



Access to Information Held by Bord Bia

Freedom of Information Manual

**Prepared in accordance with Sections 15 and 16 of the
Freedom of Information Acts**

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Freedom of Information

Bord Bia Policy and Procedures

Freedom of Information

Bord Bia comes under the provisions of the Freedom of Information Acts (FOI) 1997 and 2003. The FOI is designed to allow public access to information held by public bodies which is not routinely available through other sources. This manual highlights in relation to each of Bord Bia's activities where information of this nature is available. Bord Bia makes information routinely available to the public in relation to its functions, activities and schemes. Such information will continue to be available without the need to use the FOI Acts.

Information Manual

Section 15 of the Freedom of Information Act provides for the publication by each public body of a reference book containing information on its structure, functions, powers, duties and services and a description of the records held and its Freedom of Information (FOI) procedures. Section 16 of the Act provides for the publication by each public body of the rules, procedures, practices guidelines and interpretations used by the body for implementing the Act.

This manual is produced in accordance with the requirements of Sections 15 and 16 of the Act.

Records

We have taken steps to ensure that we have a system that is adequate for the creation and organised retention of records, so that the reasons for decisions are documented and can be explained, and so that records are efficiently located when requests for access are made. We have a definitive retention schedule and records management policy. Guidelines are available to staff on effective file creation and retention.

Information will, in accordance with the provisions of the FOI Act, be granted 'to the greatest extent possible consistent with the public interest and the right to privacy'. Disclosures of information in records will be the norm and this norm will be departed from only when clearly necessary.

Disclosure will apply to all records. The definition of a record according to the FOI Act is deliberately broad. It explicitly includes such things as drawings, graphics, pictures and video and audio recordings and extends to 'any other form (including machine readable form) or thing in which information is held or stored manually, mechanically or electronically'. It includes drafts, working notes and margin comments. It covers 'official' work diaries, informal notes and electronic messages. The definition of a record also includes a part or copy of a record; in fact, all forms of recorded information, whatever its formality.

Rights under the Acts

The FOI Acts establish three rights:

- A legal right for each person to access information held by public bodies
- A legal right for each person to have information held by the public body, relating to him/herself amended where it is incomplete, incorrect or misleading
- A legal right to obtain reasons for decisions affecting him/herself.

Information held by public bodies falls into two broad categories:

- Information generated by, or on behalf of, or broadly concerning the work of the public body itself. Such material would include analysis, advice, reports, and internal rules, procedures and practices
- Information received from, or related to, particular individuals or companies outside of the public body.

In relation to the first category above, exemptions generally require that either or both of two key conditions are satisfied, namely that the release of the information would be **likely to cause damage** and/or that **the public interest is best served by withholding the information sought**. These conditions do not apply in the case of meetings of the Government and to records that “would be exempt from production in proceedings in a court on the ground of legal professional privilege”, because of the nature of the material involved.

With regard to the first category above, public bodies may hold significant information received from or relating to members of the public or to companies. Much of this information relates to identifiable individuals, to information given in confidence, or to commercially sensitive matters. The Act provides relevant exemptions to ensure that sensitive material in any of these areas is properly protected from access under FOI. In exceptional circumstances, a public body may wish to consider the release of such information in the public interest. In such cases, the Act requires that consultation procedures with key persons involved be carefully followed. While this provision has been included in the Act, it is recognised that this disclosure in the public interest is unlikely to arise except on rare occasions.

The following are the different categories of “exempt records”:

- Meetings of the Government
- Deliberations of Public Bodies
- Function and negotiations of Public Bodies
- Parliamentary, court and certain other matters
- Law enforcement and public safety
- Security, defence and international relations
- Information obtained in confidence
- Commercially sensitive information
- Personal information

Where to Apply

The Freedom of Information Officer
Bord Bia
Clanwilliam Court
Lower Mount Street
Dublin 2.
Telephone: (01) 668 5155
Fax: (01) 668 7521
Email: info@bordbia.ie

The Request for Information

FOI requests should be made in writing to the Freedom of Information Officer citing the FOI Act as the instrument through which application is being made.

Requesters should set out sufficient particulars to enable the records to be identified, and specify the preferred form of access, such as inspection of the originals or copies. If information is desired in a particular form, i.e. photocopy, computer disk etc., this should be mentioned in the application.

Please give as much information as possible to enable the required record to be identified.

The Freedom of Information Officer will assist people with special needs in making a request under the Act. If you have a difficulty in identifying the precise records which you require, the staff of Bord Bia will be happy to assist you in preparing your request.

Please provide full contact details – name, address, phone number, and email address if possible.

Be prepared to provide identification and, if your request relates to personal information under Section 17 of the Act, relevant evidence/justification as appropriate.

