

# Irish Water

## Freedom of Information Section 15 & 16 Reference Book



## 1 Introduction

Irish Water came under the provisions of the Freedom of Information (FOI) Act 1997 (as amended by the Freedom of Information (Amendment Act 2003) (the “**FOI Act**”) on 13 March 2014.

This reference book has been prepared and published in accordance with the requirements of Sections 15 and 16 of the FOI Act. Its purpose is to facilitate access to records held by Irish Water by outlining the structure of Irish Water, including a description of its functions, powers, duties and services it provides to the public, the classes of records held, and guidelines on how to make a request for information under the FOI Act.

The FOI Act established the following statutory rights:

1. the right to access records held by public bodies;
2. the right for each person to have information relating to himself/herself amended where it is incomplete, inaccurate or misleading; and
3. the right to be supplied with reasons for decisions made by public bodies affecting oneself.

### **Information in this reference book may change**

Some of the information may change after this reference book is published through no fault of Irish Water, including changes to staff, contact details, legislation, organisational structures and areas of responsibility. The information in the guide is intended only as a guide and not a legal interpretation of any legislation mentioned. Irish Water shall not accept any liability for any errors or omissions in this reference book.

## 2 Objectives, organisation and structure of Irish Water

Irish Water has been established under the Water Services Acts 2013. It is Ireland's national water utility with overall responsibility for the delivery of public drinking water to and removal of wastewater from homes and businesses.

Irish Water's objective is to build a unified, sustainable and reliable Irish Water service that is valued by our customers. To deliver on this key objective, Irish Water believes the following business objectives are required at a minimum:

- Irish Water should be focused on consumer confidence and customer satisfaction, leveraging existing people, systems and processes while creating a professional and competent working environment for new staff;
- Irish Water will be accountable and must act with social responsibility and with a commercial focus based on the commercial mandate;
- Irish Water should be focused on financing and delivering an appropriate return on capital employed, reporting to the shareholder through NewERA; and
- Irish Water should leverage its international financing capabilities and experience of regulatory models, to enable major capital expenditure to be performed at least cost.

Irish Water has taken on the following responsibilities specified under legislation:

- The roll-out of the water metering programme;
- The abstraction, treatment and distribution of drinking water;
- The collection and treatment of wastewater and sludge disposal;
- Strategic planning for the sector including water resource management;
- Sourcing private finance for investment in capital projects;
- Customer billing and relationship management, including requests for new connections;
- Conservation of water supplies through maintaining and upgrading the infrastructure including investment on mains rehabilitation.

The headquarters of Irish Water are located at Colvill House, 24-26 Talbot Street, Dublin 1, Ireland.

