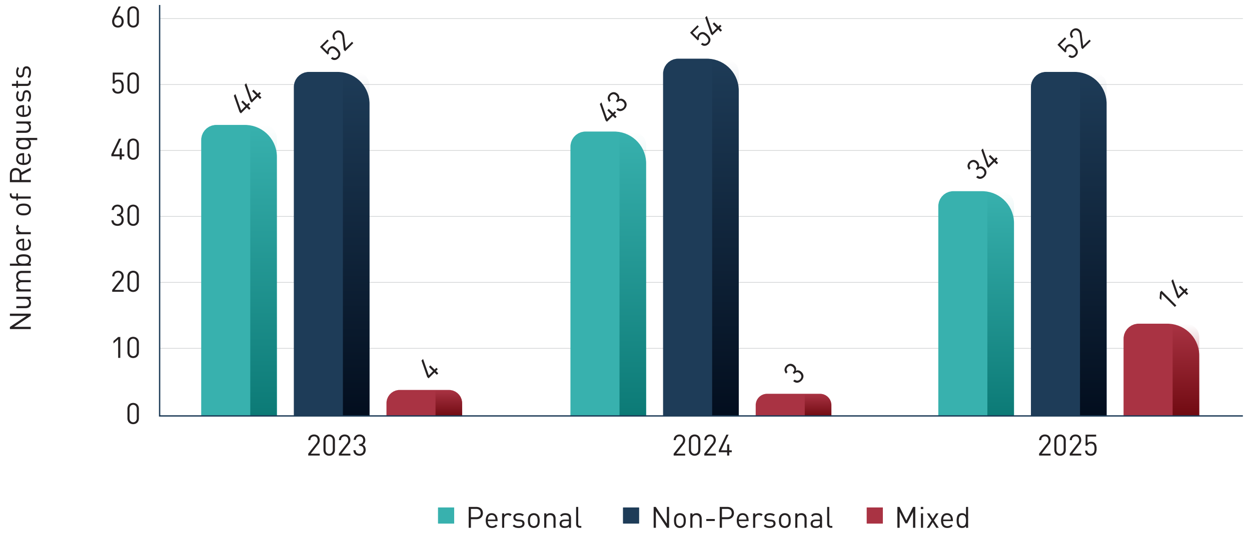


Accepted applications in 2025 – subject matter



Percentage of accepted applications by type 2023-2025

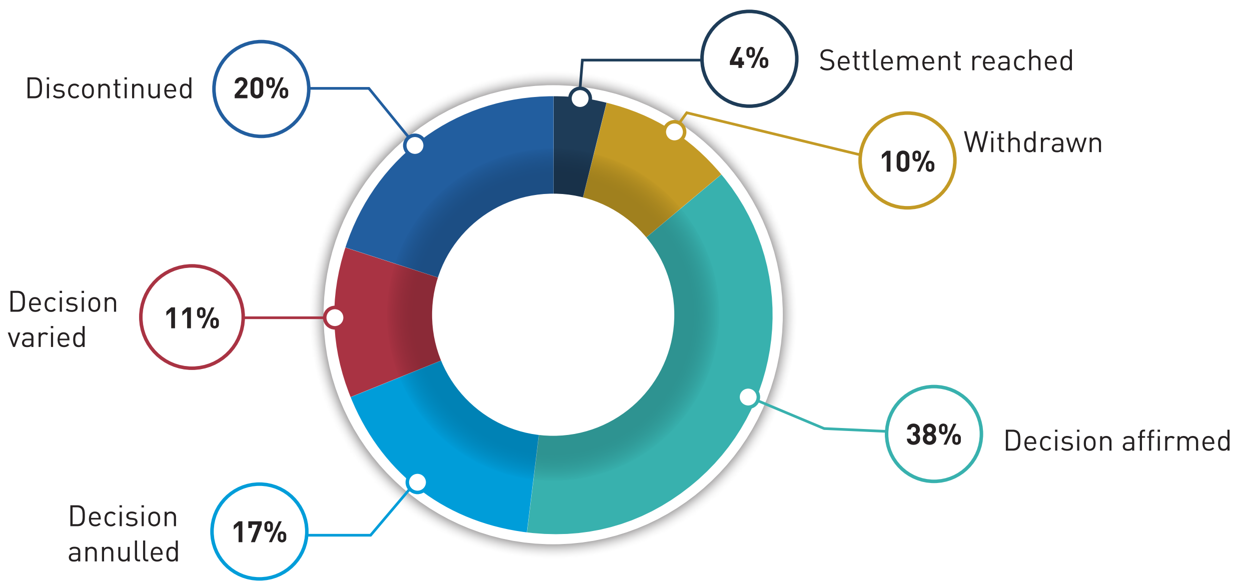
An application recorded by 'type' indicates whether the applicant is seeking access to records that are of a personal or non-personal nature, or a mix of both.



Outcome of reviews by OIC in 2025

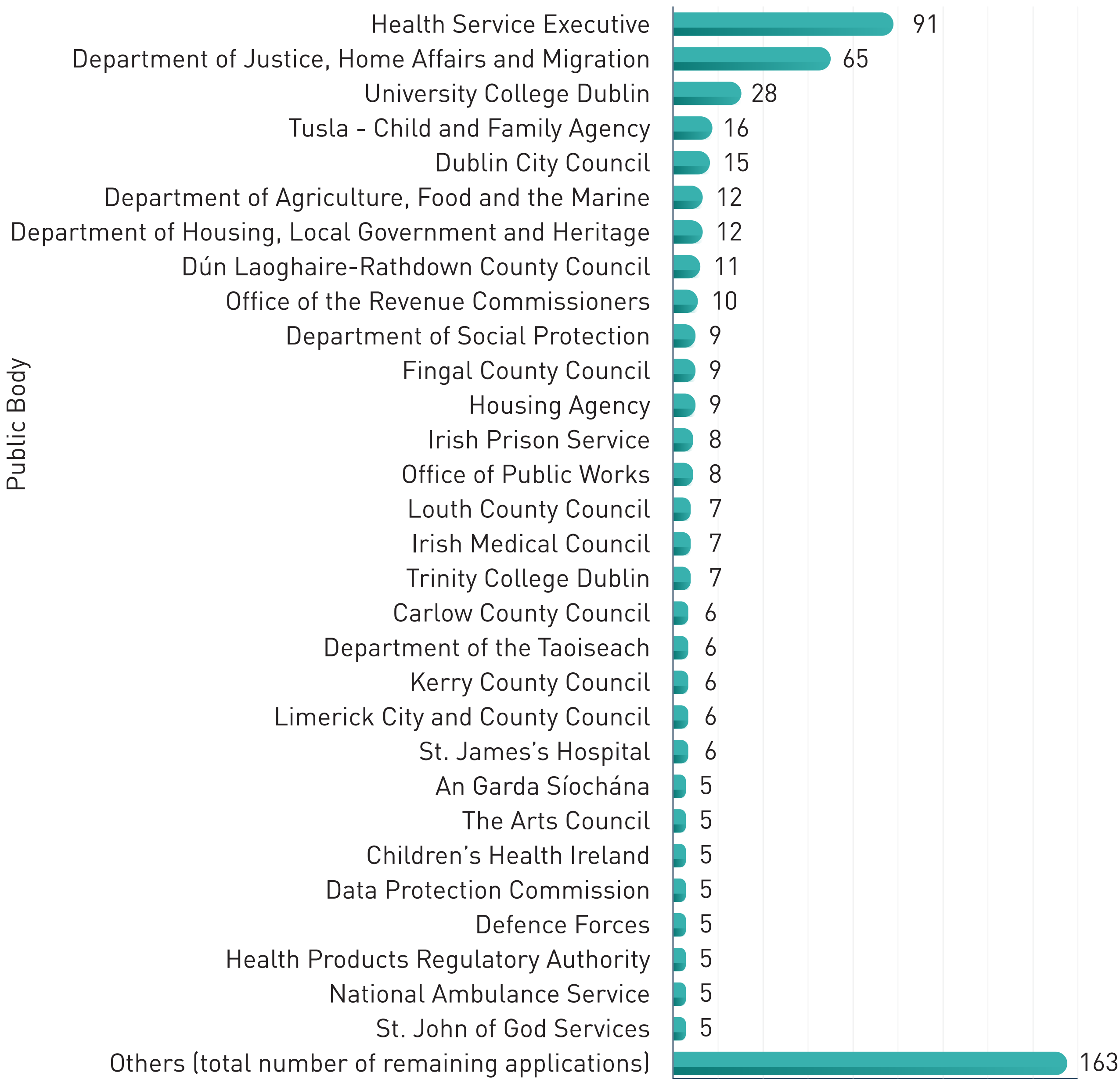
We reviewed 506 decisions of public bodies in 2025. Of the reviews completed, 66% were brought to a close by way of binding decision. This is notably higher than the same figure for 2024, when 57% of reviews were concluded by way of binding decision, and sees a return to the trend observed in the years prior to 2024 (the comparative figures for 2023 and 2022 were 66% and 65% respectively). There was a corresponding decrease in 2025 in the number of reviews that were discontinued (20% over the course of the year, compared with 27% in 2024).

There were 5% increases in both the percentage of decisions of public bodies that we affirmed following review in 2025 (up from 33% of all completions in 2024 to 38% in 2025) and that we annulled (up from 12% in 2024 to 17% last year).



There are a number of ways, besides a formal decision issuing from our Office, in which an applicant can benefit as a result of seeking a review. Cases are deemed to have been settled where, at some stage during the course of the review, the public body in question has provided additional information to the applicant and the applicant no longer requires a formal decision. However, it is also the case that many of the withdrawals of reviews by applicants come about after the public body in question has provided additional information following engagement with our Office (for instance, by way of releasing additional records or by providing a more detailed explanation of the searches undertaken for relevant records). Moreover, in some cases where we have affirmed a public body's decision, the body may have released additional records to the applicant in the course of our review. Thus, a positive outcome for applicants is often achieved even in circumstances where the review does not proceed to a formal decision, or when the public body's decision is affirmed.

Accepted applications – by public body



The 557 applications for review we accepted in 2025 covered 125 separate public bodies (in 2024 we accepted 607 reviews covering 132 public bodies). As in previous years, the HSE was the organisation with the greatest number of accepted applications for review by our Office.

We observed a notable rise in the number of applications that we accepted in relation to certain bodies in 2025 compared to 2024. We accepted 65 applications involving the Department of Justice, Home Affairs and Migration in 2025, compared to 36 in 2024. In the case of University College Dublin (UCD), the number increased from 9 in 2024 to 28 in 2025.

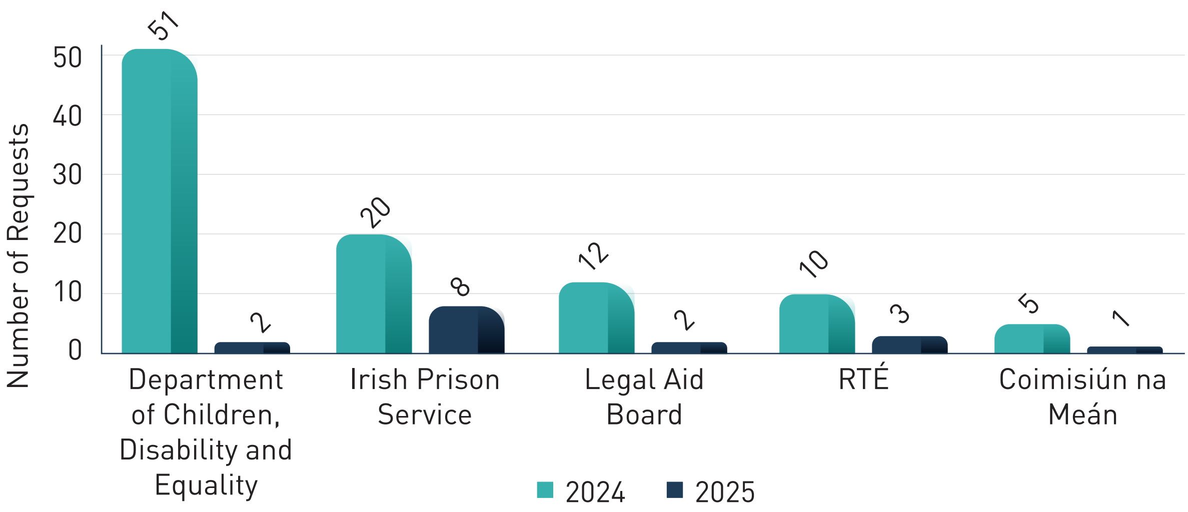
The Department of Justice, Home Affairs and Migration explained that the increase in applications for review to our Office was more than likely linked to the fact that it assumed responsibility for the International Protection Accommodation Service (IPAS) from 1 May 2025, which resulted in a 30% increase in requests received by this area of the Department in 2025.

UCD said that the substantial increase in reviews was largely attributable to a significant rise in requests from a small and particular cohort of persons who, it said, made serial requests and applications under the FOI Act in relation to all manner of records held by UCD, and reasons for decisions made by UCD, concerning their academic standing, progression, options, and so on, and by which they are aggrieved. UCD said these requests (which have shared similar patterns and characteristics and suggest collaboration between the requesters) were often verbose and extremely complex in nature, whilst also lacking clarity, and therefore have required additional analysis, interpretation and follow-up by the University's FOI unit, and were frequently the subject of further or other requests from the same requesters, and of internal and external review applications.

UCD said that the requests had resulted directly in the higher number of reviews recorded during the period. In addition, it said that the volume, frequency, and nature of these requests and applications have resulted in a concentrated pattern of engagement, which had put an appreciable strain on its resources, directly impacting the unit's capacity to process requests efficiently and on time (which, on occasion, had led to applications for external review of deemed internal review decisions). UCD said that the volume and convoluted nature of the requests had been such that it had had to engage its external solicitors in order to assist it in the processing of the applications. In sum, UCD said that the increase it recorded in 2025 had been largely driven by a concentrated pattern of engagement by a particular cohort rather than by any broad or general trend across the University. It noted that of its decisions that were subsequently considered by our Office, many were upheld.

On the other hand, we recorded noteworthy decreases in the number of accepted applications involving a number of other bodies. The drop in applications accepted that involved the Department of Children, Disability and Equality is particularly notable – down from 51 applications in 2024 to only 2 in 2025. This was no doubt due in no small part to the transfer of IPAS functions to the Department of Justice, Home Affairs and Migration in May 2025.

Some of the more notable reductions include the following:



OIC outreach and engagement programme

Our outreach work is aimed at increasing our engagements with FOI bodies in order to support and assist them in improving their FOI decision-making. In our 2024 report, we reported on a series of webinars we delivered to FOI decision-makers which were well-attended and well-received. In 2025, we ran a new and expanded programme of webinars, delivered over two six-week periods, in April and September 2025 respectively, to FOI decision makers in Local Authorities and the health sector. These sectors were selected for the first two programmes, as both receive and process significant volumes of FOI requests, with healthcare the largest single sector. The webinars were delivered via Zoom by our staff and were designed with the aim of providing decision-makers with an overview of the FOI Act as well as information about the key sections and commonly used provisions of the legislation. The presentations that made up the webinars included an overview of the FOI Act, case studies, and notes regarding the applicability of each relevant provision. Our goal in delivering the webinars was to help equip FOI decision-makers with the tools and knowledge to effectively and accurately respond to FOI requests that they receive.

In order to ensure the Outreach series was as beneficial as possible for our target audience, the webinars were preceded by a survey which we sent to all 31 Local Authorities and 45 Health Sector FOI Offices, in order to gather information on the type of content decision makers felt would be most applicable to their role, as well as any particular sections of the Act they felt were most relevant. This survey also sought to gain an understanding of whether the decision-makers attending had previously received training on the FOI Act and, if so, what the nature of this training was. There was an excellent uptake to the survey, with 63 responses from the relevant FOI Officers, which enabled our Outreach team to use the survey results to structure the webinars to ensure that the sections and issues flagged by respondents were included in the module content, wherever possible.