Our Response

Bord Bia has appointed Decision Makers and Appeals Staff who are trained and authorised to make decisions and review decisions under the FOI Act.

We will acknowledge your request no later than two weeks after receiving it. In practice, you will normally receive acknowledgement within days.

You will normally receive an answer to your request within four weeks of us receiving it. However, it may be necessary to extend this period for up to four more weeks if

- Your request relates to a large number of records, or a large number of requests for the same record(s) has been made
- The request relates to third party information which has been supplied to Bord Bia, and where there are provisions for formal consultations with these parties before releasing sensitive information relating to, or supplied by, them.

If the period is extended you will receive notice of this before the end of the initial four-week period.

If your request is granted

- You will receive a letter telling that it is granted
- You will be told the name of the person dealing with your request
- You will be told the day on which access to the relevant records will be granted
- You will be given details of any fee applying.

If your request is refused

- You will receive a letter stating that it is refused, setting out the reasons for the refusal and making you aware of your rights of appeal.

If Bord Bia considers that your request should have been sent to another body, the request will be forwarded to that body without delay and you will be notified that this has happened. This will be done within two weeks of us receiving your request. Your request will then be a matter for that body as a new request and will follow the normal timescales for reply.

Also, if Bord Bia holds some, but not all of the records you have requested, you will be informed of this as soon as possible and Bord Bia will try to supply the name(s) and contact details of the bodies to whom your request should be sent for the records not held by Bord Bia.

Requests to have Information Amended

Section 17 of the FOI Act gives a legal right to individuals to have information relating to them amended where it is incomplete, incorrect or misleading.

If you intend making such a request, your application should

- Be in writing, to the Freedom of Information Officer
- Give details of where you believe the record to be incorrect, incomplete or misleading
- Specify the amendments you wish to make
- Supply appropriate information in support of your request

Exemptions and Appeals

The intent of the FOI Act is to allow members of the public have access to information held by public bodies which is not routinely available. The following records come within the scope of the Act

All records relating to personal information held by Bord Bia irrespective of when created

- Records in respect of Section 18 (right to obtain reasons for decisions affecting oneself) from the inclusion date of 01 November 2002 in Bord Bia's case (the date from which Bord Bia was covered by the Act)
- All other records created since 21 April 1998
- Any records created prior to 21 April 1998 where these records are necessary to help the understanding of a current record.

There are certain exemptions. The Act sets out a series of exemptions to protect sensitive information. Where Bord Bia invokes these provisions to withhold information, the decision may be appealed. Decisions in relation to deferral of access, charges, and forms of access may also be the subject of appeal.

There is provision for appeal mechanisms, by internal review or appeal to the Information Commissioner.

Internal Review

You may seek internal review of the initial decision. It will be carried out by an official at a higher level than the official who conducted the original procedure. You can seek review if

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

Requests for internal review should be submitted in writing to:

Director Corporate Services
Bord Bia
Clanwilliam Court
Lower Mount Street
Dublin 2.

Such a request for internal review must be submitted within four weeks of the initial decision. Bord Bia must complete the review within three weeks. Internal review must normally be completed before an appeal may be made to the Information Commissioner.

Review by the Information Commissioner

Following completion of internal review, you may seek independent review of the decision from the Information Commissioner. Also, if you have not received a reply for your application for internal review within three weeks, this is deemed to be a refusal and you may appeal the matter to the Commissioner. Appeals in writing may be made directly to the Information Commissioner at the following address:

Office of the Information Commissioner
18 Lower Leeson Street
Dublin 2.

Fees

The Act permits the charging of a fee in connection with the gathering together of the relevant records (search and retrieval time) and any copying of the record which is required. The number of hours of search and retrieval time which can be charged are limited to those which an efficient and well organised body would need to find the records. The hourly amount of the search and retrieval fee and the copying charge are set by regulation.

We will charge fees as follows:

- In respect of personal records, fees in respect of the cost of copying the records requested will apply, except where a large number of records are involved
- 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 prescribed by the Minister for Finance. No charges will apply in respect of the time spent considering requests.

A deposit may be payable where the total fee is likely to exceed €50.79. In these circumstances, we will if requested assist the member of the public to amend their request so as to reduce or eliminate the amount of the deposit.

We will consider waiving the charges where:

- The cost of collecting and accounting for the fee would exceed the amount of the fee
- The information would be of particular assistance to the understanding of an issue of national importance or
- Such charges would not be reasonable having regard to the means of the requester.

Data Protection

The Data Protection Acts 1988 and 2003 also apply to Bord Bia. The Data Protection Acts protect the privacy of individuals whose personal data is being processed. Personal data is information relating to a living individual who can be identified from the data itself or in conjunction with other information held.

