



Irish National Stud



Freedom of Information Act 1997

Sections 15 & 16 Reference Book

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Introduction

1. Background

The Freedom of Information Act establishes three new statutory rights:

- (i) a legal right for each person to access information held by public bodies
- (ii) a legal right for each person to have official information relating to him/herself amended where it is incomplete, incorrect or misleading
- (iii) a legal right to obtain reasons for decisions affecting oneself

The Act asserts the right of members of the public to obtain access to official information to the greatest extent possible, consistent with the public interest and the right to privacy of individuals. This reference book has been prepared and published in accordance with the legal requirements of Sections 15 and 16 of the Act.

Section 15 of the Act requires each public body to publish general information on such issues as

- structure and organisation
- functions, duties and powers
- services provided to the public, and how these may be availed of
- classes of records held and arrangements for enabling the public to access such records
- rights of review and appeal against decisions made under the Act

Under Section 16, the Act requires that a general description of the rules and guidelines used by the public body be published.

The aims of this booklet may be summarized as:

- to assist the public in understanding more fully their rights and entitlements in relation to particular schemes and programmes
- to enhance public confidence in decision making
- to enable the quality and accuracy of the public body's interpretation and application of statutory provisions to be assessed

2. Routinely Available Information

The Irish National Stud currently makes non commercially sensitive information and data routinely available to the public in relation to its functions and activities. Such information will continue to be available without the need to use the Freedom of Information Act.

Information on the functions and activities of the Irish National Stud may also be found on the Web site www.irish-national-stud.ie

The Freedom of Information Act is designed to allow public access to information held by public bodies which is not routinely available through other channels. Access to information under the Act is subject to certain exemptions and involves specific procedures and time limits.

3. Data, Records, Publications

Under the Freedom of Information Act, records which may be inspected, or a copy of which may be taken away, either free or subject to payment, by a member of the public fall outside the scope of the Act.

Accordingly, Freedom of Information requests for such records will normally be refused, the requester having been advised that such 'standard access' to records is already available.

The Role and Services of the Irish National Stud

Standing commercial stallions for Breeders

- The services are availed of by contacting the Stud.

Providing facilities to breeders to have their stock:

- Boarded on a long or short term basis
- Mares foaled
- Racehorses rested from training
- Stock prepared for sales
- The services are availed of by contacting the Stud.

Promoting tourism nationally and internationally by:

- Providing facilities for visitors to the stud.
- Providing tours of the stud, the world famous Japanese Gardens and the award winning Saint Fiachra Garden.
- Providing a museum to present the Irish Horse in such a way that will generate more interest and appreciation of horses.
- Gift shop and restaurant.
- The services are availed of by visiting the facilities during opening hours.

Promoting Irish bloodstock nationally and internationally

Helping breeders through the provision of:

- Fostering service
- Colostrum bank
- Advisory service
- The services are availed of by request.

The Role and Services of the Irish National Stud (continued)

Providing education by:

- Offering career guidance to persons entering the bloodstock industry.
- Co-operating with research workers in the investigation of equine diseases, etc.
- Organising a 5 month residential training course in Horse Breeding for young people during each breeding season.
- The services are availed of by contacting the Company.

Statement of policy with regard to Freedom of Information and Confidentiality

In compliance with the Freedom of Information Act, 1997, it is the policy of the Irish National Stud to provide the greatest possible access to the records which it holds.

Where a person supplying information wishes it to be kept confidential, for commercial or any other reasons, they should inform the Irish National Stud of this fact and specify the reasons. The Irish National Stud will use its best endeavours to hold such information confidential, subject to its obligations under law, including the Freedom of Information Act. In the case of a request for the release of such information under the Freedom of Information Act, the Irish National Stud will consult with the supplier before making a decision on whether or not to grant it.

Company Profile

The Irish National Stud Co. Ltd. situated at Tully, Kildare, Co. Kildare, is a private limited company, the shares of which are held by the Minister of Finance.

The lands of the Irish National Stud, which include the Japanese Gardens and St. Fiachra's Gardens but not Maddenstown Farm, are owned by the Minister of Agriculture and Food and are rented to the Irish National Stud Co. Ltd. under a licence agreement.

The Maddenstown Farm is owned by the Company, as it was purchased in 1987.

There are three separate sections within the company as follows:

The Stud

This includes the business of the stallions, mares, yearlings and foals which are either resident or visit the Stud. All services are available to all horse owners.