The two six-week programmes of webinars included modules on FOI versus Data Protection and the work of our Support Unit; sections 15 and 17(4); sections 35 and 36; sections 37 and 38; sections 29 and 30; and sections 9, 10, and 31. Each module consisted of a 75 minute presentation on the specifics of each section of the Act, as well as a dedicated 15-minute Q&A session at the end of each module.

In total, the Local Authorities series saw over 250 participants register to attend, with over 100 decision-makers on average in attendance at each module. The Health Sector series had over 400 registered participants, with an average of over 250 decision makers in attendance per module. Feedback received during the course of both series was very positive, with many decision-makers noting that they had found the presentations very useful for understanding the intricacies of the FOI Act. During the second webinar series the Outreach team included a module feedback survey after each module, and of the 235 respondents over the course of the six modules, over 95% stated that they were likely or very likely to recommend the series to another colleague. The feedback on the webinar programme was very encouraging and it is our hope that future webinars will continue to assist and support decision-makers in relevant FOI bodies in issuing higher quality decisions, with corresponding benefits for requesters.

In addition to our webinar series, our staff also contributed to other speaking engagements throughout the year. Among the events at which OIC staff gave presentations in 2025 were:

- FOI Training Session with FOI decision-makers in Trinity College Dublin in March 2025, covering the following topics –
  - harm and interest tests
  - commercially sensitive and / or confidential information
  - personal information
  - notification requirements / engagement with third parties
  - disclosure of tenders, evaluation process proceedings, and related records
  - submissions and engagements with OIC in relation to appeals.
- Two presentations in December 2025 to meetings of the Public Service User Network (PSUN) and Interdepartmental Working Group (IDWG) hosted by the Central Policy Unit of DPER, covering –
  - personal information and section 37 of the FOI Act
  - administrative refusal of FOI requests under section 15(1)(a), (c) and (g) of the Act
  - Q&A session.
- Tusla's Privacy and FOI Network Event in December 2025, at which OIC staff spoke on –
  - section 37(1) of the FOI Act and the section 37(8) regulations allowing for the release of personal information of third parties to special categories of requester
  - administrative refusal of FOI requests under section 15(1) of the Act
  - release of information outside of FOI.

The feedback received from these events on the presentations given by OIC staff was extremely positive and it is encouraging to note the extent to which such bodies are keen to engage with our Office. We would encourage public bodies to continue to reach out to us for speakers at FOI-related events, as our staff are always happy to share their experience and expertise on these occasions.

Statutory notices issued to public bodies

The FOI Act provides that the Commissioner can issue statutory notices to public bodies in certain circumstances. We can issue a notice under section 23 of the Act where we are not satisfied with the adequacy of the reasons given by an FOI body for its decision on a request. Under section 45 of the Act, we can issue a notice to require the production of information that is deemed relevant for the purposes of a review.

In 2025, we issued seven section 23 notices. The list of bodies to whom we issued section 23 notices is available at https://www.oic.ie/publications/statutory-notices/. Unfortunately, due to the cyber-attack we are not in a position to report on the precise number of section 45 Notices issued during 2025 but I can say it was less than the number we issued in 2024.

Statutory Certificates issued by Ministers

Section 34 of the FOI Act

Where a Minister of the Government is satisfied that a record is an exempt record, either by virtue of section 32 of the Act (law enforcement and public safety), or section 33 of the Act (security, defence and international relations) and the record is of sufficient sensitivity or seriousness to justify his or her doing so, that Minister may declare the record to be exempt from the application of the FOI Act by issuing a certificate under section 34(1) of the Act.

Each year, Ministers must provide us with a report on the number of certificates issued and the provisions of section 32 or section 33 that applied to the exempt record(s). We are required to append a copy of any such report to our Annual Report for the year in question.

Section 34(13) of the Act provides that "Subject to subsections (9) and (10), a certificate shall remain in force for a period of 2 years after the date on which it is signed by the Minister of the Government concerned and shall then expire, but a Minister of the Government may, at any time, issue a certificate under this section in respect of a record in relation to which a certificate had previously been issued..."

We have been notified that five certificates were renewed by the Minister for Justice under section 34 in 2025, all of which fall for review again in 2026. A copy of the notification is attached at Appendix I to this Report.

Review under section 34(7)

Under section 34(7) of the Act, the Taoiseach and relevant Government Ministers must review the operation of section 34(1) each year, following which our Office is generally notified of the outcome of the review. The Department of the Taoiseach notified us that the most recent such review took place on 10 February 2026. The review covered the period ending 31 December 2025, and was completed by the Taoiseach, the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, and the Minister for Trade, Enterprise and Employment. Seven certificates were reviewed, which had been issued under section 34(1) by the Minister for Justice, Home Affairs and Migration. The reviewing panel was satisfied that it was not necessary to request revocation of any of the certificates that were subject to the review. A copy of the notification from the Department of the Taoiseach is attached at Appendix II to this Report.

Determinations under section 6 of the FOI Act

Bodies are deemed to be public bodies for the purposes of the FOI Act if they fall within one

or more of the categories described in section 6(1) of the Act. Where a dispute arises between a body and our Office as to whether or not it is a public body, the Commissioner must submit the dispute to the Minister for Public Expenditure and Reform for a binding determination (section 6(7) refers). The Central Policy Unit (CPU) published a policy and procedures document in 2016 for dealing with such disputes.

For the past number of years, I have been quite critical of the practical operation of the provision and of the inordinate delays in receiving determinations as to the status of certain bodies. As outlined initially in our 2022 Annual Report, and referenced in each Annual Report since, it appears that the Department intends to await the outcome of its review of the FOI Act before dealing with a number of outstanding determinations. I am on record as stating that the Minister should, in my view, be in a position to issue determinations in respect of the bodies in question and that it should not be necessary to await the outcome of the current review of the Act. Nevertheless, while the Department is aware of my position on the matter, it appears to remain unwilling or unable to make determinations in respect of the following bodies:

- The Office of the Secretary General to the President (determination outstanding since May 2018)
- Carlow Arts Centre Limited (January 2019), and
- Kilkenny Abbey Quarter Development Limited (January 2020).

Re-use of Public Sector Information

The European Union (Open Data and Re-use of Public Sector Information) Regulations 2021 (Open Data Regulations) transposed the EU Directive 2019/1024 on Open Data and the Re-Use of Public Sector Information (the Open Data Directive) into Irish law. The Open Data Directive built on the re-use and open data regime established by earlier EU Directives in 2003 and 2013.

The Open Data Directive is intended to continue strengthening the EU's data economy by increasing the amount of public sector data available for re-use in an open electronic format that can be freely used, re-used and shared by anyone, for any purpose. The Open Data Regulations cover information collected, produced and disseminated by public sector bodies in Ireland. They relate to a wide range of information such as meteorological, economic, geographical, business, political, legal, environmental and educational data. Public bodies and public undertakings should make public service information available in accordance with the principle of 'open by design and default', wherever possible.

In December 2022, the EU Commission also published a list of specific high-value datasets that public sector bodies will have to make available for re-use, free of charge (Commission Implementing Regulation (EU) 2023/138 refers). The Commission's main objective in establishing the list of high-value datasets is to ensure that public data of the highest socio-economic potential is made available for re-use free of charge, with minimal legal and technical restrictions. The aim is to enhance data-based cross-border innovation and further stimulate digital innovation.

Under the Open Data Regulations, Irish public sector bodies are obliged to make all existing data available for re-use in open formats unless access is restricted or excluded. An individual or a legal entity may make a request for the re-use of existing documents held by public sector bodies. The Open Data Regulations define re-use, regarding documents held by public sector bodies, as the use of a document by an individual or legal entity for commercial or non-commercial purposes other than the initial purpose within the public task for which the document was produced. Under Regulation 15, decisions of public sector bodies to refuse to allow re-use of existing documents, to impose a charge or to refuse exclusive re-use can be appealed to our Office. In 2025, this Office closed 17 cases, 14 by way of decision. Two of the appeals received in 2023 and four of the appeals received in 2024 are currently still ongoing, in addition to 10 of the 12 appeals received in 2025. To date, this Office has received eight appeals in 2026, five of which are also currently still ongoing. Also in 2026, a High Court appeal was lodged in respect of one decision made in 2025, Dublin City Council v The Information Commissioner 2026/46 MCA, which has since been dealt with on consent and remitted to this Office for a new decision.

Governance

Corporate Services support for the Office of the Information Commissioner, and a number of other statutory Offices, is provided by the Office of the Ombudsman. While the different Offices each carry out separate and distinct statutory functions, the Office functions as a single amalgamated agency in organisational terms. The Office is funded by one Vote and overseen by an Accounting Officer (Director General) who is supported by a Management Advisory Committee. In carrying out their work our staff embrace the traditional obligations of privacy and integrity in the performance of official duties while at the same time protecting and preserving the statutory independence and functions of each of the constituent offices in which they work.

Updates in relation to our Corporate Governance is set out on the Strategy and Governance page on the website of the Office of the Ombudsman. This page includes information and updates in relation to our:

- Statement of Strategy – "Towards 2030"
- Compliance with the requirements under the Official Languages Act
- Compliance with the requirements of the Protected Disclosures Act
- Compliance with the requirements under section 42 of the Irish Human Rights and Equality Commission Act
- Green Team (including our compliance with the Climate Action and Low Carbon Development Act)
- Corporate Governance Framework
- Fraud Prevention and anti-Corruption Policy
- Policy on gifts, hospitality and entertainment
- Revolving Door Policy

Membership of any organisations is listed on our own website, at www.oic.ie.

CHAPTER

2

Decisions

Formal Decisions

We reviewed 506 cases in 2025, of which 336 (66%) were concluded by issuing a formal decision in the review. This marks an increase on the previous year when 57% of cases we accepted for review were concluded by way of a formal decision.

The table below provides a percentage comparison of the outcomes of the reviews that were completed by way of formal decision in 2023.

	2025	2024	2023	2022
Affirmed	57	57	58	59
Annulled	26	22	22	19
Varied	17	21	20	22

Decisions of Interest

In this Chapter we set out summaries of a number of our decisions. They represent a small sample of cases we reviewed during 2025 that were concluded by way of a formal decision. The full text of all formal decisions issued by this Office is published at www.oic.ie.

Decisions related to endangerment of the life or safety of a person

In a number of cases that we dealt with during 2025, FOI bodies sought to rely on section 32(1)(b) of the FOI Act, which provides for the refusal of an FOI request where the body considers that access to the record sought could reasonably be expected to endanger the life or safety of any person.

Traditionally, section 32(1)(b) has not been a commonly used exemption (although we have noted an increase in the frequency with which it is cited in recent years), and the general position of our Office is that an FOI body should not seek to rely on it without first having carefully considered whether the expectation of harm set out in the subsection is a reasonable one in all the circumstances. Essentially, as section 32(1)(b) relates to the endangerment of a person's life or safety, it should only be invoked in circumstances of the most serious nature. In relying on section 32(1)(b) it is not necessary, or indeed possible, for an FOI body to establish that the relevant harm will definitely occur. What must be considered is whether the expectation of harm is reasonable in all the circumstances.

Whether the Housing Agency was justified in refusing access to records relating to an application under the Defective Concrete Blocks Scheme under section 32(1)(b) of the FOI Act

– Case OIC-156399

The "defective block crisis" relates to over 5,000 homes in several counties in Ireland (but primarily in Counties Donegal and Mayo) that were constructed using defective concrete blocks, leading to widespread damage to the affected properties and the establishment of a redress programme (the Defective Concrete Blocks Scheme) to fund affected homeowners to repair, or demolish and rebuild, their homes.

We received a number of applications for review in 2025 arising from FOI requests made by homeowners to the Housing Agency, seeking access to records relating to the remediation option under the Defective Concrete Blocks Scheme that had been approved in respect of their property. In response to the applicant's FOI request in this case, the Housing Agency released some records but withheld others, notably citing section 32(1)(b) of the FOI Act as its basis for doing so.

The Housing Agency put forward a number of arguments as to why it believed section 32(1)(b) was applicable in this case. Among other things, it said that in applying the exemption, it had taken into consideration the broad environment in which its staff and consultants were operating. It noted that the defective block crisis is a sensitive and emotive issue and said there had been an escalation of threatening and abusive behaviour towards its employees and the consultants it had engaged to undertake the required technical assessments. It gave examples of this behaviour, including a number of incidents that took place outside an employee's home. One such incident involved an individual loitering and taking photographs outside the employee's private residence, which was reported to An Garda Síochána. The Housing Agency said that as a direct result of this pattern of behaviour, one of its agents had to amend operational protocols, including restricting which staff members were permitted to undertake functions necessary to discharge obligations under the relevant framework. It said these changes were implemented solely to safeguard staff wellbeing and to mitigate risks arising from the conduct that had been encountered.

The Housing Agency added that both it and its appointed agents had been subject to continued inappropriate and grossly unsuitable correspondence, which it said had been received both anonymously and directly from applicants under the two remedial schemes (although there was no suggestion that the individual applicant in this case was responsible for any such correspondence). It said the receipt of this correspondence had created an unsafe and unreasonable environment for its staff and agents. It also noted that, in some instances, inappropriate correspondence had increased following the release of records under FOI. It said that certain records which had previously been released under FOI appeared to have been provided to the press, which had resulted in the publication of public servants' names in a number of articles.

The Housing Agency argued that, based on all of the above, it held legitimate and well-founded concerns regarding both the physical and mental well-being of its staff, recognising its fundamental duty of care under the Safety, Health and Welfare Act 2005 towards them. It said that these concerns remain a top priority in the context of its duty to foster a safe, supportive, and sustainable working environment. Furthermore, the Housing Agency said it was acutely aware of the challenges associated with staff retention and the need to ensure that skilled and experienced personnel are in place to resource and support its role under the current scheme. It argued that in this context, the release of the records at issue could reasonably be expected to lead to further inappropriate correspondence, thereby heightening the risk to staff and agents. It argued that withholding the records was necessary to ensure both the safety of staff and so that its statutory functions could continue to be carried out in a safe and secure manner.

In our decision, we rejected many of the Housing Agency's arguments in respect of the applicability of section 32(1)(b). On the matter of records previously released under FOI appearing to have been provided to the press, we noted that the FOI Act places no restrictions on the uses to which information released under FOI can subsequently be put, and that it was therefore entirely legitimate from an FOI perspective for information released under FOI to be used as the basis for media coverage of particular issues – indeed, such use is of obvious importance in helping to ensure transparency and accountability in public bodies, which is wholly in keeping with the broad aims of the FOI Act. We also noted in passing that the names of public servants that appear in records in the context of the performances of their official functions was generally not considered to be their personal information, and as such there did not appear to be an issue with the publication of any such information. Similarly, we rejected the Housing Agency's argument related to "inappropriate and grossly unsuitable" communications that it had received. While acknowledging that such correspondence is undoubtedly extremely unpleasant and upsetting for any staff members to receive, and that no employee of any organisation should be subjected to such material in the course of their work, we took the view that conduct which may well be described as "inappropriate and grossly unsuitable" falls some way short of constituting behaviour that might give rise to concerns for the life or safety of an individual.

On the matter of the Housing Agency's arguments regarding the importance generally of the well-being of its staff and its fundamental duty of care to employees under health and safety legislation, the importance of fostering a safe, supportive, and sustainable working environment, and the challenges associated with staff retention, we considered that the Housing Agency's arguments essentially appeared to be that the current climate in relation to the defective block crisis would adversely affect its ability to perform its functions and fulfil its obligations in relation to these matters. Again, while acknowledging that the Housing Agency might face significant challenges in these areas, and that these might be exacerbated by the controversial nature of the defective block crisis, we reiterated that section 32(1)(b) should only be invoked in the most serious of circumstances.