Organisation and Functions

Structures, Rules, Practices, Procedures and Interpretations Section 16 Provisions

Background

Bord Bia was established in 1994 to promote Irish food, drink and horticulture and to develop markets to commercial advantage. It reports to the Minister for Agriculture, Food & the Marine. The headquarters are in Dublin, and the Board also has an international network of offices in Amsterdam, Düsseldorf, London, Madrid, Milan, Moscow, New York, Paris, Shanghai and Stockholm.

The mission, values and strategic objectives are the key drivers of the organisation's business plans, which in turn are built around the key business units of Meat, Consumer Foods and Drink, Horticulture and Small Business.

Our Mission

To grow the success of a world class Irish food and horticulture industry by providing strategic market development, promotion and information services.

Our Values

- Unity of Purpose
- Respect
- Integrity
- Making the difference

Our Strategic Priorities

- Promoting Ireland – the Sustainable Food Island
- Delivering business development initiatives to broaden export reach
- Enhancing the position of Irish food, drink and horticulture on the Irish market
- Driving consumer focused innovation through market knowledge
- Pursuing a repositioning and differentiation strategy for Irish meat
- Supporting a dynamic and growth oriented small business sector.

The Organisation

Bord Bia is comprised of the Board, four Subsidiary Boards, the Chief Executive and the Executive, which provide a range of services required to implement Board policy and programmes.

The Board is comprised of a Chairman and 14 ordinary members appointed by the Minister for Agriculture, Food and the Marine. There are four Subsidiary Boards (Meat and Livestock, Consumer Foods, Quality Assurance and Horticulture) comprised of a Chairman and 12 ordinary members, who are appointed by the Board with the consent of the Minister. The Chairman of each Subsidiary Board is a member of the Board.

The following Board Committees are in place: Audit Committee, Remuneration and Pensions Committee and Strategy Committee.

The Executive is comprised of staff based in the Board's head office and overseas.

General Information

Head Office:

Clanwilliam Court, Lower Mount Street, Dublin 2.

Auditors:

Comptroller and Auditor General

Bankers:

Allied Irish Banks

Solicitors:

Philip Lee Solicitors

Staff Structure

Chief Executive	Aidan Cotter
Markets	Michael Murphy
International Markets	James O'Donnell
Quality & Environmental Assurance	Michael Maloney
Quality Assurance	Jim O'Toole
Marketing Services	Una Fitzgibbon
Small Business	Eileen Bentley
Meat	Gerard Brickley
Food and Beverages	Tara McCarthy
Horticulture	Mike Neary
Strategic Information Services	Julian Smith
Corporate Communications	Rosaleen O'Shaughnessy
Human Resources	Susan Doyle
Corporate Services	Frank Lynch
Finance	Gerry Bailey

Market Contacts

Ireland Market	Teresa Brophy
Amsterdam	Margaret McCarthy
Dusseldorf	Liam MacHale
London	Michelle Butler
Madrid	Cecilia Ruiz
Milan	John Keane
Moscow	Alla Barinova
New York	Karen Coyle
Paris	Noreen Lanigan
Shanghai	Breiffini Kennedy
Stockholm	Nicolas Ranninger

Human Resource activities within Bord Bia support management and staff to meet the challenges of the market place through:

- Establishing appropriate management structures to support the strategic aims of the organization
- Appropriate performance management systems
- Leadership, management and staff development
- Regular communication and engagement initiatives

The organisational culture is driven by continual prioritisation, maximising outputs and delivering efficiencies through the optimal use of resources and systems. Open dialogue ensures that Bord Bia resources remain responsive to the fast changing environment in which we live today.

Function of Bord Bia

The general functions of Bord Bia are to promote, assist and develop in any manner in which the Board considers necessary or desirable the marketing of Irish food and livestock and the production, marketing and consumption of horticulture produce. In carrying out our functions we:

- Survey, investigate and develop markets and potential markets
- Collect and disseminate market intelligence and provide information and advice
- Conduct or provide for conducting of reviews, surveys, symposia, analysis and studies
- Provide or arrange for the provision of publicity, advertising and promotional campaigns
- Establish, equip and operate exhibitions, shows, information bureau and similar establishments
- Publish and distribute magazines, journals, reports and similar documents
- Operate quality assurance schemes and carry out evaluations of quality assurance schemes
- Encourage or promote the undertaking of such actions as may in the opinion of the board be appropriate to the Board's functions and conducive to maintaining or improving the quality of all or part of any category or categories of food and horticulture
- Administer such schemes, grants and other financial facilities involving the disbursement of European Union funds, Exchequer funds or other funds.