Tourism

This includes the Japanese Gardens, tourism to the Stud Farm, the Visitor's Centre, St. Fiachra's Garden and the amenity grounds. The facilities are open to the public from 12th February to 12th November, 9.30a.m. to 6.00p.m.

The total acreage of the farm is approximately 900 statute acres and there are 291 stables located in nine different areas of the Stud.

The Farm

The cattle, tillage and maintenance of all the paddocks.

Income Sources

The main sources of income for the company are as follows:

Stud Fees from Stallions

Breeders pay a service fee for mares that have been covered, if they are in foal on 1st October following covering.

Management Fees

These fees are for managing the stallion syndicates.

Keep fees

Clients pay a daily fee to have their mares, foals, yearlings etc. cared for by the Stud.

Yearling receipts

These are from the auction of the Stud's own yearlings which are sold every Autumn. They are generally sold in Ireland at either Goffs or Tattersalls (Ireland).

Farm receipts

These come from the sale of crops which are grown on the farm and from grazing rights for cattle on the farm.

Tourism receipts

These are the admission receipts from visitors, the receipts from the shop and franchise income.

Divisions within the Company

Description of Divisions within the Company

1. The Stud

1.1 Services

Sale of nominations, keep of bloodstock, advertising, purchase and sale of bloodstock, all bloodstock work, general administrative work for the Company, running of the Horse Breeding Course.

1.2 Records

All administrative correspondence for the company and secretarial services for all areas except Tourism are held in the Stud office including all invoicing of nominations, keep fees, accounts, correspondence, insurance policies, staff personnel records, paying of all invoices, the administration of the Horse Breeding Course, Q-Mark administration, Safety Statement etc. and Annual Reports.

All technical records of bloodstock, coverings, veterinary work, farrier work etc. are also kept in the stud office.

2. Tourism

2.1 Services

2.1.1 The day to day running of a commercial tourism facility including sale of tickets to the general public, advertising, liaison with Tour Companies etc.

2.1.2 The day to day running of a commercial tourism shop including ordering of goods and pricing.

2.2 Records Held

All details of visitor numbers, general administration of tourism, tourism books and leaflets etc.

3. The Farm

3.1 Services

The letting of grazing rights of cattle, producing hay and straw for use by the stud, producing crops for sale and care of the stud paddocks.

3.2 Records

Records held include correspondence, records of crops.

How to get information

1. Provisions of the Freedom of Information Act

- Under the Freedom of Information Act, anyone is entitled to apply for access to information not otherwise publicly available.

Each person may seek

- access to records held by the Irish National Stud
- correction of personal information relating to him/herself held by the Irish National Stud where it is inaccurate, incomplete or misleading.
- reasons for decisions made by the Irish National Stud directly affecting him/herself.

The following records come within the scope of the Act:

- all records relating to personal information held by the Irish National Stud irrespective of when created
- personnel records of serving staff created from 21 April 1995 and those created prior to that date where the records are being used or proposed to be used in a manner which adversely affects or may affect the person involved
- other records created from the commencement date of the Act, i.e 21 April 1998
- any other records necessary to the understanding of a current record, even if created prior to 21 April 1998.

2. Applications under the F.O.I. Act

In the Irish National Stud, applications under the Freedom of Information Act will be handled centrally and should be addressed in the first instance to

Eileen Kavanagh, Freedom of Information Officer,
Irish National Stud Co. Ltd., Tully, Kildare.

phone: 045 521251, fax: 045 522129

e-mail: stud@irish-national-stud.ie or ekavanagh@irish-national-stud.ie

Freedom of Information requests will be dealt with by nominated officers (known internally as decision makers). The Irish National Stud's decision makers are Eileen Kavanagh and Olivia Ryan.

Note: In certain circumstances, charges may be levied in respect of the supply of information (See section on Fees).

3. Compiling your Application

- Your request must be in writing and should indicate that the information is sought under the Freedom of Information Act
- If you require a reply in a particular format (photocopy, computer disk etc.) please mention this in your application.
- Please be as detailed and specific as possible when compiling your application, as this will assist the Irish National Stud in dealing with it in a prompt way. If you have any difficulty in preparing your application Irish National Stud staff will be happy to assist.
- You may be required to prove your identity, especially when seeking personal information (e.g. by production of birth certificate, passport, driving licence etc.)
- Please include a day-time telephone number so that you may be contacted if it is necessary to clarify details of your request.