We did, however, accept the Housing Agency's evidence relating to incidents where an individual (or individuals) had attended at the home of a Housing Agency employee and taken photographs as relevant to our consideration of whether its reliance on section 32(1)(b) was justified. Based on the nature and contents of the specific records at issue, we found that certain information was not exempt under section 32(1)(b). For example, we found that professional opinions of structural engineers that appeared in the records was not exempt, as we could establish no link between this information and a reasonable expectation of endangerment to the life and safety of a person. We made a similar finding regarding the substantial contents of Housing Agency emails which discussed the relevant applications.

On the other hand, given the highly emotive and controversial nature of the defective block crisis, and in light of the incidents described by the Housing Agency when individuals had attended at the private residence of a staff member, necessitating the making of a report to An Garda Síochána, we found that the Housing Agency was justified in withholding certain information in the records that identified contracting firms as well as individual staff members of the Housing Agency. Moreover, we found that that section 32(3) of the FOI Act, which subjects section 32(1)(b) to a limited public interest test, did not apply in the circumstances. On this basis, we were satisfied that the name and identifying details of engineering firms, as well as information that identified individual employees of the Housing Agency, was exempt under section 32(1)(b) of the FOI Act.

The full text of the decision can be found here.

Whether the Department of Children, Equality, Disability, Integration and Youth was justified in refusing access, under section 32(1)(b), to records relating to pre-budget submissions and budget allocations for the International Protection Accommodation Services

– Case OIC-150705

This case arose from an FOI request to the Department of Children, Equality, Disability, Integration and Youth (as it then was) for access to records relating to pre-budget submissions prepared for the International Protection Accommodation Services (IPAS), and to correspondence between the Department, IPAS, and the Department of Finance or what was then the Department of Public Expenditure, NDP Delivery and Reform (DPER) with regard to the IPAS Budget 2024 allocation.

In its decision on the request, the Department relied on a number of provisions of the FOI Act to exempt records from release, including sections 28, 29, 30, and 36, in addition to section 32(1)(b). In relation to section 32(1)(b), the Department withheld names and details of Department staff members from 21 records of email correspondence. It argued that releasing the details of staff in the relevant division at that time could reasonably be expected to endanger their safety. It said that this opinion was based on careful consideration of the environment in which it operates and a trend of incidents that have occurred relating to its facilities and employees over recent years.

In particular, the Department argued that the work carried out by staff in procuring, developing and providing accommodation services for people applying for international protection has been a matter of public interest and has prompted much discussion at times. It noted that this has also included notable and multiple instances of protest and criminality associated with IPAS facilities. The Department said that in addition to welcome discourse or peaceful protests that have taken place during this period, the international protection accommodation sector has also had to contend with arson attacks, threats to staff and facilities including threats of fire, animal cruelty incidents, intimidation of people at work, and damage to facilities and staff property. The Department said that between August 2023 and August 2024, there were 33 recorded arson attacks on current, potential or rumoured international protection accommodation centres. It said that others have been subject to protest including criminal damage.

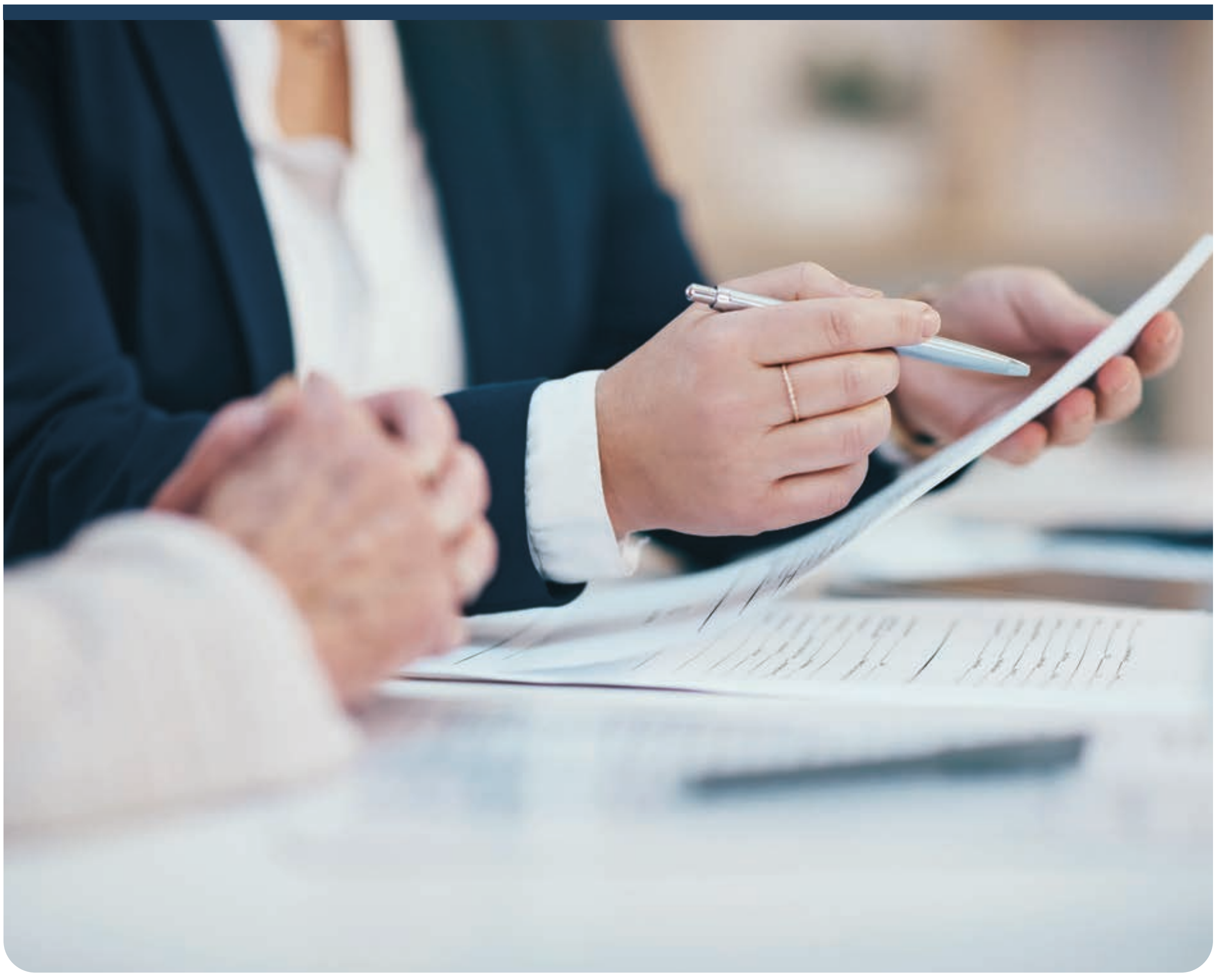
The Department further outlined that protests have taken place outside IPAS centres where Department and provider staff were working. It said that it takes every precaution to protect the identities of residents and that it believed that the same protections should be afforded to staff. It referred to incidents over the past two years in which staff members in the division have been threatened. It also referred to an incident where a more junior member of staff had their personal information shared on social media. The Department argued that, given this trend, its view was that the safety of its staff members could be at risk if their names and contact details were to be released. The Department outlined its view that releasing the names of staff members at this time under FOI posed a tangible risk to those individuals.

The Department also noted that in the present day, one can easily be tracked online through social media using details such as name and profession, and outlined that several incidents had occurred in which IPAS officials from various public bodies had had their names, images and job titles shared on social media due to their association with the work of IPAS. In addition, the Department referred to an incident in which the name of an international protection and integration division staff member was released publicly in the context of an FOI request processed by another public body. The Department said that it believed that in the case of external public officials, in this case colleagues from DPER, a risk also arose by virtue of those individuals being named in the records and associated with IPAS services and decisions. It said that there had been several instances of officials from various public bodies having their names, images and job titles shared on social media due to their association with the work of IPAS, not because they work in that division. The Department argued that, as release under FOI effectively constitutes release to the world at large, and given the instances of names and details of public officials being shared online through their connection with IPAS services, it did not consider it appropriate to publish the names of officials in any records that associate them with the work of the division at this time.

In our decision we noted that, in order for a claim for exemption under section 32(1)(b) to be upheld, it should be possible to clearly link the expectation of harm arising to the content and context of the records. We outlined that the FOI Act generally envisages the release of the names of staff members of FOI bodies where they appear in relevant records, as the names of staff members are generally not considered to be personal information by virtue of the exception to the definition of such information in section 2 of the Act. We outlined our view that this exclusion is intended to ensure that section 37 (relating to personal information) will not be used to exempt the identity of a staff member while carrying out his or her official functions. However, we went on to note that this was not to say that other provisions of the FOI Act cannot apply to exempt such information. In relation to the Department's specific arguments regarding the harms it believed could follow from the release of the records, we acknowledged that in the current climate the international protection process is a matter of significant public interest and debate, with strongly held views on all sides. We also acknowledged that there have been incidents of serious criminality which occurred during protests at IPAS facilities. We noted that the Department had referenced incidents in which staff members have had their information shared on social media due to their association with the work of IPAS. We accepted that serious incidents have occurred and that such incidents have raised concerns for the Department in respect of the release of staff information. We accepted that valid concerns currently exist in respect of the behaviour of a cohort of individuals strongly opposed to the State's approach to international protection applicants and the manner in which they are accommodated.

In the specific context and circumstances, we accepted that the Department had demonstrated that its expectation that the release of staff information could endanger the safety of such individuals was reasonable. Accordingly, we found that section 32(1)(b) applied to exempt from release the names and details of staff contained in the re cords.

The full text of the decision can be found here.



Decisions on whether and when it is appropriate to release the personal information of individuals

Section 37(1) of the FOI Act provides for a general exemption from release of personal information. However, this is subject to the other provisions of section 37, which provide for the release of an individual's personal information in certain circumstances. Our Office is regularly required to decide whether personal information, which would ordinarily be exempt from release under section 37(1), should be released under the other provisions of section 37 to which subsection (1) is subject. In particular, section 37(1) is subject to a public interest test in section 37(5)(a), such that an FOI body seeking to rely on subsection 1 of section 37 must examine whether the public interest in granting the request outweighs, on balance, the public interest in protecting the privacy rights of the individual to whom the information relates.

Whether the HSE was justified in refusing access, under section 37(3) of the FOI Act, to a copy of the applicant's complete medical file

– Case OIC-153368

Section 37(2) of the FOI Act provides that the exemption on the release of personal information in section 37(1) shall not apply to information which relates to the requester (in other words, where an FOI requester is seeking access to their own personal information). However, section 37(2) is itself subject to section 37(3), which provides that where the FOI request relates to a record of a medical or psychiatric nature relating to the requester, or to a record kept for the purposes of, or obtained in the course of the carrying out of, social work in relation to the requester, and where (in the opinion of the FOI body) disclosure of the information might be prejudicial to the requester's physical or mental health, the body may decide to refuse the request. In addition, section 37(4) provides that where an FOI request is refused pursuant to section 37(3), the FOI body will offer access to the record to such health professional as the requester may specify, if the requester asks the body to do so.

In this case, the applicant sought access from the HSE, via his legal representatives, to his medical file. The HSE refused the request under section 37(3) and, pursuant to section 37(4), it offered the applicant an opportunity to nominate a health professional to access the relevant records on his behalf. The applicant declined to nominate a health professional and sought an internal review of the HSE's initial decision. At internal review stage the HSE upheld its original decision and again offered the applicant an opportunity to nominate a health professional to access the records on his behalf. The applicant subsequently sought a review from our Office of the HSE's decision.

In support of its decision, the HSE outlined that the applicant was a long-term patient of a specific psychiatric unit and that there were no plans for his discharge. It stated that the opinion of the applicant's clinical team was that providing him with access to his records would be detrimental to his physical or mental health, wellbeing or emotional state, which would result in a deterioration in his mental state, compromising efforts to focus on stabilisation and recovery. The HSE provided a letter from the treating Consultant Psychiatrist outlining this opinion.

In relation to section 37(4), the HSE stated that the applicant had been invited to nominate a relevant heath professional to access the records. It said that the applicant's legal representatives had contacted the HSE to suggest that the records be released directly to them (and not directly to the applicant). The HSE stated that it had explained to the applicant's legal representatives that any request from a third party on behalf of an individual was treated as if it was submitted directly by that individual. The HSE noted that, on foot of a previous request, it had granted access to a number of volumes of records to a GP the applicant had nominated for this purpose. The HSE stated that it was unaware as to whether the applicant had reviewed his records in the company of that health professional.

In submissions made by the applicant's legal representatives, they explained that access to the records was required in order to determine if the applicant had received appropriate care while attending the relevant mental health services and to ensure that he could be given informed advice on the matter. The applicant's representatives stated that they were not in a position to nominate a relevant health professional and that they needed access to the records in order to ascertain the type of medical professional needed to prepare a report for the applicant's case.

In our decision, we noted that section 37(4) was intended to allow an appropriate health professional with relevant expertise to decide how sensitive information should be made available to requesters in such a manner as to avoid the harms identified in section 37(3). We also noted that the threshold for exemption in section 37(3) is quite low, and it is sufficient for the FOI body to show that the release of the records might give rise to the harm identified. Nonetheless, we also outlined our position that, in seeking to rely on section 37(3) to refuse access to a record, there must be evidence to support the opinion that there is a real and tangible possibility that the release of the information to the requester might cause harm to their physical or mental health, wellbeing or emotional condition.

Having examined the records, we were satisfied firstly that they contained sensitive medical/psychiatric information relating to the applicant. We were also satisfied that the HSE had properly and reasonably relied on the opinion of the applicant's treating Consultant Psychiatrist in forming the view that the release of the records to the applicant might be prejudicial to his or her physical or mental health, wellbeing or emotional condition. Moreover, we were satisfied that the HSE had rightly deemed the release of records to a requester's legal representatives to be the same as release to the requester. While the applicant's legal representatives explained why they wanted to access the records, section 13(4) provides that, subject to the Act, in deciding whether to grant or refuse an FOI request, any reason that the requester gives for the request and any belief or opinion of the FOI body as to the reasons for the request shall be disregarded. Thus, while certain provisions of the Act implicitly render the motive of the requester relevant, as a general rule, the actual or perceived reasons for a request must be disregarded in deciding whether to grant or refuse an access request under the FOI Act.

However, the matter did not end there, as we took the opportunity to address the HSE's comments in its submissions during the course of the review that, on foot of the applicant's previous request, it had prepared the relevant records for release to the applicant's nominated health professional with "redactions and exemptions" applied in accordance with the FOI Act. The HSE had indicated that the records provided to this Office during the review that contained redactions were being processed with a view to releasing the redacted copies to a nominated health professional, and that material relating to third parties would have been withheld under section 37(1), on the basis that it constituted third party personal information.

We did not accept that the release of redacted copies of records complied with the requirement under section 37(4) that access be offered to records refused under section 37(3) to a nominated health professional. We took the view that, if it was the HSE's intention to make redactions to the records that it was willing to make available to the applicant's nominated health professional on foot of its recent offer, it should have identified the basis on which any such information was being withheld, whereupon the usual rights of appeal would be available to the applicant.

In all of the circumstances, we were not satisfied that the HSE was justified in its decision to refuse access to all of the records at issue under section 37(3), in circumstances where it was not prepared to provide full unredacted copies of those records to a nominated health professional. However, we also took the view that it would simply not be appropriate for us to direct the release of the records in full. Instead, we determined that the most appropriate course of action was to annul the decision of the HSE and to remit the request back to the HSE for consideration afresh. We noted that, if the HSE wished to refuse access to any records, in whole or in part, on grounds other than section 37(3), it should provide the applicant with its decision on those records and its reasons for its refusal. We stated that it would remain open to the HSE to consider the applicability of section 37(3) to any and all records to which it is prepared to offer access to a nominated health professional.

The full text of the decision can be found here.