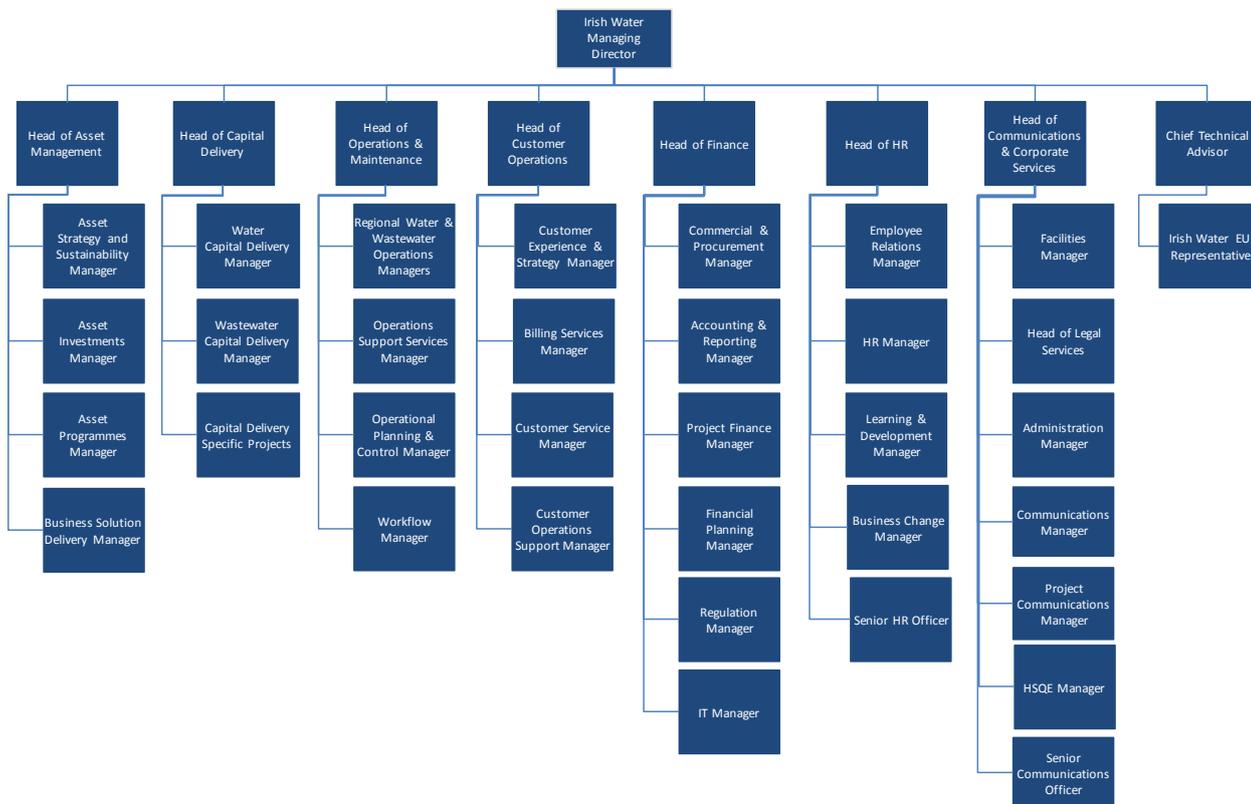
### 3 Irish Water Overview

Irish Water Managing Director							
JOHN TIERNEY							
Assets Management JERRY GRANT	Capital Delivery FERGUS COLLINS	Operations & Maintenance RAYMOND O'DWYER	Customer Operations PAUL O'DONOGHUE	Finance JOHN DEMPSEY	HR ANGELA COSTELLO	Comms & Corporate Services EILIZABETH ARNETT	Chief Technical Officer GERRY GALVIN

#### 3.1 Department Overview

Department	Overview
<b>Asset Management</b> <i>Jerry Grant</i>	The Asset Management function is responsible for water asset management including delivering efficient care for water and waste water assets.
<b>Capital Delivery</b> <i>Fergus Collins</i>	The Capital Delivery function is accountable for the overall management and construction delivery of both the Water and Wastewater capital programmes, including; monitoring progress against plan, risk mitigation, programme change control, supply chain management, coordination with Operations and Maintenance and service providers, authorisation of service provider payments, health and safety compliance, liaising with customers impacted by the delivery and ensuring adequate data capture and documentation.
<b>Operations &amp; Maintenance</b> <i>Raymond O'Dwyer</i>	The Operations & Maintenance function for Irish Water is responsible to Manage the National and Regional Irish Water Operations and Maintenance for Water and Waste Water services. The Operations & Maintenance function will establish and develop the Irish Water Operations function and its capabilities such as Operational planning and control, Operations support, Regional Operations, management of the DBO and O/M contracts and Workflow management across the business.
<b>Customer Operations</b> <i>Paul O'Donoghue</i>	The Customer Operations function is the establishment of customer capability for the Irish Water division. He is responsible for leading the development of the customer strategy and the establishment of a customer focussed organisation.
<b>Finance</b> <i>John Dempsey</i>	The Finance area within Irish Water will ensure effective financial management of the organisation and provide the expertise, services and information to support the business in achieving its required business outcomes, including enterprise performance management, procurement, finance and accounting operations, corporate finance, procurement services and internal audit / controls.
<b>Human Resources</b> <i>Angela Costello</i>	The Human Resources area within Irish Water will provide HR support to the business across a wide range of functions including learning and development, compensation and benefits, pension, internal communications, talent management, performance management, recruitment / on boarding and exit and employee relations.
<b>Communications &amp; Corporate Services</b> <i>Elizabeth Arnett</i>	The Communications and Corporate Services function within Irish Water ensures effective communications, governance of the overall organisation, managing the interactions with key external stakeholders and the media for the business, and providing specialist services to the rest of the organisation. Communications and Corporate Services also provides the full scope of Legal and Secretariat functions managing interaction with the Board and other stakeholders, as well as Facilities, Health, Safety, Quality and Environment (HSQE) and Corporate Affairs services.
<b>Chief Technical Officer</b> <i>Gerry Galvin</i>	The Chief Technical Officer ("CTO") will support the Irish Water Managing Director and the Irish Water Management Team to deliver its regulatory obligations to the Environment Protection Agency ("EPA"), within a developed Sustainability Framework which seeks to balance the environmental obligations of Irish Water with its social and economic objectives and its long term energy and carbon targets. The CTO will be the primary relationship management function with the EPA and the Department of the Environment, Community and Local ("DECLG"), and will be expected to maintain a strategic technical oversight of a range of functions across the business and advise on technical and business risks.