Categories and Classes of Records held by Bord Bia

Records are maintained by Bord Bia in various physical forms, including files, card indexes, computer databases and audio and visual recordings relating to the various activities of the organisation, including

- Board, subsidiary Board and committee papers
- Briefing documents, submissions and reports
- Tender procedures and documentation
- Grant scheme documentation, procedures and manuals
- Quality assurance scheme documentation, procedures and manuals
- Employment companion
- Accounts procedures and manuals
- Management information system
- Personnel records and files
- Mailing lists
- Programmes and budgets
- Levy collection records
- Market research reports
- Project and subject files

Board and Subsidiary Board Memberships

Board Membership

Chairman

Mr Michael Carey
Executive Chairman,
Jacobs Fruitfield Group

Mr Frank Hayes
Director Corporate
Services, Kerry Group Plc.

Members

Mr Gary Brown
Chief Executive,
Below the Line Marketing

Ms Rhona Holland
Marketing Director Global
Intelligence, Pepsi Co

Mr John Bryan
President, Irish Farmers'
Association

Mr John Kingston
Beef & Dairy Farmer

Ms Marian Byrne
Principal Officer, Department of
Agriculture, Food and the Marine

Prof Fergal O'Gara
Department of
Microbiology, University
College Cork

Mr Jackie Cahill
President, Irish Creamery Milk
Suppliers' Association

Mr Mel O'Rourke
Managing Director, Sylvan
Ireland

Dr Noel Cawley
Chairman, Teagasc

Mr Brody Sweeney
Food Entrepreneur

Mr Michael Cronin
Former Chairman, Irish Dairy
Board

Chief Executive
Aidan Cotter

Ms Anne Maria Dennison
National President, Irish
Countrywomen's Association

Secretary/Director
Frank Lynch

Mr Kieran Dunne
L and K Dunne Nurseries

Consumer Foods Board

Chairman

Dr Noel Cawley
Chairman, Teagasc

Members

Mr Pat Connors
Sales & Processing
Director, Marine Harvest

Mr Bernard Coyle
Chairman, Mr Crumb

Mr Mike Doyle
General Manager, Kerry
Foods

Mr Colin Gordon
Chief Executive, Glanbia
Consumer Foods

Mr Tom Harrington
Public Representative

Ms Paula Mee
Food and Nutrition
Consultant

Mr Larry Murrin
Managing Director, Dawn
Farm Foods

Mr Joe O'Flynn
Marketing Development
Director, The Irish Dairy
Board

Mr Jack Teeling
Managing Director, Cooley
Distillery

Meat & Livestock Board

Chairman

Mr John Bryan

Members

Mr Vincent Carton
Chief Executive,
Carton Group

Mr Tim Cullinan
Chairman, National
Pigs & Pigmeat
Committee, IFA

Mr Michael Doran
Chairman, National
Livestock Committee,
IFA

Mr Jim Hanley
Chief Executive,
Rosderra Irish Meats

Mr Brendan Mallon
Associated Craft
Butchers of Ireland

Mr Martin McMahon
Irish Creamery Milk
Suppliers' Association

Mr Alo Mohan
Chairman, National
Poultry Committee,
IFA

Mr James Murphy
Chairman, National
Sheep Committee,
IFA

Quality Assurance Subsidiary Board**Horticulture Subsidiary Board****Chairman****Mr Mel O'Rourke**

Managing Director, Sylvan
Ireland

Members**Mr Ray Bowe**

Food Safety & Quality Manager,
Musgrave Retail Partners

Mr Vincent Carton

Chief Executive, Carton Group

Mr John Cunningham

Ex-Dairygold Food Products

Mr Michael Doran

Chairman, National Livestock
Committee, IFA

Mr Brendan Gleeson

Meat & Meat Policy Division,
Department of Agriculture, Food
and the Marine

Mr Dermott Jewell

Chief Executive, Consumers'
Association of Ireland

Mr Paul Nolan

Group Development Manager,
Dawn Group

Mr John O'Leary

Deputy President, Irish
Creamery Milk Suppliers'
Association (ICMSA)

Mr Cornelius Traas

The Apple Farm

Dr Declan Troy

Head of Centre, National Food
Centre, Teagasc

Chairman**Mr Kieran Dunne**

L & K Dunne
Nurseries

Members**Mr Paddy**

Callaghan
Nature's Best Ltd.

Ms Rachel Doyle

Arboretum Garden
Centre

Mr John Hogan

Dublin/Meath
Growers

Mr Martin Jones

Islandview Nurseries

Ms Caroline

Keeling
Keeling Fruit
Growers/Importers

Mr Gary McCarthy

Chairman, Fruit
Growers Association

Ms Jane McCorkell

Landscape Architect
& Horticultural
Consultant

Mr Philip Moreau

Glenbrook Nurseries

Mr Ciaran O'Brien

Peter O'Brien
Landscapes

Mr Eoin Reid

Fernhill Garden
Centre

Ms Lavinia Walsh

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