Whether the HSE was justified in refusing access, under section 37(1), to records relating to the applicant's deceased grandfather

– Case OIC-146551

Section 37(8) of the FOI Act provides for the making of regulations for the grant of an FOI request that involves personal information where the individual to whom the record concerns belongs to a class specified in the regulations and the requester is the individual's parent or guardian, or where the individual to whom the record relates is dead and the requester is a member of a class specified in the regulations. Such regulations have been made by way of Statutory Instrument (S.I.) No. 218/2016 - Freedom of Information Act 2014 (Section 37(8))

Regulations 2016 ("the section 37(8) regulations"). They essentially provide for the release of personal information to third parties in two specific cases: firstly, where the information relates to minors or individuals who are subject to a psychiatric condition, mental incapacity or severe physical disability by reason of which they are incapable of exercising their rights under the Act, and the requester is their parent or guardian; and secondly, where the individual is deceased and the requester is a member of one of a number of categories of requester set out in the regulations. The right of access to personal information of a minor is subject to an evaluation of whether release to the requester would be in the best interests of the minor, while the right of access to the personal information of a deceased person is subject to a public interest test (whether, having regard to all the circumstances, the public interest, including the public interest in the confidentiality of personal information, would on balance be better served by granting than by refusing the request).

In this case, the applicant made an FOI request to the HSE for information from his late grandfather's mental health file. He indicated that he was seeking access to this information for genealogical purposes, and stated that he would particularly welcome a photograph of his grandfather and details about the date of his admission and general condition. Following further communication between the parties, the HSE refused the request under section 37(1) of the FOI Act. The HSE said it had also considered the provisions of the section 37(8) regulations and, while it was satisfied that the applicant was the next of kin of the deceased, it considered that that the public interest would not, on balance, be better served by granting the request. In a request for an internal review of the HSE's initial decision, the applicant stated that in circumstances where his grandfather died over 50 years ago and the amount of information sought was limited, he did not accept that the request should be refused in full. He also said that the nature of his grandfather's illness was relevant to his family in terms of knowing potential genetic risk factors relating to the family's mental health. He said he had no interest in information relating to third-parties or his grandfather's treating medical staff or in any medication provided. In its internal review decision, the HSE varied its initial decision by granting partial access to one page of a 5-page record it identified as coming within the scope of the request.

The applicant subsequently sought a review by our Office of the HSE's decision. He argued that he should have access to enough of his late grandfather's medical records to establish the nature of his illness and whether it could have a hereditary legacy. He questioned whether the decision-maker had sufficient medical training to conclude that the records did not contain information on hereditary conditions. He said he was particularly concerned about the redaction of a word that he believed to be intrinsic to the form released and not personal to his grandfather.

In our decision, we first of all considered section 37(1) of the FOI Act, and were satisfied that the release of the record sought by the applicant would entail the disclosure of personal information relating to his grandfather, and as such that section 37(1) applied. With regard to the single word the redaction of which the applicant had specifically queried, we were satisfied that its release would also involve the release of personal information relating to the applicant's grandfather.

In considering the public interest test in section 37(5)(a), we noted the applicant's argument that there was no public interest in, or justification for, the open-ended withholding of information relating to the duration of his grandfather's time in hospital or the nature of his illness. He stated that the information was of huge personal interest to him and his family in obtaining information relating to the nature of his grandfather's illness and any potential genetic risk factors relating to their mental health. The applicant provided some family history details and a copy of an entry from the publicly available Deaths Register, which recorded senility as one of the certified causes of his grandfather's death. He suggested this supported his view that there was a genetic link between his grandfather's health and a family member, and he said access to the information he sought would assist him in relation to his own health.

In relation to the balance of the public interest, we considered that while the applicant's arguments regarding hereditary conditions effectively amounted to an essentially private interest in seeking access to the relevant information, that interest was reflective of a more general public interest in ensuring that members of the public are afforded access to information held by the HSE that may affect their health, which may include information relating to hereditary conditions. On the other hand, we considered it important to note that, notwithstanding the age of the record, the information at issue concerns an inherently private and sensitive matter relating to a third party. Moreover, notwithstanding the reasons given by the applicant for seeking access to the records, we noted that we were required to regard any release pursuant to section 37(5)(a) of the FOI Act as, in effect, release, or at least potential release, to the world at large. Ultimately we were not satisfied that the release of such sensitive and private information potentially to the world at large would on balance, outweigh the right to privacy of the deceased. We therefore found that section 37(5)(a) did not serve to disapply section 37(1) in this case.

In relation to the section 37(8) regulations, we noted the fact that the applicant was the next of kin of the deceased (a fact accepted by the HSE) did not automatically entitle him to access the record. Rather, what had to be considered was whether, in all the circumstances, the public interest, including the public interest in the confidentiality of personal information, would on balance be better served by granting than by refusing the request. We noted that the Minister for Public Expenditure, NDP Delivery, and Reform (as it then was) had published guidance on the application of the section 37(8) regulations, and that section 48(3) of the FOI Act requires FOI bodies to have regard to such guidance in the performance of their functions. The Ministerial Guidance suggests that certain factors should be taken into consideration when deciding if release is appropriate to the spouse or next of kin of the deceased, including the confidentiality of personal information as set out in section 37(1); whether the deceased would have consented to the release of the records to the requester when living; whether the person had outlined arrangements in his or her will or other instrument in writing consenting to the release of personal records; whether the release would damage the good name and character of the deceased; the nature of the relationship of the requester to the deceased and the circumstances of their relationship before the deceased's death; the nature of the records to be released; whether the requester can get the information they want without accessing the records of the deceased; and any other relevant circumstances that the requester may set out. Furthermore, in considering the nature and confidentiality of records to be released, the Guidance states that if the record is inherently private and of a very sensitive nature, then there must be compelling reasons for its release. In relation to medical records in particular, it states that due regard should be had to the confidentiality of medical records in accordance with the relevant Irish Medical Council guidance. The most up to date Medical Council Guide states that patient information remains confidential even after death and suggests that, if unclear whether the patient consented to disclosure of information after their death, it should be considered how disclosure of the information might benefit or cause distress to the deceased's family or carers, along with the effect of disclosure on the reputation of the deceased and the purpose of the disclosure.

In its submissions, the HSE said it had considered the confidentiality of the information at issue and had concluded that the record contained inherently private and sensitive information. It said that it had also considered that the language utilised in the record in describing mental health illness is not the same as today's standard and that it would not provide an understanding into the deceased's illness. Referencing a number of specific entries in the record, the language used, and the sensitivity of the information, the HSE outlined its strong belief that the deceased would not have consented to the release of the record when living and that release "would undoubtedly damage the good name and character of the deceased". The HSE further argued that the release of inherently private and sensitive health information after death or many years after death would harm or impact the giving and receiving of confidential personal sensitive information by service users going forward and would impact service users' trust in mental health services. It said its decision-makers had verbal consultations with a consultant psychiatrist in relation to the content and context of the record, and that the Consultant Psychiatrist's opinion was that, based on the records of the time, a confident diagnosis could not be made and any question of heritability would therefore be extremely difficult to establish. It said the consultant psychiatrist did not believe the contents of the record would justify or allay concerns relating to mental illness in second generation relatives.

Ultimately, while we had sympathy for the applicant's position, we were satisfied that the HSE was justified in deciding that, having regard to all the circumstances, the public interest would, on balance, be better served by refusing the applicant's request. While we fully accepted that the record was quite old, we were not persuaded that this sufficiently diminished the inherent sensitivity of the information at issue, and we were satisfied that the deceased would not have consented to the release of the record while he was living. In addition, while we acknowledged a public interest in ensuring that members of the public are afforded access to information held by the HSE that may affect their health, including information relating to hereditary conditions, we accepted the HSE's argument that the language utilised in the record in describing mental health illness was not the same as today's standard and would not provide an understanding of the deceased's illness, and that the contents of the record would not justify or allay concerns relating to mental illness in second generation relatives.

Accordingly, we found that the section 37(8) regulations did not confer a right of access to the record at issue in this case, and that the HSE was justified in refusing access to the information in the record relating to the applicant's grandfather which it had withheld from release.

The full text of the decision can be found here.

Decisions on whether FOI requests are frivolous, vexatious or form part of a pattern of manifestly unreasonable requests

Section 15(1)(g) of the Act provides for the refusal of a request where the FOI body is of the view that the request is frivolous or vexatious, or that it forms part of a pattern of manifestly unreasonable requests from the same requester or from different requesters who, in the opinion of the body, appear to have made the requests acting in concert. Any one of the three elements of section 15(1)(g) (frivolous, vexatious, and forming a pattern of manifestly unreasonable requests), may, of itself, provide the basis for a refusal of a request. It is not necessary, for example, for the request to be both frivolous "and" vexatious, although the three separate characteristics may also overlap. Our general position is that the refusal of requests under section 15(1)(g) is not something that should be undertaken lightly, and that it should not be taken as encouragement to ignore the rights of requesters. Our view is that the FOI Act demands that FOI bodies meet very high standards in dealing with requests; however, we also take the view that the legislation assumes reasonable behaviour on the part of requesters.

In a number of cases that came before our Office in 2025, we were required to consider whether FOI bodies were justified in relying on section 15(1)(g) to refuse requests on the grounds that they were frivolous, vexatious or formed a pattern of manifestly unreasonable requests.

Whether Údarás na Gaeltachta was justified in refusing records relating to an applicant's grievance under section 15(1)(g) on the grounds that his requests were vexatious and constituted a pattern of manifestly unreasonable requests

– Case OIC-146595

Údarás na Gaeltachta (ÚnaG) is a regional state agency which is responsible for the economic, social and cultural development of Irish-speaking regions of Ireland. This review arose from the applicant's attendance at the launch of an ÚnaG facility in November 2022 at which a presentation was planned. There were technical issues with the sound system on the day and the applicant raised the matter with the staff member overseeing the event. The staff member was unhappy with the manner of her interaction with the applicant and subsequently reported the matter to her manager. Sometime after that, the applicant was asked to attend a meeting with the staff member's manager and another ÚnaG staff member, but it seems that he was not notified beforehand that the meeting concerned allegation(s) made against him. Following this meeting, the applicant engaged in significant amounts of correspondence with ÚnaG regarding the event, the meeting, and the allegation(s) made against him.

Subsequently, over the space of five days from 26 June 2023 to 30 June 2023, the applicant submitted 11 separate FOI requests to ÚnaG for records relating to the event, his interactions with the staff member, the allegations made against him, the meeting he attended and subsequent communications, the use and costs of the facility, and various records held by named staff members of ÚnaG. ÚnaG issued a consolidated decision refusing all 11 FOI requests under section 15(1)(g) of the FOI Act on the ground that they were vexatious and formed part of a pattern of manifestly unreasonable requests amounting to an abuse of process or right of access. In its decision, it said it was also in receipt of numerous correspondences from the applicant in recent months and it considered that this also formed part of the pattern of behaviour. It said that it was, however, willing to provide the applicant with key records regarding an alleged incident mentioned in part(s) of his FOI requests, and to assist him in identifying any key records he required in relation to the grievance process he had started with ÚnaG. In its internal review decision, ÚnaG noted that while it accepted as sincere and well-meaning the applicant's assertion that he had sought to reduce the workload and cost to ÚnaG in fulfilling his requests by making a series of specific requests, this approach had had the opposite effect in creating an unreasonably increased workload on ÚnaG through the creation of excessive requests.

In our decision, we noted that we had previously identified a number of non-exhaustive, relevant factors in assessing whether a request may be categorised as frivolous or vexatious, an approach endorsed by the Court of Appeal in Grange v Information Commissioner [2022] IECA 153 (the Grange judgment). These factors include the number of requests made, the nature and scope of the requests, the purpose of the requests and the intent of the requester. We noted that the outcome or cumulative effect of the requests is also a relevant consideration, as well as the context of other requests made to the FOI body and in the context of the requester's other dealings with the FOI body concerned. We noted that, in her judgment in Kelly v the Information Commissioner [2014] IEHC 479 (the Kelly judgment) O'Malley J. found that our Office is not confined to considering the specific request and is entitled to consider the wider context in which the request was made. In addition, we noted that while section 13(4) of the FOI Act generally requires public bodies to disregard any reasons for the request, a requester's motive for making an FOI request is relevant when considering the application of section 15(1)(g). We outlined that, in the Kelly judgment, O'Malley J. had stated that in determining whether a particular application should be described as vexatious, the Information Commissioner is entitled by statute to use his discretion. She stated that "[t]here is no obligation on the Commissioner to prove the applicant's state of mind, and inferences may be drawn on a common sense basis from a pattern of conduct".

Both ÚnaG and the applicant made detailed submissions in this case. Among the arguments made by ÚnaG, it claimed that the applicant was using the FOI Act to pursue a grievance with it, which it considered to be an abuse of the right of access. It said there had been countless emails, phone calls and meetings with the applicant since the incident at the event. It said the applicant had inundated it with FOI requests, Subject Access Requests (SARs) under data protection legislation, and numerous emails on the same matter and seeking replies to numerous questions which had taken up an extraordinary amount of time and resources to respond to. It said it had accommodated the applicant through various channels, emails, phone calls, meetings but that he was still not satisfied. It said that its FOI Officer had had a phone conversation with him for over an hour after receiving the 11 FOI requests which resulted in him reducing the requests from 11 to three. It said the Director of Regional Development, Community & Language Planning who was the internal reviewer also had a lengthy conversation with the applicant before he made his decision to uphold the initial decision to refuse the 11 requests. ÚnaG said its Director of Corporate Services had travelled from Galway to Donegal to meet with the applicant and spent 3.5 hours with him in an unsuccessful attempt to understand and come to an agreement on his grievance. ÚnaG said it had spent numerous hours on this one applicant between FOIs, SARs, replying to emails, phone conversations and meetings and that it could only conclude that the intention of the applicant is vexatious and formed a pattern of manifestly unreasonable requests.

ÚnaG said that, to the date of its submissions, it had received more than 280 emails from the applicant over an 18-month period. It said that emails were sent to approximately 13 employees as well as the generic email addresses for FOI, SAR and ÚnaG general info. It said that the applicant copied third parties in most of the emails that he sent to the FOI Officer. It said that, in its view, this was unnecessary and vexatious, given that it is clearly set out that applications for records are to be made to the FOI Officer using the FOI Officer-specific email address. It said the applicant has been advised on numerous occasions to make his formal requests through the appropriate email. It said that it would consider the level of engagements outlined excessive as the applicant is neither a client nor an employee of ÚnaG.

In his submissions, the applicant said he had submitted the FOI requests in an effort to protect his reputation by surfacing the facts of what had occurred during the events outlined. He said that ÚnaG had failed to give him due process in relation to the allegation made against him. He said that by June 2023, he had still not been made aware of the details of the complaint made against him, and the member of staff in ÚnaG that he had been engaging with suddenly ceased contact with him with no explanation some months prior. He said that he had engaged in the FOI process to seek information as a last resort. He said his 11 FOI requests were carefully prepared as a complete interconnected suite. He said that by breaking down the request into individual-specific items, his intention was to minimise the expenditure of effort by ÚnaG, thus curtailing costs by easing rather than increasing the burden of work involved. He said his decision to copy each specific individual with a copy of the request that involved them was consistent with his objective of seeking the greatest efficiency, fastest turnaround and lowest cost.

In our decision, we noted that the fact that an FOI request may be driven by a particular agenda does not mean the request is necessarily vexatious, and that it would be entirely reasonable for an individual who has a grievance with an FOI body to seek to obtain access to relevant records to determine the legitimacy of and, indeed, to pursue, that grievance. However, we also noted that this does not mean that such requests could never be regarded as vexatious and that the making of multiple requests can be unfettered. The key consideration, in our view, is whether the manner of use of FOI to pursue that agenda is reasonable. We stated that the fact that an individual may consider that he or she has a legitimate grievance or that the matter has had a serious impact does not mean that there can be no limits to the use of FOI in the pursuit of that grievance. We noted that in the Grange judgment, the Court had outlined that our Office is entitled to consider the wider context in which the request was made, as well as the history of dealings between the appellant and the FOI body, in addition to previous FOI requests insofar as they were relevant to the particular grievance(s) and the context of the FOI request in question.