### 3.2 Management Structure



### 3.3 Classes of Records

Irish Water holds a variety of records in a number of formats including paper documents (including maps and plans), information held electronically (on computer) and audio-visual material. The classes of records held/ to be held by (or on behalf of) Irish Water include:

- Operational details in relation to schemes e.g. maps of pipe networks
- Details of applications for water and sewerage connections
- Reports on Water Quality
- Financial Records of Expenditure
- Consumer information in relation to water charges and water consumption
- Legislation and guidelines
- Files in relation to water and sewerage schemes generally
- Contract files for the provision and maintenance of schemes
- Financial records in relation to the provision of capital projects
- Wayleave Agreements and Land Acquisitions in the provision of capital projects
- Discharge Authorisations issued to Irish Water by the EPA
- Environmental Complaints register
- Water Quality Monitoring Reports, including Dangerous Substances and phosphorous regulations implementation reports
- Monitoring Results of wastewater treatment plants
- Records on Drinking Water Quality
- Sludge Management plan
- Sludge register
- Registers of notices served by Irish Water under the water Pollution Acts
- General Correspondence
- Expenses and record of attendance
- Safety Statements, risk assessments and accident reports
- Injury Claims
- Legislation relating to Human Resources.
- Individual files for each staff member including those who have resigned or retired.
- Administrative files on various grades and posts relating to pay scales, qualifications, travel allowances, etc., and also miscellaneous payments and accounts, uniforms etc

- Personal records furnished by job applicants.
- Interview results and other recruitment information.
- Training records of staff.
- Computerised Annual Leave records
- Computerised Sick Leave records.
- Industrial Relations records.
- Registers of Officers and Employees containing service details.
- Computerised pension calculations system.
- Freedom of Information Records
- Information Commissioner Files
- Annual Budgets
- Annual Financial Statements
- Bank Account and Bank Reconciliation Details
- Loans Register
- Investment Register
- Individual employee files
- Staff Time returns
- Payroll calculations
- Tax records
- Computerised payroll records
- Supplier Data
- Supplier Invoices
- Taxation records-Withholding Tax- Construction Tax etc.
- Payment histories of suppliers
- Expenditure Records
- Computerised records of individual collection accounts
- Revenue Collectors files on follow up / legal action etc.
- Computerised Income Records
- Individual legal proceedings files
- Insurance cover details and documents.
- Insurance claim files.
- Risk management / control reports.
- Files on purchase of equipment
- General administration files
- Electronic Records/data

## 4 Request for Access to Records

On its website, Irish Water makes available to the public information relating to public water and wastewater services, including copies of documents for downloading where possible. Irish Water will continue to add to this information as it further establishes the organisation without the need to make a request under the FOI Act.

### 4.1 Costs of application

The current fees, set out in the FOI Act, are as follows:

Type of request	Standard Fee	Reduced Fee (for medical card holders)
Request for a non-personal record	€15	€10
Internal review	€75	€25
Review by Information Commissioner	€150	€50

*\*there is no fee for internal review concerning only personal information relating to oneself or in relation to a decision to impose a fee or deposit.*

### 4.2 Additional fees

In addition to the above fees, there may be a fee for processing the request.

The current level of fees is set out in Statutory Instrument No. 139 of 1998 as amended by No. 522 of 1998 and SI No 264 of 2003, including:

- €20.95 per hour of search and retrieval
- €0.04 per sheet for a photocopy
- €10.16 for a CD-Rom containing copy documents

A deposit is payable when the estimated cost of search and retrieval or records sought is estimated to exceed €50.79. Irish Water will, if requested, assist the requester to amend the request so as to reduce or eliminate the amount of the deposit. Applicants will be informed if there are any additional charges before these are incurred. The proposed charges may be appealed to the Information Commissioner if the applicant considers them excessive.