In normal circumstances, the Irish National Stud is obliged to respond to a request within four weeks.

4. Assistance to Persons with a Disability

The Company's FOI Unit is available to provide assistance to persons with a disability to enable them to exercise their rights under the FOI Act e.g. the Unit will consider oral requests in cases where requesters who, because of their disability, are unable to read, print and/or write and will assist disabled requesters, as required, in inspecting documents or having records explained to them.

5. Rights of Review and Appeal

The Act provides a series of exemptions to protect sensitive information where its disclosure may damage essential interests of the INS or third parties. Where the INS withholds records containing such information, it is obliged to state clearly the section of the Act under which the exemption is being claimed and the reasons the records are being withheld.

All decisions including those relating to deferral of access, charges, forms of access, etc. may be appealed. Details of appeal mechanisms are set out below.

6. Internal Review

You may seek internal review of the initial decision, which will be carried out by an officer at a higher level, if

- a) you are dissatisfied with the initial response received i.e. refusal of information, manner of access, charges, etc., or
- b) you have not received a reply within 4 weeks of your initial application. This is deemed to be a refusal of your request and allows you to proceed to internal review.

6. Internal Review (continued)

The Irish National Stud has an internal Review Board comprising John Clarke and Annette Boland.

Requests for internal review must be submitted within 4 weeks of the initial decision. The Irish National Stud must complete the review within 3 weeks. Internal review must normally be completed before an appeal may be made to the Information Commissioner.

7. Review by the Information Commissioner

If still dissatisfied following completion of internal review, you may seek independent review of the decision by the Information Commissioner. Also, if you have not received a reply to your application for internal review within 3 weeks, this is deemed to be a refusal and you may appeal the matter to the Commissioner.

Contact details for the Office of the Information Commissioner are as follows:

phone 01-639 5689,
Lo Call 1890 22 30 30
e-mail foi@ombudsman.gov.ie
fax 01-661 0570

Fees

In relation to valid Freedom of Information requests, fees may be charged as follows:

- a) In respect of personal records, fees in respect of the cost of locating and copying the records will not apply, save where a large number of records are involved
- b) In respect of other (non-personal) information, fees may be charged in respect of the time spent in efficiently locating and copying records, based on a standard hourly rate to be prescribed by the Minister for Finance.

No charges may apply in respect of the time spent by the Irish National Stud in considering requests.

The fees charged are as follows:

- €20.95 per hour – search and retrieval
- €0.04 per sheet for a photocopy
- €0.51 for a 3.5 inch computer diskette
- €10.16 for a CD-ROM

A deposit may be payable where the total fee is likely to exceed €50.79. In these circumstances, the Irish National Stud will, if requested, assist in amending the request so as to reduce or eliminate the amount of the fee.

Charges may be waived in the following circumstances:

- a) where the cost of collecting and accounting for the fee would exceed the amount of the fee
- b) where the information would be of particular assistance to the understanding of an issue of national importance.
- c) in the case of personal information, where such charges would not be reasonable having regard to the means of the applicant.

Introduction

The Irish National Stud is a commercial Semi-State Company whose main activity is the buying and standing of commercial stallions for breeders.

This has been the core activity since the Irish National Stud was set up in 1946.

The Stud

All procedures and practices are made for best commercial reasons and do not bestow any rights, privileges, benefits, obligations or sanctions on the public.

Users of nominations to the stallions do so on a first come basis at commercial rates.

Tourism

All procedures and practices are made for best commercial reasons and do not bestow any rights, privileges, benefits, obligations or sanctions on the public. Members of the public can visit the facilities subject to opening times and payment of the entry fee.

The Farm

All procedures and practices are made for best commercial reasons and do not bestow any rights, privileges, benefits, obligations or sanctions on the public.

Grazing rights are sold to the highest bidder through a local Auctioneer and Estate Agent.

Tendering Procedures

Subject to the relevant level of expertise and quality of goods the award of contracts by the Irish National Stud is in accordance with the guidelines published in 'Public Procurement, 1994 Edition, obtainable from the Government Publications Sales Office. IT contracts are additionally subject to procurement norms contained in Department of Finance advisory notes, guidelines and templates, as updated from time to time.

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