On this point, we noted ÚnaG's position that the first FOI requests received on 26 June 2023 did not comprise its first correspondence with the applicant. It said he had "bombarded" it with numerous correspondences since December 2022 and provided a schedule of correspondence exchanged between 18 November 2022 and 30 June 2023, comprising 86 emails the applicant sent to various officials within ÚnaG and 39 responses from ÚnaG, a meeting and two telephone calls. We indicated that it was appropriate to have regard to this background context when considering whether ÚnaG was justified in refusing the 11 requests at issue.

We found that the 11 FOI requests, some of which were detailed, quite broad, and in some cases overlapping, in such a short space of time, and against a background of extensive prior engagements on the same subject matter, were excessive in number. We also found them to be excessive in nature based on an analysis of the specifics of the requests. While we stated that we had no doubt that the requests were triggered by the applicant's concerns about the manner in which ÚnaG dealt with him in relation to the complaint made, when taken together it seemed the requests went well beyond a simple attempt to ascertain the relevant facts of the matter. We also stated that, while we accepted the applicant's contention that his intention was to minimise the expenditure of effort by ÚnaG, thus curtailing costs by easing rather than increasing the burden of work involved, this ignored the reality of the burden that would have been placed on the resources of ÚnaG had it been required to process 11 requests comprising 44 parts all submitted within a very short space of time. While we accepted that the applicant was hoping to obtain access to relevant information relating to his grievance, we also found that he could not have been unaware of the fact that the extent and level of his engagements could also reasonably be regarded as harassment. We also took the view that ÚnaG had provided ample evidence of the applicant's continued excessive engagements after the requests at issue were made, and that we were entitled to have regard to that behaviour in conducting this review.

Having regard to the background of the extensive nature of the applicant's engagements with ÚnaG before and after he made his requests, to the number of requests made and the short space of time within which they were made, and to the broad and detailed nature of the requests, we found that the requests had formed a pattern of manifestly unreasonable requests and were vexatious. Accordingly, we found that ÚnaG was justified in refusing all 11 requests under section 15(1)(g) of the FOI Act.

The full text of the decision can be found here.

Whether the HSE was entitled to refuse an FOI request under section 15(1)(g) on the basis that it was part of a series of manifestly unreasonable requests

– Case OIC-155530

This case arose from an alleged data breach by a HSE staff member who was involved in the medical care of the applicant. The applicant sought access to records relating to the alleged data breach. The HSE issued a decision initially relying on sections 29(1) (relating to its deliberative processes), 30(1)(a) (relating to its functions and negotiations) and section 37(1) (relating to personal information) of the FOI Act. However, in the course of our review of its decision on the FOI request, the HSE argued that the request fell to be considered under section 15(1)(g).

In support of its position that section 15(1)(g) was applicable, the HSE argued that it was becoming increasingly difficult to manage multiple FOI requests and appeals from the applicant. It said the applicant had made 33 FOI requests to it, which it argued was excessive by reasonable standards. It said that at most, 10 of the 33 requests concerned access to medical information. It said that, as a health care provider, it had provided the applicant with access to his medical information and it was its intention to continue to provide him with access to any new medical information that was created. It said that at the time it made its submissions, the applicant had submitted two new FOI requests for access to information, and it provided details of both. It said that while the first of the new requests was for clinical information, the second request showed the applicant to be following a pattern whereby his FOI request was targeting the most recent health care clinician that was providing for his care and treatment.

The HSE also said that at the time of writing its submission, the applicant had a number of open complaints with the Data Protection Commission (the DPC). It said these complaints demonstrated a repetitive pattern, whereby interactions that the applicant has with its Mental Health Services and its Safeguarding Services trigger requests for information under the FOI Act, the purpose of which is to support his numerous complaints and alleged data breaches against staff members. The HSE said that across his FOI and data protection requests, the applicant sought access to any information relating to him held by specified HSE administrative areas/services/departments and by identified staff members including the HSE's Data Protection Officer, Deputy Data Protection Officer and Freedom of Information officer. It said it appeared the applicant was interested in records relating to the administration and processing of his FOI requests/Internal Reviews, Subject Access Requests, Data Breach notifications, Complaints and HSE staff who were involved in the organisation of meetings relating to him. It said that while some of the requested medical data related to the applicant, many of the records were essentially administrative records, i.e. communications between staff members and other bodies relating to the processing of FOI requests, internal reviews and complaints. It said that the applicant had lodged complaints with the Medical Council, Coru, and in this particular FOI request, with the Nursing and Midwifery Board of Ireland (NMBI), relating to a staff member at the centre of the alleged data breach. The HSE noted that the applicant had already sought access to records that involved this staff member in nine separate FOI requests.

The HSE argued that in light of the above, from an individual staff member's perspective, the amount of detailed information which the applicant had requested via his FOI requests had resulted in some staff feeling harassed. It said the request for access to specific information from staff coupled with the requirements of named staff to participate in internal and external complaints processes places an enormous pressure on individual staff and on the Mental Health Services. The HSE also argued that requesting clinical staff to search through their emails on repeated occasions places an extraordinary burden on a clinical resource which is already under enormous pressure. It said this pressure was exacerbated when some of the staff find themselves party to a separate complaints process.

The HSE also noted that each of the applicant's open complaints with the DPC had been the subject of an FOI request and that the third parties identified are HSE staff members and have been the subject of multiple FOI requests. The HSE argued that the nature and scope of the request under review followed the same pattern, whereby interactions that the applicant has had with its Mental Health Services triggers a complaint which is followed by an FOI request for information that includes references to HSE staff members that are involved with that service. It said Mental Health Services staff that have been involved in the applicant's care and treatment were the subject of the open DPC complaints. It said that there were also a number of parallel complaints in progress with the professional bodies. The HSE went on to note that the applicant had raised a number of complaints against Mental Health Services in line with the HSE's complaints policy, Your Service Your Say (YSYS) and the HSE Data Protection Policy. It said all of these complaints had been investigated. It said that the applicant had submitted FOI requests that were repetitive in nature and that were targeted at HSE staff who are involved in his care and/or the administration of his FOI requests, data breach allegations and complaints.

The HSE argued that the applicant's persistent submission of FOI requests for information related to the way the HSE manages complaints and alleged data breaches was an abuse of the right of access to information. It said that the processing of multiple requests from the applicant and, on some occasions, the processing of the same information multiple times, was considered excessive by reasonable standards. The HSE also noted that, while it does not normally consider the purpose of any request, in the case of the requests made by the applicant it had discerned a pattern whereby requests were duplicated and expanded to include increasing numbers of specific staff members in respect of whom information was sought.

In sum, the HSE argued that the request should be considered as a harassment of the individual staff member and should be considered as an abuse of the right of access to information. It argued that the applicant was using the FOI Act for a purpose for which it was not intended, and that any reasonable person would find his repetitive submission of requests for access to administrative records, that relate to matters which were already being examined via other formal processes, to be unreasonable. It said a substantial amount of time and resources had been expended dealing with the applicant's previous FOI requests, and, while that may have been justified for the purpose of obtaining personal medical records and records/information which relate to complaints against the HSE, it was of the view that it was not reasonable to expect significant additional time and effort should be spent sourcing and compiling the administrative records that were the subject of the request at issue. On the basis of the above, the HSE argued that section 15(1)(g) should therefore be applied to the records under review.

The applicant made submissions of his own, in which he argued that to characterise his having made 33 requests over six years was not reasonable. He argued that he had previously received incredibly important information via FOI from the HSE that wouldn't exist in his clinical file. He said his requests arise from very serious matters of personal impact and clinical and administrative significance, where transparency is both necessary and proportionate. The applicant argued that the number of requests made was not relevant but rather whether each request was justified, relevant, and connected to a legitimate purpose. He said he had never duplicated a request and had focused them where needed and had withdrawn some where the information had been produced or was no longer needed. He argued that he was engaging in the process in good faith and that there was no abuse of process on his part, and indicated his view that all his requests had been legitimate and valid. He argued that it was the HSE, in fact, that was engaging in vexatious behaviour and that its reliance on section 15(1)(g) was an attempt to withhold important information.

In our decision, we outlined our general position that the refusal of a request under section 15(1)(g) is not something that should be undertaken lightly. We noted that the Long Title of the FOI Act stated that the purpose of the legislation is to enable members of the public to obtain access to the greatest extent possible, consistent with the public interest and the right to privacy, to information in the possession of public bodies. We further noted that the fact that an FOI request might be driven by a particular agenda does not mean that the request is necessarily vexatious. We fully accepted that it is entirely reasonable and, indeed, commonplace, for individuals to seek to obtain access to their medical files through the use of the FOI Act. However, we also noted that this does not mean that the making of requests for such records is unfettered and that such requests can never be regarded as vexatious. Similarly, while we also accepted that it is entirely reasonable that individuals who believe they may have been treated unfairly by an FOI body may first seek to use the FOI Act to access relevant records with a view to determining the grounds on which they may pursue their complaint or grievance, this did not mean that there can be no limits to the use of FOI in the pursuit of that grievance. We noted that in the Court of Appeal judgment in the case of *Grange v Information Commissioner*, the Court had found that an FOI request may be vexatious even if the requestor can point to a particular public interest or is pursuing a particular agenda, and moreover had found that our Office is entitled to consider the broader issue of the manner in which the requester has engaged with the FOI body.

In analysing whether section 15(1)(g) applied, we set out the type of factors to which we generally had regard in deciding such questions, and found that several of these factors applied to the case at hand. In particular, we found that the number of FOI request made the applicant was a relevant factor, and did not accept the applicant's argument that the number of requests made was irrelevant. We found that the submission by the applicant of 33 connected FOI requests was excessive by reasonable standards.

Furthermore, we noted that the making of FOI requests appeared to have become an integral part of the applicant's strategy for pursuing his grievances, rather than representing genuine efforts to obtain access to information that might be important to his care and treatment or to the proper handling of his personal information. For example, we noted that where an individual had made a complaint to the DPC based on his or her views that a data breach has arisen, it would be reasonable, in our view, for the individual to let the matter rest with the DPC for investigation as opposed to making further related requests about the matter in the meantime and prior to the completion of any such investigation, such as the applicant in this case had done on more than one occasion. Moreover, we indicated our view that it appeared that the applicant had had little or no regard to the administrative burden that his requests have imposed overall on the HSE and/or its Mental Health Services. We stated that one could only imagine the level of disruption that might be caused to the HSE's core services if it was required to deal with even a substantial minority of its service users to the same levels and extent as the applicant appears to expect.

We were satisfied that at this stage, submitting FOI requests had become an integral part of the applicant's strategy in pursuing his grievances with the HSE. We concluded that the purpose of the applicant's FOI request in this case was directed at an objective unrelated to the right of access to records – that is, it was being used tactically for the purpose of pursuing the grievances. We found that a pattern of conduct existed relating to the applicant's use of FOI which suggested an abuse of the FOI process with little or no regard had for the burden which the pursuit of his grievance has placed on the HSE. Accordingly, we accepted that the HSE was justified in refuse the request under section 15(1)(g) of the FOI Act, while noting that this finding should not be taken as a basis for concluding that the applicant can never again seek access to further mental health records through the use of the FOI Act.

The full text of the decision can be found here.

Other decisions on the administrative refusal of FOI requests under section 15(1) of the FOI Act

As well as section 15(1)(g), section 15(1) contains a number of other subsections related to the refusal of FOI requests on administrative grounds. In particular, under section 15(1)(a) an FOI body may seek to refuse an FOI request on the basis that the record sought does not exist or cannot be found after all reasonable steps have been taken to locate it; and under section 15(1)(d), an FOI body may refuse to grant a request where it relates to information that is already in the public domain.

Over the course of the year, we were required to determine a number of cases in which bodies sought to rely on these subsections of section 15(1) as grounds to ground the refusal of FOI requests on an administrative basis.

Whether the Office of the Revenue Commissioners was justified under section 15(1)(a) in refusing access to a recording of a phone call, on the basis that the record no longer exists

– Case OIC-156598

This case arose from a previous review by our Office in relation to the same FOI request. In our decision in that earlier review, which we reported on in our 2024 Annual Report, we annulled the deemed refusal by the Office of the Revenue Commissioner ("Revenue") of an FOI request from the applicant seeking access to a recording of a phone call he had made to Revenue's Local Property Tax (LPT) helpline in relation to a specified property ID. In the course of processing the request, Revenue had advised the applicant that he had not provided "sufficient particulars to enable the records to be identified by the taking of reasonable steps", and said that the phone number used to make the call and the date (and time if possible) the call was made was required. While we annulled Revenue's deemed refusal of the request, we also found that, having regard to Revenue's submissions in relation to the disruption of work that would be caused by virtue of the steps that would be required to locate the record, it was not appropriate for us to simply direct its release. Instead, we directed Revenue to consider the request afresh.

In its second decision on the matter, Revenue relied on section 15(1)(a) of the FOI Act to refuse the applicant's request for access to the phone call recording, on the basis that the recording no longer exists. In its decision, Revenue said that call recording could not be located as all call recordings for the day in question had been deleted in line with its Record Retention policy which, it said, provides that call recordings can be deleted after 6-12 months. It provided the applicant with a link to its Record Retention policy.

When the matter came before our Office again on review, the applicant said that Revenue had destroyed the record he sought, and that this might constitute an offence under section 52 of the FOI

Act (relating to the destruction, with intention to deceive and without lawful reason, of a record sought under FOI). He also referenced Revenue's Record Retention Schedule which states that "a record may not be destroyed if any... open records request, administrative review... is initiated before the expiration of the retention period." He further referenced the fact that the Retention Schedule states that Local Property Tax (LPT) case files should be retained for 10 years. He noted that Revenue's own 12-month retention schedule had not, at that stage expired, in relation to the record at issue. He further suggested that this Office should seek a copy of the destruction certificate for what he described as "millions of recordings destroyed since 2018".

In its submissions, Revenue stated that the call recording had been automatically deleted in line with the Record Retention policy. On the matter of searches undertaken, Revenue said that it conducted a search on its internal call recording system, and that it also instructed the relevant ESP to conduct a search on its call recording system. It said that when the search was conducted, it was found that all calls from the date in question were deleted from both systems, in line with the 6-month record retention period for call recordings as set out in its record retention schedule. It said that other than the record retention schedule, there is no specific documentation containing instructions/ policy on the destruction of call recordings. It said ESP records are subject to the same retention period and the same procedures apply.

Revenue said a search was also conducted on the applicant's Revenue file. It said that as expected, a copy of the recording of the phone call was not found but a record on his file was located that related to the call in question. It said that on the day the call was received, the case worker entered a note of the call on the applicant's system-based Revenue record. It said that record had already been released to the applicant on foot of an earlier FOI request.

Revenue further acknowledged that its retention policy provides that "A record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of the retention period ." It said it acknowledged that an error of omission occurred in not taking steps to ensure that all the records for the day in question were retained when the FOI request had been first received. It said it was expected that the additional information that was required to locate and identify the record in question would be provided by the requester within a reasonable timeframe and that, when it became apparent that the additional information was not forthcoming, steps should have been taken to retain all the call recordings for the day in question. It said this omission was an oversight caused by human error and was not deliberate. It said that before the current issue arose, it had not had a separate policy for record retention in the case of records which are the subject of an FOI request or review by our Office, but that it had since issued new guidance and provided training to ensure that this situation would not recur.

In our decision, we noted at the outset that it was not the role of our Office to examine whether Revenue's destruction of the call recording sought was illegal, and that the sole question we were required to consider was whether Revenue was justified in refusing the request under section 15(1)(a) on the ground that the record sought no longer exists. We noted that we had no reason to doubt Revenue's statement that the record was destroyed in line with its documented Records Retention Schedule. Indeed, we noted that it also seemed to be the case that the applicant had accepted that the record no longer exists, given the inclusion in his submissions of his detailed views on the legality of the destruction of the record. We also accepted Revenue's evidence that it does not hold a copy of the record in any other location. We found that Revenue was justified in refusing access, under section 15(1)(a) of the Act, to the record sought by the applicant, on the grounds that it no longer exists.

However, in so finding, we also noted that it was very disappointing that Revenue had failed to retain a copy of the call recordings for the date in question, in light of the fact that the call recording at issue was the subject of an FOI request and a related review by this Office at the time of its destruction, and in light also of the fact that its own Record Retention Schedule provides that such records must not be destroyed. Nevertheless, we accepted Revenue's explanation that the omission was an oversight caused by human error and was not deliberate. In relation to the applicant's arguments regarding the possibility of an offence having been committed under section 52 of the Act, we noted that the Act contains no further details how such matters should be pursued, and that the questions of whether an offence has taken place, and of whether a prosecution should take place, were matters An Garda Síochána and the Director of Public Prosecutions. We noted that our Office has no role in deciding whether an offence has occurred. Having considered Revenue's submissions, we found we had no reason to suspect that there has been a wilful destruction of the record sought in this case, but that it was open to the applicant to take whatever further steps he deemed appropriate.

The full text of the decision can be found here.

Whether the HSE was justified in refusing access, under section 15(1)(a) and 15(1)(d), to details of the number of terminations of pregnancy carried out by the Ireland East Hospital Group for the years 2019 to 2023

– Case OIC- 146030

In this case, the applicant submitted a request for data pertaining to the total number of terminations carried out under sections 9 to 12 of the Health (Regulation of Termination of Pregnancy) Act 2018 ("the 2018 Act") at hospitals in the Ireland East Hospital Group ("the IEHG"), for the years 2019 to 2022 and to the date of her request in 2023. By way of background, we noted that the 2018 Act governs access to terminations of pregnancy in Ireland, and that sections 9 to 12 of that legislation prescribe the circumstances in which terminations may be carried out. We also noted that section 20 of the 2018 Act, along with related Regulations, requires medical practitioners to notify the Minister for Health (the Minister) of specific details regarding all terminations carried out under the legislation. Each year, pursuant to section 20, the Minister publishes an annual report on the notifications received. Finally, we noted that the IEHG was made up of six statutory and five voluntary hospitals. While the applicant had made her request to the IEHG, in the circumstances we were satisfied that our decision on the matter should be directed to the HSE.

In its decision on the FOI request, the IEHG relied on a number of provisions of the FOI Act, including sections 30(1) (relating to adverse effects on the performance by an FOI body of its functions relating to management), 32(1)(a)(ii) (relating to prejudice or impairment of the enforcement of, compliance with or administration of any law) and 37(1) (relating to personal information). It also relied on sections 15(1)(a) and 15(1)(d) of the Act. In relation to section 15(1)(a), the IEHG argued that the record sought does not exist. It said it did not hold a record containing the aggregated information, and that it would need to create a new record to respond to the request, which the FOI Act does not require. With regard to section 15(1)(d), the IEHG argued that the information sought was already in the public domain by virtue of its publication in the Minister's Annual Report.

In our analysis of section 15(1)(a), we first of all noted as a preliminary point that, while the purpose of the FOI Act is to enable members of the public to obtain access to information held by public bodies, the mechanism for doing so is by accessing records held by those bodies. In other words, a person wishing to obtain information from a public body must make a request for records that contain the information sought. Requests for information, as opposed to requests for records, are not valid requests under the Act, except to the extent that a request for information can reasonably be inferred to be a request for a record containing the information sought.

Furthermore, we noted that the Act does not require public bodies to create records if none exist, apart from a specific requirement, under section 17(4), to extract records or existing information held on electronic devices. Under section 17(4), where a request relates to data contained in more than one record held on an electronic device by the FOI body concerned, the body must take reasonable steps to search for and extract the records to which the request relates. The reasonable steps are those that involve the use of any facility for electronic search or extraction that existed on the date of the request and was ordinarily used by the FOI body. Where those reasonable steps result in the creation of a new record, that record is deemed to have been created on the date of receipt of the request for the purposes of considering whether or not such a new record should be disclosed in response to the request.

In this case, the HSE said that each provider sends notifications directly to the Minister and securely retains electronic copies. It said that one IEHG provider has an in-house designed electronic system, and that the others hold spreadsheets, from which the relevant details may be extracted. It said no external parties could access the providers' electronic systems or records. It said the IEHG did not capture the requested details in its own right, and that the requested information could not therefore be extracted from IEHG/HSE electronic systems. It said that in order to provide the requested aggregated data, each provider would have to electronically extract its own relevant information and provide this to the HSE, and the HSE would then have to conduct the manual process of adding the various figures and creating a new record containing the totals. The HSE argued that such steps are not required.

Having regard to the HSE's explanation of the manner in which the various providers individually hold the relevant information in this case, we were satisfied that the steps required for the HSE to grant the request in this case would go beyond the steps required by section 17(4). However, we also found that the HSE did, indeed, hold information for each individual provider within the IEHG. Accordingly, we were required to consider whether the HSE could justifiably rely on section 15(1)(a) of the Act to refuse to grant access to the aggregated figure sought on the ground that it holds no specific record that contains that precise information. In considering this issue, we noted as relevant the intent and purpose of the FOI Act which, as the Long Title states, is to enable members of the public to obtain access, ***to the greatest extent possible*** consistent with the public interest and the right to privacy, to information in the possession of public bodies (my emphasis). We took the view that it was clearly open to the HSE to simply add the figures it has for each of the providers in order to produce the aggregated figures sought. In its submissions, the HSE simply stated that the FOI Act does not require it to create a new record to do so. While we fully accepted that an FOI body is not required to create a new record for the purpose of granting a request other than pursuant to section 17(4), which we had found not to apply here, we also found that the HSE did, indeed, hold a record that contains the individual totals for each provider. In the particular circumstances of this case, we took the view that the release of those totals would effectively involve the granting of access to the aggregate figures sought. In our view, it would run contrary to the intent and purpose of the Act to find that the HSE was justified in refusing the request on the ground that it did not hold a single record that contains the information sought when it holds the information, albeit not in an aggregated form. Accordingly, we find that section 15(1)(a) did not apply in this case.

In relation to section 15(1)(d), the HSE argued that the requested details were in the public domain, by virtue of the information published by the Minister. While it acknowledged that the published figures are not broken down by Hospital Group, as was requested in this case, it said the information is published as provided for under the 2018 Act. For section 15(1)(d) to apply, the information sought must be in the public domain. While we fully accepted that certain information relating to terminations was publicly available, the specific information sought by way of the applicant's FOI request was not, and we noted that this had been acknowledged by the HSE. Accordingly, we found that section 15(1)(d) did not apply.

We went on to examine the other exemptions relied upon by the HSE. In the circumstances, we found that none of sections 30(1)(b), 32(1)(a)(ii) or 37(1) applied. Accordingly, we found that the HSE had not satisfactorily shown that its decision to refuse access to the number of terminations carried out under sections 9 to 12 of the 2018 Act at hospitals in the IEHG Group, for the years 2019 to 2022 and to the date of the applicant's request in 2023, was justified.

We noted that the effect of our finding was that the HSE was required to grant the applicant's request by providing the individual figures for each year. This being said, and in recognition of the fact that the applicant had expressly stated that she was seeking only aggregate number of terminations performed each year in the IEHG as a whole, we were also satisfied that it was open to the HSE to provide the applicant with the aggregated number which would satisfy the request. We noted that, while the Act does not require the creation of a record to grant a request, there was nothing in the legislation which prohibited the creation of a record if it met the purposes of granting the request.

The full text of the decision can be found here.

Decisions on the disclosure of the identities of individuals who have given confidential information to FOI bodies in relation to the enforcement or administration of the law

Section 42 of the FOI Act provides that the legislation does not apply to certain categories of records. In particular, subsection (m)(i) of section provides that the Act does not apply to a record relating information whose disclosure could reasonably be expected to reveal or lead to the revelation of the identify of a person who has provided information in confidence in relation to the enforcement or administration of the law to an FOI body, or where such information is otherwise in its possession. Essentially, this section provides for the protection of the identity of persons who have given information to FOI bodies in confidence in relation to the enforcement or administration of the law to ensure that members of the public are not discouraged from co-operating with such bodies. Section 42(m)(i) is not subject to a public interest test so if it is found to apply to a record, the matter ends there and there is no right of access to the record under the FOI Act.

Whether the FOI Act applied to a handwritten letter provided to the Department of Social Protection purportedly written by a recipient of a social welfare benefit concerning her living arrangements

– Case OIC-149491

This case has as its background a handwritten letter received by the Department of Social Protection which was purportedly written by the applicant concerning her living arrangements. Following receipt of the letter, the Department suspended the applicant's social welfare payment. The relevant staff member in the Department identified certain discrepancies in the letter and contacted the applicant to determine if she had written it. The applicant denied both having written the letter as well as the veracity of certain assertions in the letter, following which the payment suspension was lifted. Further to what the Department said was its standard practice, the matter was assigned to a Social Welfare Inspector (SWI) for investigation. Following an interview with the applicant, the SWI determined that no further action was required and the investigation was closed.

The applicant made an FOI request to the Department for access to the handwritten letter. Having initially relied on section 30(1)(a) of the FOI Act (relating to functions and negotiations of an FOI body) to refuse the request, the Department subsequently sought to rely on section 37(1) (relating to personal information). However, in the course of conducting our review of the Department's decision on the FOI request, the Investigator in our Office formed the view that section 42(m)(i) of the FOI Act potentially applied to the record, and informed both parties that the relevance of this provision of the Act would be examined as part of the review.

In order for section 42(m)(i) to apply, three requirements must be met. Firstly, there must be a reasonable expectation that disclosure of the information at issue could reveal or lead to the revelation of the identity of the supplier of the information; secondly, the information supplied must have been given in confidence; and thirdly, the information supplied must relate to the enforcement or administration of the law.

In relation to the first requirement, the Department stated that the level of detail contained in the handwritten letter, even with inconsistencies would likely reveal or lead to the revelation of the identity of the author without necessarily naming them. It said it was also satisfied that the handwriting comprises personal information relating to individuals other than the applicant and may identify the author without necessarily naming them. We noted that the applicant had already been provided with the substantive details of allegations contained in the letter. Notwithstanding this, we took the view that, in light of the letter's contents and the fact that it was handwritten, it was reasonable to assume that the author may be known to the applicant and that the release of the letter could reasonably be expected to reveal or lead to the revelation of the identity of the author. Accordingly, we accepted that the first requirement had been met.

With respect to the second requirement, the Department indicated that it accepted that the applicant was not the author of the letter, and that instead the aim of the letter was to impersonate the applicant. We formed the view that it was reasonable to assume on this basis that, while the author expected the Department to act on the information provided, he or she did not want to disclose his or her identity. As such, while we did not accept that that the author can reasonably have expected that the information provided concerning the applicant would remain confidential, we did accept that the author wished to have his or her identity to remain confidential. In any case, it followed from the effect of our finding in relation to the first requirement – that the release of the handwritten letter could reasonably be expected to reveal or lead to the revelation of the identity of the author – meant that the entire record should be regarded as having been given in confidence.

In our decision, we considered whether a duty of confidence could apply in circumstances where the author had attempted to impersonate the applicant. We took the view that such a duty could exist. We took the view that the fact that the author had sought to protect his or her identity did not mean that the intention to draw the Department's attention to the matter was not genuine, even if mistaken or unfounded. Noting that the purpose of section 42(m)(i) is to protect the flow of information from the public which FOI bodies require to carry out their functions relating to the enforcement or the administration of law, we accepted that the disclosure of the identity of informants could prejudice this flow of information. Thus section 42(m)(i) could still apply to information which was given in confidence but is subsequently found to be mistaken or unfounded. Moreover, we found that even if we were satisfied that the information was provided for malicious purposes, we were required to give significant weight to safeguarding the flow of information to FOI bodies. We accepted that the disclosure of the identity of informants, even where the evidence suggests that the provision of the information was maliciously motivated, could prejudice this flow of information. We noted that in many situations an FOI body will act on the information provided in good faith. When the situation of the person who, in good faith, supplies information which is subsequently found on investigation to be inaccurate or mistaken is considered, the difficulty for the FOI body in handling such information in any other manner becomes apparent. Accordingly, we were satisfied that the information was provided in confidence to the Department and that the second requirement was met.

In regard to the third requirement of section 42(m)(i), we noted that the record at issue concerned a social welfare payment, and that the Social Welfare Consolidation Act 2005 was the legislative basis governing the social welfare code, including Social Insurance based benefit and assistance schemes. We further noted that the legislation detailed offences and penalties as well as providing for legal proceedings under the social welfare code, the mechanisms for governing decisions and appeals in relation to social welfare. On this basis we were satisfied that the third requirement had been met.

Having satisfied ourselves that the three requirements of section 42(m)(i) had been met, we found that this provision of the FOI Act operated to put the record sought outside the scope of the Act. On this basis, we affirmed the Department's decision to refuse access to the record.

The full text of the decision can be found here.

Whether Tusla was justified in refusing access to the identity of the person(s) who had submitted reports concerning the applicant

– Case OIC-161036

In this case, the applicant made an FOI request to Tusla seeking access to the identity of the person(s) wo had submitted allegations to that body concerning her and her family.

In its decision, Tusla refused the request citing section 42(m)(i). The applicant, in her application for an internal review of Tusla's initial decision, stated that the reports were entirely false and submitted with malicious intent. The applicant also said that she had since identified the source of the false reports and had made a report to Gardaí in relation to same. She argued that the person's actions were not only malicious but potentially criminal, and that withholding the identity of the individual was not in the public interest and hindered her access to justice and the safety of her children. The applicant argued that providing her with the identity would further the public interest in exposing and deterring false reporting to child protection services. When Tusla affirmed its initial decision, the applicant sought a review by our Office, arguing that there were compelling legal and public interest grounds for disclosure.

In relation to the first requirement of section 42(m)(i), we noted that the records at issue were reports to Tusla about child protection concerns. Tusla argued that the disclosure of the information in the record would identify the individual(s) who made the reports. We found it to be straightforwardly the case that, as the information sought was the identity of the reporting person(s), the release of the information would reveal the identity of the person(s) who made the report to Tusla, and that the first condition in section 42(m)(i) was met.

In relation to the second requirement of section 42(m)(i) – that the information was provided in confidence – Tusla argued that the referrals in question were provided to it from concerned individuals on the understanding that they would be treated as confidential. Tusla said it would not reveal the identity of the referrer as to do so could potentially prejudice the giving of such important information from the same or other persons in relation to the reporting of child protection concerns. Tusla argued that it was imperative under the relevant childcare legislation that the giving of this kind of information and continued reporting was safeguarded, to ensure that it was informed and could perform its statutory role in determining family circumstances and implementing appropriate measures to assist families and protect children at risk.

The applicant argued that the complaints in this case formed part of an ongoing campaign of harassment of her and her family, essentially suggesting that the complaints were made in bad faith. She argued that section 4 was designed to protect individuals providing information in good faith, and should not shield those who act maliciously. She argued that confidentiality cannot and should not extend to persons who deliberately misuse Tusla's reporting mechanisms to harass or defame others. She reiterated her argument that, even if section 42 technically applied, the public interest in disclosure outweighed the interest in protecting confidentiality in this case. The applicant argued hat false reporting was a waste of Tusla's time and resources, diverting attention from families in genuine need and creating a "cry wolf" effect, whereby repeated false allegations risked the discounting of future concerns, thereby endangering children who may need urgent intervention. She argued that protecting malicious reporters only perpetuated this risk and undermined Tusla's mission to protect children.

In our analysis, we outlined our view that the purpose of section 42(m)(i) was to protect the flow of information from the public which FOI bodies require to carry out their functions relating to the enforcement or administration of the law. Thus, section 42(m)(i) might apply where information was given in confidence but was later found to be mistaken or unfounded. Moreover, while it might be argued that an untruthful or maliciously made complaint cannot be regarded as information provided in confidence, we gave significant weight to safeguarding the flow of information to FOI bodies. We accepted that bodies such as Tusla act upon revery report such as the one at issue in good faith and that disclosure of the identity of complainants – even where the applicant suggested that the complaints were maliciously motivated or where subsequently found to be groundless – could reasonably be expected to prejudice the flow of information which bodies such as Tusla relied on to perform their functions. Accordingly, we found that the second requirement of section 42(m)(i) was met.

In respect of the third requirement – that the information provided relates to the enforcement or administration of the law – we accepted Tusla's argument that its core function under the relevant legislation was to promote the development, welfare and protection of children. We accepted its claim that the information related to the enforcement or administration of the law insofar as it pertained to Tusla's responsibility in respect of child welfare and protection services. Accordingly, we were satisfied that this requirement was also met.

Having so determined, and noting that section 42(m)(i) is not subject to a public interest test, we found that section 42(m)(i) operated to preclude the application of the FOI Act to the information sought, and that Tusla was therefore justified in refusing the FOI request.

The full text of the decision can be found here.

Decisions on whether information created by staff of FOI bodies can be deemed to be confidential for FOI purposes

Section 35(1) of the FOI Act provides for a general refusal of access to records where the information therein was provided in confidence. However, subsection (1) of section 35 is subject to section 35(2), which provides that the exemption in section 35(1) shall not apply to records prepared by a head, director, member of staff of, or service provider to, an FOI body in the course of their functions, unless disclosure of the information in the record(s) would constitute a breach of a duty of confidence that is provided for by an agreement or statute, or otherwise by law, and is owed to a person other than an FOI body or a head, director, member of the staff of, or service provider to, an FOI body.

In 2025 a number of cases came before us in which we were required to determine whether section 35(2) precluded FOI bodies from relying on section 35(1) to exempt from release records that the bodies considered contained confidential information.

Whether the Legal Aid Board was justified in refusing access, under section 35(1) of the FOI Act, to two records relating to a dignity at work complaint

– Case OIC-146206

The applicant in this case was an employee of the Legal Aid Board ("the Board") and the request that gave rise to this review had its background in a complaint the applicant made under the Civil Service Dignity At Work Policy against a manager ('staff member A'). On 18 November 2023, she sought access to all records sent by staff member A to a second named staff member ('staff member B') on two specified dates in 2022. The Board refused access to two records, comprising two email threads relating to the Dignity At Work complaint and two attachments, under section 35(1)(a) of the FOI Act, and the matter eventually came before our Office for review.

Section 35(1) of the Act provides that, subject to the section, an FOI body shall refuse to grant an FOI request if the record concerned contains information given to an FOI body, in confidence and on the understanding that it would be treated by it as confidential (including such information as aforesaid that a person was required by law, or could have been required by the body pursuant to law, to give to the body) and, in the body's opinion, its disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further similar information as aforesaid should continue to be given to the body.

However, as the records at issue in this case were prepared by a staff member of the Board, we considered it appropriate in our review to first of all consider whether section 35(2) operated to preclude its reliance on section 35(1)(a).

In its submission, the Board argued that the records at issue had not been prepared by staff member A in the course of the performance of her duties, as they related to a Dignity At Work complaint made. It said the records were given to the Designated Person in confidence as part of the Dignity At Work complaint.

We noted that, in the case of *The Health Service Executive v The Information Commissioner* [2009] 1 I.R. 700, the High Court had stated that the purpose of section 35(2) is "to make available to the requestor internal records prepared by staff in public bodies in the course of the performance of their functions". We further noted that section 35(2) does not apply to all records prepared by staff members, and that our view was that the use of the phrase "in the course of the performance of his or her functions" distinguishes records prepared in the course of the performance of functions from records prepared in a private or personal capacity.

We fully accepted that there is an expectation that staff members against whom complaints are made under the Dignity At Work Policy would engage with the examination and investigation of such complaints. Nevertheless, we took the view that this did not mean that records they might prepare pursuant to the procedures set out in the Policy are records prepared in the course of the performance of their functions. We noted that, in essence, the complaint in this case concerned allegations of behaviour that were described as unacceptable in the Dignity At Work Policy. This alleged behaviour went beyond the proper exercise of authority by management and/or constructive and fair criticism of a staff member's conduct or work performance. Having regard to the nature of the matters that fall for examination under the Dignity At Work Policy, we were satisfied that a staff member's response to such allegations was prepared in a personal capacity and not in the course of the performance of his or her functions as a staff member. Accordingly, we found that section 35(2) did not apply in this case to preclude the Board's reliance on section 35(1)(a) of the Act.

Having so found, we went on to analyse the details of the Board's reliance on section 35(1)(a) itself. Section 35(1)(a) contains four discrete elements, all of which must be satisfied to ground the refusal of access to a record under that provision. On the facts of the case, we found that the Board had satisfied all four elements of section 35(1)(a). In particular, we accepted that the Dignity At Work Policy provides in absolute terms that the record was created on the understanding of confidentiality when the relevant Designated Person noted explicitly that confidentiality applied at the applicable stage of the complaint process. We also accepted the Board's arguments that the creator of the records provided them to the Designated Person on the understanding that it would be treated as confidential. Furthermore, we accepted the Board's argument that if the confidentiality of the information in the records was not upheld, there was a likelihood of prejudice to the provision of similar information in future. Finally, we accepted the argument of the Board that it was of importance that it continued to receive such information in the future, given its duty of care to all employees who may feel the need to make a complaint pursuant to the Civil Service Dignity At Work Policy and in order to protect the flow of information when a staff member feels the need to make such a complaint.

Having accepted these arguments of the Board, and having found that it was not precluded by section 35(2) from relying on section 35(1)(a), we found that it was justified under the latter provision in refusing to grant access to the records sought, and affirmed its decision.

The full text of the decision can be found here.

Whether the National Gallery of Ireland was justified in refusing access to records of any correspondence between it and two government Departments with regard to its payment of a severance deal in 2022

– Case OIC-150005

In this case, the applicant sought access to copies of any correspondence exchanged between the National Gallery of Ireland ("the Gallery") and either the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, as it then was ("the Department of Tourism") and/or the Department of Public Expenditure, NDP Delivery and Reform, as it then was ("DPER") in relation to the payment by the Gallery of a severance deal in 2022, as part of a settlement agreement reached with a former employee. The Gallery refused the request under a number of provisions of the FOI Act, including section 35(1)(b).

Section 35(1)(b) provides for the refusal of an FOI request where disclosure of the information would constitute breach of a duty of confidence provided for by agreement, enactment or otherwise by law. In circumstances where, if it applied, section 35(2) would operate to preclude the Gallery's reliance on section 35(1)(b), we again deemed it appropriate to consider the former provision of the Act in the first instance.

As noted above, section 35(2) provides that section 35(1) shall not apply to a record which was:

(i) prepared by a head, director or staff member of an FOI body or a service provider

(ii) prepared in the course of the performance of his or her functions

(iii) UNLESS disclosure would constitute a breach of a duty of confidence that is owed to a person other than an FOI body, etc.

In our analysis, we first of all accepted that the records had been prepared either by the staff of the Gallery or of DPER or the Department of Tourism, and in the case of one record by a service provider to Gallery. Accordingly, we deemed the first requirement of section 35(2) had been met.

In relation to the second requirement, we considered that it was self-evident that all the records at issue had been created by staff of (or a service provider to) the relevant FOI bodies in the performance of their functions. This was the case where the records comprised a business case prepared by the Gallery in relation to the proposed settlement, emails between the bodies in respect of the matter, and a relevant legal opinion provided by a service provider to the Gallery (its legal advisers).

In respect of the third requirement of section 35(2), the first question we were required to examine was whether the disclosure of the information concerned would constitute a breach of a duty of confidence. Thus, we had to ascertain whether that duty of confidence existed, and whether disclosure would constitute a breach of that duty. In support of its position that a duty of confidence existed, the Gallery had pointed to the fact that the severance agreement reached in this case contained a specific confidentiality clause. The Gallery also cited Circular 09/2018 ("the Circular"), relating to arrangements for the offer of severance terms in the civil and public service and issued by DPER on 4 September 2018. We noted that the Circular envisages the release under FOI of the details of severance agreements and payments, and also provides that confidentiality agreements should be entered into by FOI bodies only in exceptional circumstances and on foot of legal advice. We concluded that, while it was unclear that legal advice had been sought or provided on the specific question of the necessity of a confidentiality agreement forming part of the severance settlement, we were ultimately not required to adjudicate on the precise circumstances which led the Gallery to enter into a confidentiality agreement (and indeed that to do so was outside our remit). Irrespective of the circumstances which led to the inclusion of a confidentiality clause in the settlement at issue, we accepted that, as a matter of fact, a confidentiality clause was agreed in the settlement in this case, and that it was reasonable for both parties to consider themselves bound by the terms of same.

The next question we were required to address in relation to condition (iii) of section 35(2) was whether the duty of confidence was owed to a person other than a head, director, etc of an FOI body. Clearly, as each of the bodies directly involved in the creation of the records are FOI bodies (or, in the case of one record, a service provider to an FOI body), the relevant duty of confidence could not be one that is owed by the bodies to each other. However, the question remained as to whether the duty of confidence might be owed to another relevant party, namely the individual with whom the Gallery agreed the severance package and to whom it made the severance payment.

In relation to this question, we noted that section 35(2) provides that section 35(1) shall not apply to a record the disclosure of which would constitute a breach of a duty of confidentiality, where that duty is owed to a staff member of an FOI body. In this case, the individual who received the severance payment was a former member of staff of the Gallery, and was a member of staff at the time the severance agreement was reached. In its submissions, the Gallery argued that section 35(2) should not apply to an individual who is an ex-member of staff of an FOI body. We agreed with the Gallery's view. We found that section 35(2) does not serve to disapply section 35(1) if the person to whom a duty of confidence is owed is a former staff member. We took the view that, had the Oireachtas intended that section 35(2) would disapply section 35(1) where the duty of confidence is owed to a former staff member, it could have explicitly provided for same. We noted that, for example, the exclusion to the definition of personal information in section 2 of the FOI Act provides that the definition does not include certain information relating to an individual who "holds or held" a position as a member of the staff of an FOI body, and that section 35(2) does not contain the same language.

Accordingly, on this basis we found that the Gallery was not precluded by section 35(2) in relying on section 35(1)(b) to withhold from release the records at issue.

Having so found, we went on to examine whether the records were in fact exempt from release under section 35(1)(b). On the facts of the case, and based on the requirements of section 35(1)(b), the terms of the confidentiality clause that exists in this case, and the contents of the records at issue, we were ultimately satisfied that to disclose the contents of the records would be to breach a duty of confidence provided for by a provision of an agreement. We were therefore satisfied that the records came within the scope of section 35(1)(b) and were exempt from release under that provision of the FOI Act.

The full text of the decision can be found here.

CHAPTER 3

Legal Matters

In this Chapter, we set out a summary of some of the key legal matters arising during 2025.

Appeals to the Courts

A party to a review, or any other person who is affected by a decision of our Office, may appeal to the High Court on a point of law. A decision of the High Court can be appealed to the Court of Appeal.

Two appeals of our decisions were made to the High Court during 2025, both of which remain ongoing at the time of writing. One of the appeals was brought by the applicant (the original FOI requester) and the other by the relevant FOI body.

In addition, an applicant whose appeal to the High Court was dismissed in 2024 sought leave to appeal that Court's judgment to both the Court of Appeal and the Supreme Court in 2025. The Supreme Court refused the application in May 2025, while the appeal before the Court of Appeal was struck out by that Court in October 2025. Further details are set out below.

Also in 2025, an application was made to the High Court for an extension of time for the bringing of a defamation action against our Office and a number of other parties arising, in our case, from a decision we issued in 2022.Further details are set out below.

All judgments in cases involving our Office are available on our website at www.oic.ie.

Court of Appeal – Oisin Quin McDonagh and the Information Commissioner and the Commissioner of An Garda Síochána [2023] No 95 MCA

Supreme Court – Oisin Quin McDonagh and the Information Commissioner and the Commissioner of An Garda Síochána [2025] IESCDET 60

These cases arose from an FOI request made to An Garda Síochána ('AGS') by the appellant, seeking access to records in relation to: (i) a breakdown of all AGS stops and searches from 1 January 2022 until 1 January 2023 in the Dundalk/Louth district; (ii) the legal provisions (if any) that were utilised to justify the stops and searches; and (iii) a breakdown of the stops and searches concerned by age, gender, and ethnicity. AGS refused the request on the basis that it was not an FOI body in respect of the records sought. Part 1(n) of Schedule 1 of the FOI Act provides that AGS is a partially included agency "insofar as it relates to administrative records relating to human resources, or finance or procurement matters".

In our decision we found that the only records held by AGS that are subject to the FOI Act are those relating to administrative matters concerning human resources, finance or procurement and that the records sought, relating to stops and searches, could not be said to fall within the category of AGS records to which the Act applied. Accordingly, we affirmed AGS's decision. The appellant appealed our decision to the High Court and, as we reported in last year's Annual Report, the High Court dismissed the appeal on 19 September 2024.

On 1 March 2025, the appellant sought to appeal that judgment to both the Court of Appeal and the Supreme Court. The Supreme Court refused the application in May 2025. It was not satisfied that there were exceptional circumstances warranting a direct appeal to that Court. It determined that the appellant should proceed with his appeal to the Court of Appeal and if, following its decision, any party considered that a further appeal to the Supreme Court was appropriate, it would be open to them to make an application for leave at that stage. The appellant subsequently asked for the appeal to the Court of Appeal to be struck out. The Court of Appeal ordered the appeal to be struck out in October 2025.

Other Legal Proceedings Involving the Information Commissioner

High Court – Edel McAndrew-Bergson and the Information Commissioner and Others [2025] No 332 MCA

On 15 July 2025, the appellant applied to the High Court for an extension of time to bring a defamation action against a number of parties, including our Office. The claim in defamation against our Office arose from a decision we issued on 13 September 2022 in Case No. OIC-126314 concerning the refusal by the Mater Misericordiae University Hospital (the Hospital) to grant the appellant access to her late husband's medical records.

The Freedom of Information Act 2014 (Section 37(8)) Regulations 2016 provide for the release of records relating to a deceased individual where the requester is the spouse of the individual and the FOI body considers, having regard to all the circumstances, that the public interest would on balance be better served by granting than by refusing to grant the request. In our decision Case OIC-126314, having had regard to the evidence presented by both parties to the review in considering where the balance of the public interest lies, we determined that it was not apparent that the applicant's late husband would have consented to the release of the records at issue when living. We found that the Hospital was justified in refusing the request. An anonymised version of the decision was published on our website, pursuant to section 47(1)(a) of the FOI Act which provides that we must publish decisions following a review.

The appellant's case was that our determination that it was "not apparent" that her late husband would have consented to the release of the records at issue when living was defamatory. As the defamation proceedings were brought outside the time limit set down for same in the Statute of Limitations Act 1957 (the 1957 Act) and Order 1B of the Rules of the Superior Courts, the appellant sought liberty from the High Court to bring proceedings outside time, arguing inter alia that there had been fraudulent concealment of material that operated to suspend or disapply the relevant time limit.

On 20 March 2026, the High Court dismissed the application. It found that an action in defamation based on any material first published more than two years prior to the date of the application was statute barred. It noted that our Office had painstakingly set out the statutory process mandated by legislation in relation to the disclosure of records and that our decision had not been challenged in accordance with the law at that time. It found that it had no jurisdiction to extend time in respect of the content of the decision we had issued in 2022. It found that it was impossible to see how any question of concealment arose in respect of a reasoned decision communicated to the applicant in 2022. It further noted that insofar as any element of our decision was made publicly available, it had been anonymised and contained no identifying material. It found that in the circumstances, a claim in defamation did not seem in any way tenable. The elements of the proceedings that pertained to our Office were accordingly dismissed on this basis.

CHAPTER 4

Statistics

Section I – Public Bodies – 2025

Figures for tables 1 to 11 are supplied by the Department of Public Expenditure, Infrastructure, Public Sector Reform and Digitalisation, the HSE, the Local Authorities FOI Liaison Group, the Department of Health, the National Federation of Voluntary Bodies and the Liaison Group for the Higher Education Sector, and are collated by our Office.

Section II – Office of the Information Commissioner – 2025

Section I – Public Bodies – 2025

Table 1: Overview of FOI requests dealt with by public bodies

Requests on hand - 01/01/2025	**6,992**
Requests received in 2025	
Personal	27,528
Non-personal	18,079
Mixed	670
Total	**46,277**
Total requests on hand during year	53,269
Requests dealt with	42,298
Requests on hand - 31/12/2025	**10,971**

Table 2: FOI requests dealt with by public bodies and subsequently appealed

	Number	Percentage
FOI requests dealt with by public bodies	42,298	
Internal review requests received by public bodies	1,776	4.2%
Applications accepted by the Commissioner	689	1.6%

Table 3: FOI requests received by public bodies – by requester type

Requester Type	Number	Percentage
Journalists	7,534	16%
Business	2,295	5%
Oireachtas Members	544	1%
Staff of public bodies	937	2%
Clients	26,094	57%
Others	8,873	19%
Total	**46,277**	

Table 4: Analysis of FOI requests dealt with by public bodies

Request Type	Number	Percentage
Requests granted	14,375	34%
Requests part-granted	10,751	25%
Requests refused	7,454	18%
Requests transferred to appropriate body	885	2%
Requests withdrawn or handled outside FOI	8,833	21%
Total	**42,298**	

Table 5: Analysis of FOI requests dealt with by public service sector

	Granted	Part-granted	Refused	Transferred	Withdrawn or handled outside of FOI
Civil Service Departments	22%	42%	23%	1%	12%
Local Authorities	27%	35%	26%	1%	11%
HSE	34%	9%	2%	5%	50%
Voluntary Hospitals, Mental Health Services	80%	5%	7%	1%	7%
Regulators and Related Agencies	13%	35%	39%	1%	12%
Third Level Institutions	23%	39%	20%	1%	17%
Other bodies	16%	37%	36%	2%	9%

Table 6: FOI requests received by Civil Service Departments/Offices

Civil Service Department/Office	Personal	Non-personal	Mixed	Total
Department of Social Protection	2,322	285	3	2,610
Department of Justice, Home Affairs and Migration	804	710	8	1,522
Department of Housing, Local Government and Heritage	16	699	0	715
Department of Education and Youth	118	408	4	530
Department of Agriculture, Food and the Marine	129	349	6	484
Department of Foreign Affairs and Trade	54	408	8	470
Department of the Taoiseach	4	437	0	441
Department of Health	4	418	0	422
Department of Enterprise, Tourism and Employment	12	410	0	422
Department of Finance	0	403	0	403
Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation	13	344	3	360
Department of Culture, Communications and Sport	1	350	1	352
Department of Transport	17	316	0	333
Department of Children, Disability and Equality	28	241	6	275
Department of Climate, Energy and the Environment	7	266	0	273
Department of Defence	203	25	2	230
Department of Rural and Community Development and the Gaeltacht	4	133	0	137
Department of Further and Higher Education, Research, Innovation and Science	2	103	1	106
Total	**3,738**	**6,305**	**42**	**10,085**

Table 7: FOI requests received by local authorities

Local Authority	Personal	Non-personal	Mixed	Total
Dublin City	268	550	7	825
Cork City	156	192	9	357
Limerick	102	198	0	300
Cork	83	190	3	276
Fingal	68	184	0	252
South Dublin	80	155	2	237
Dún Laoghaire/Rathdown	56	143	0	199
Galway	42	157	0	199
Tipperary	41	132	1	174
Mayo	16	157	0	173
Kerry	22	145	2	169
Galway City	35	123	2	160
Louth	30	128	0	158
Waterford	56	96	0	152
Donegal	12	123	9	144
Clare	33	104	6	143
Kildare	22	115	5	142
Roscommon	13	96	28	137
Wexford	39	91	0	130
Wicklow	25	103	0	128
Kilkenny	26	73	1	100
Westmeath	33	60	0	93
Laois	41	42	0	83
Offaly	18	57	3	78
Carlow	7	60	0	67
Monaghan	0	63	0	63
Sligo	1	62	0	63
Longford	18	43	0	61
Leitrim	5	47	7	59
Cavan	1	54	0	55
Meath	6	9	0	15
Total	**1,355**	**3,752**	**85**	**5,192**
Regional Assemblies	0	4	0	4

Table 8: FOI requests received by the HSE (excluding certain agencies covered in Table 9)

HSE area*	Personal	Non-Personal	Mixed	Total
HSE South	5,894	181	1	6,076
HSE West	3,721	290	38	4,049
HSE Dublin Mid-Leinster	2,025	153	1	2,179
HSE Dublin North East	1,364	271	4	1,639
HSE National Requests-Corporate	0	817	0	817
Total	**13,004**	**1,712**	**44**	**14,760**

*Figures represent the regional structure of the HSE

Table 9: FOI requests received by voluntary hospitals, mental health services and related regulators and agencies

Hospital/Service/Agency	Personal	Non-personal	Mixed	Total
Beaumont Hospital	757	64	1	822
The Coombe Hospital	728	23	2	753
St. James's Hospital	576	33	0	609
The Mater Misericordiae University Hospital	556	31	0	587
Rotunda Hospital	515	27	0	542
Children's Health Ireland	437	80	0	517
Tallaght University Hospital	438	24	0	462
The National Rehabilitation Hospital, Dún Laoghaire	412	6	0	418
The National Maternity Hospital, Holles Street	320	16	0	336
St. Michael's Hospital, Dún Laoghaire	139	152	15	306
St. John of God Hospitaller Services	239	9		248
St. Vincent's University Hospital, Merrion	196	28	1	225
South Infirmary Victoria Hospital, Cork	132	6	0	138
Mercy University Hospital, Cork	93	26	0	119

Hospital/Service/Agency	Personal	Non-personal	Mixed	Total
Incorporated Orthopaedic Hospital, Clontarf	97	1	0	98
National Orthopaedic Hospital Cappagh	79	18	0	97
Irish Medical Council	23	47	3	73
Health Products Regulatory Authority	4	64	0	68
Health Information & Quality Authority	12	48	5	65
Mental Health Commission	36	20	3	59
Avista (formerly Daughters of Charity Services)	49	2		51
Brothers of Charity Services Ireland South	46			46
St. John's Hospital, Limerick	22	11	0	33
National Treatment Purchase Fund	5	27	0	32
Health & Social Care Professionals Council (CORU)	12	18	1	31
Our Lady's Hospice and Care Services	28	2	0	30
Peamount Healthcare	25			25
Enable Ireland	20	3	0	23
St. Vincent's Hospital, Fairview	12	10	0	22
Horizons (COPE Foundation)	21	1		22
Other hospitals/services/ agencies	97	91	8	196
Total	**6,126**	**888**	**39**	**7,053**

Table 10: FOI requests received by third-level education institutions

Third Level Education Body	Personal	Non-personal	Mixed	Total
University College Dublin	30	130	0	160
Maynooth University	38	57	2	97
University of Limerick	28	68	1	97
University College Cork	31	50	7	88
University of Galway	40	44	0	84
Trinity College Dublin	7	58	12	77
Technological University Dublin	21	37	1	59
Dublin City University	11	34		45
Atlantic Technological University	7	28	6	41
South East Technological University	1	34	1	36
Technological University of the Shannon	4	20	4	28
Munster Technological University	4	23	0	27
Dundalk Institute of Technology	3	14	0	17
Mary Immaculate College	2	13	0	15
Institute of Art, Design and Technology Dún Laoghaire	0	12	0	12
National College of Art and Design	0	12	0	12
Marino Institute of Education	0	5	0	5
Institute of Public Administration	0	3	0	3
Royal College of Surgeons in Ireland	0	0	0	0
Royal Irish Academy	0	0	0	0
National University Of Ireland	0	0	0	0
Total	**227**	**642**	**34**	**903**

Table 11: FOI requests received by other bodies

Public Body	Personal	Nonpersonal	Mixed	Total
Tusla - Child and Family Agency	1,305	186	148	1,639
An Garda Síochána	388	348	0	736
Irish Defence Forces	198	96	0	294
Revenue Commissioners	119	167	0	286
National Transport Authority	13	231	0	244
Courts Service	94	124	0	218
Irish Prison Service	83	119	0	202
Office of Public Works	4	195	0	199
Uisce Éireann	30	156	0	186
Health & Safety Authority	38	41	100	179
Social Welfare Appeals Office	153	3	0	156
RTÉ	4	149	0	153
Road Safety Authority	29	121	3	153
ESB Networks DAC	63	83	4	150
The Central Bank	11	126	7	144
Houses of the Oireachtas Service	8	134	0	142
An Coimisiún Pleanála	3	134	0	137
Residential Tenancies Board	41	57	16	114
Transport Infrastructure Ireland	0	109	0	109
Coimisiún na Meán	7	99	0	106
The Housing Agency	20	44	25	89
Sustainable Energy Authority of Ireland	22	53	4	79
Environmental Protection Agency	2	73	2	77
Standards in Public Office Commission	1	74	0	75
The Arts Council	5	67	0	72
Publicjobs	22	46	4	72
IDA Ireland	1	67	0	68

Public Body	Personal	Nonpersonal	Mixed	Total
Data Protection Commission		36	32	68
National Treasury Management Agency	8	58	0	66
Charities Regulator	3	60	2	65
Tailte Éireann	36	20	2	58
Inland Fisheries Ireland	5	49	1	55
Workplace Relations Commission	17	27	10	54
Legal Aid Board	3	51	0	54
Enterprise Ireland	4	48	0	52
Fiosrú (formerly Garda Síochána Ombudsman Commission)	21	31	0	52
National Council for Special Education	13	37	0	50
Commission for Regulation of Utilities	6	41	0	47
Adoption Authority of Ireland	32	10	0	42
Office of the Director Public Prosecutions	4	33	4	41
Office of the Attorney General/Chief State Solicitor's Office	7	32	0	39
Food Safety Authority of Ireland	2	32	3	37
Pobal	4	31	1	36
Cork Education and Training Board	10	23	2	35
Financial Services & Pensions Ombudsman	14	21	0	35
Failte Ireland	4	29	0	33
Sport Ireland	0	30	2	32
Rásaíocht Con Éireann	6	24	0	30
EirGrid PLC	1	28	1	30
Other bodies (175 bodies with fewer than 30 requests each)	214	923	53	1,190
Total	**3,078**	**4,776**	**426**	**8,280**

Section II - Office of the Information Commissioner – 2025

Table 12: Analysis of applications for review received

Applications for review on hand – 01/01/25	12
Applications for review received in 2025	689
Total applications for review on hand in 2025	**701**
Applications discontinued	54
Invalid applications	66
Applications withdrawn/settled	5
Applications rejected	0
Applications accepted for review in 2025	557
Total applications for review considered in 2025	**682**
Applications for review on hand - 31/12/25	**19**

Table 13: Analysis of review cases

Reviews on hand - 01/01/2025	305
Reviews accepted in 2025	557
Total reviews on hand in 2025	**862**
Reviews completed in 2025	506
Reviews carried forward to 2026	**356**

Table 14: Applications for review accepted in 2025

Public body	
Health Service Executive	91
Department of Justice, Home Affairs and Migration	65
University College Dublin	28
Tusla	16
Dublin City Council	15
Department of Agriculture, Food and the Marine	12
Department of Housing, Local Government and Heritage	12
Dún Laoghaire-Rathdown County Council	11
Office of the Revenue Commissioners	10
Department of Social Protection	9
Fingal County Council	9
The Housing Agency	9
Irish Prison Service	8
Office of Public Works	8
Louth County Council	7
Medical Council	7
Trinity College Dublin	7
Carlow County Council	6
Department of the Taoiseach	6
Kerry County Council	6
Limerick City and County Council	6
St. James's Hospital	6
An Garda Síochána	5
The Arts Council	5
Children's Health Ireland	5
Data Protection Commission	5
Defence Forces	5
Health Products Regulatory Authority	5
National Ambulance Service	5
St. John of God Services	5
Others (total number of remaining applications)	163
Total	**557**

Table 15: Outcome of completed reviews – 3-year comparison

	2025	2024	2023
Decision affirmed	193 (38%)	170 (33%)	178 (39%)
Decision annulled	86 (17%)	64 (12%)	67 (14%)
Decision varied	57 (11%)	63 (12%)	61 (13%)
Discontinued	100 (20%)	141 (27%)	85 (18%)
Settlement reached	17 (4%)	25 (5%)	30 (6%)
Withdrawn	51 (10%)	57 (11%)	47 (10%)
Invalid	2 (<1%)	1 (<1%)	0
Reviews completed	**506**	**521**	**468**

Table 16: Subject matter of review applications accepted – 3-year comparison

	2025	2024	2023
Refusal of access	513 (92.10%)	562 (92.59%)	445 (93.09%)
Statement of reasons under section 10	14 (2.51%)	9 (1.48%)	6 (1.26%)
Amendment of records under section 9	6 (1.08%)	16 (2.64%)	8 (1.67%)
Decision to charge a fee	9 (1.62%)	2 (0.33%)	1 (0.21%)
Extension of time under section 14	8 (1.43%)	12 (1.98%)	6 (1.26%)
Objections by third parties to release of information about them or supplied by them	7 (1.26%)	6 (0.99%)	12 (2.51%)
Total	**557**	**607**	**478**

Table 17: Applications accepted by type – 3-year comparison

	2025	2024	2023
Personal	191 (34%)	253 (43%)	212 (44%)
Non-personal	288 (52%)	332 (54%)	247 (52%)
Mixed	78 (14%)	22 (3%) (	19 (4%)
Total	**557**	**607**	**478**

Appendices

Appendix I

From:	FOI Mail In
To:	Neill Dougan (OIC)
Cc:	FOI Mail In; SecGenOffice
Subject:	FW: Office of the Information Commissioner - Annual Report 2025
Date:	Wednesday 4 February 2026 11:01:37

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Dear Neill,

I refer to your below correspondence. Please find attached, Section 34 Certificates which were renewed by the Department in 2025.

Please note, no new certificates have been issued – these certificates were pre-existing and renewed by the Minister.

Should you require any further information, please do not hesitate to contact me.

Yours sincerely,
Katie Doran
Freedom of Information Unit

Katie Doran

Ardoifigeach Feidhmiúcháin | *Bainistíocht Eolais agus Cosaint Sonraí* | *Trédhearcacht*
Higher Executive Officer | *Knowledge Management and Data Protection* | *Transparency*

An Roinn Dlí agus Cirt, Gnothaí Baile agus Imirce
Department of Justice, Home Affairs and Migration

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Appendix II

Roinn an Taoisigh
Department of the Taoiseach

19 February, 2026

Mr. Stephen Rafferty,
Senior Investigator,
Office of the Information Commissioner,
6 Earlsfort Terrace,
Dubin 2,
D02 W773.

By email only to: Neill.Dougan@oic.ie

Review of Certificates issued under Section 34 of the FoI Act, 2014

Dear Mr. Rafferty,

I am writing in reply to your correspondence dated 09 January 2026 to Mr. John Callinan, Secretary General, concerning the above.

I wish to confirm that on 10 February 2026, the Taoiseach, the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation and the Minister for Enterprise, Tourism and Employment carried out a review for the period January 2024 to 31 December 2025.

Seven certificates were reviewed, which were issued by the Minister for Justice.

The Taoiseach, the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation and the Minister for Enterprise Tourism and Employment were satisfied that it was not necessary to request revocation of any of the seven certificates which were the subject of this review.

Copies of the forms signed by the reviewers to that effect are enclosed.

Yours sincerely,

Aileen Shanahan

Aileen Shanahan
FOI Officer
FOI Unit
Phone 01 6194014

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An Coimisinéir Faisnéise
Information Commissioner