### 4.3 How to apply for information under the FOI Act

You can apply by post, either using the Application Form (a copy of which can be downloaded from [www.water.ie](http://www.water.ie)) or by letter. All applications under the FOI Act should be addressed in writing to:

FOI Officer, FOI Office, Irish Water, Colvill House, 24-26 Talbot St, Dublin 1

The Interim FOI Officer appointed by Irish Water is Noel Shannon.

Please note all applications need to include the appropriate fee. We would also ask that you give as much detail as possible to enable Irish Water to identify the record(s). The staff of Irish Water will be happy to assist you in identifying the precise records which you require. In particular, each written request needs to:

- Specify that the request is being made under the Freedom of Information Act
- Give as much detail as possible to support your request to enable us to process it promptly
- Include the appropriate fee
- Include your return address

If the records are required in a particular form, i.e. photocopy, this should also be specified in the request.

Irish Water will acknowledge the request within 10 working days and will respond to the request within 20 working days of receipt of the written request unless Irish Water has extended the period for a response pursuant to the FOI Act (e.g. where number of records is voluminous).

If your request is for personal information, Irish Water will need to verify your identity in advance.

If your request is for non-personal information you must enclose a cheque or bank draft for €15.

#### **4.4 Request to have personal records amended**

A request to amend personal information held by Irish Water must be submitted in writing to the FOI Officer at the address indicated above. The individual to whom the record relates may require the amendment of the record on the grounds that it is incomplete, incorrect or misleading (section 17 of the FOI Act). Once it has been established that appropriate grounds for amendment have been met, Irish Water will amend the record.

#### **4.5 Reasons for decisions**

A person who is affected by an act of Irish Water and who has a material interest in a matter affected by such an act or to which the act relates, has a right to seek reasons for administrative decisions (section 18 of the FOI Act). Applications must be submitted to the FOI Officer at the address indicated above.

The same requirements apply when seeking reasons for acts of Irish Water as apply when seeking access to records i.e. applications must be in writing, refer to the FOI Act and state the act of Irish Water for which reasons are sought. However, no charge applies to an application under Section 18.

The time limits for processing requests for reasons is the same as those which apply to the processing of requests for access to records (i.e. generally 4 weeks or 8 weeks if extended) with the same appeal procedures – internal appeal to a higher authority in Irish Water with the final appeal to the Information Commissioner.

#### **4.6 Rights of review and appeal**

The FOI Act states that certain records may be exempt from FOI, including (but not limited to):

- Records that contain deliberations of public bodies (section 20).
- Records whose release could prejudice the effectiveness of tests, examinations, investigations, inquiries or audits conducted by or on behalf of a public body or the procedures or methods employed for the conduct thereof, or that have a significant adverse effect on the performance of by a public body of any of its functions relating to management (including industrial relations and management of staff) (section 21).
- Records which have legal privilege or if their release could lead to contempt of court (section 22).
- Records that contain information given in confidence or if the release of records could lead to a breach of a duty of confidence (section 26).
- Records that contain commercially sensitive information or if the release of the records could prejudice contractual negotiations (section 27).
- Records that contain personal information of an individual requested by a third party, unless the individual has provided authorisation (section 28).

Many of these exemptions are subject to a public interest test (including sections 20, 21, 26 and 27).

Where Irish Water invokes these provisions to withhold a request for records / information, the decision may be appealed. Decisions in relation to the deferral of access, charges, and forms of access may also be appealed.

The decisions subject to internal review are set out in section 14 of the FOI Act. In general you may seek an internal review of the initial decision if:

1. You are dissatisfied with the initial response received; or
2. You have not received a reply within 20 working days of your initial application (this is deemed to be a refusal) or such longer period where Irish Water have extended the time for a reply in accordance with the FOI Act.

Reviews of decisions concerning the operation of third party consultation requirements cannot be dealt with by way of internal review. In addition, internal review is also precluded in respect of the extension of the time allowed to a public body to consider a request.

You must submit an application for internal review within 20 working days of the original decision being notified to you (unless this period is extended pursuant to the FOI Act). An official at a higher level than the official who made the initial decision will carry out the internal review. You will be told the results of this internal review within 15 working days. Requests for internal review should be addressed to the FOI Officer at the address indicated above.

If you are not satisfied with the decision on internal review, you may ask the Information Commissioner to review the matter. Appeals must be made in writing to the Information Commissioner (accompanied by the appropriate fee) at the following address:

Office of the Information Commissioner

18 Lower Leeson Street

Dublin 2

Phone: Lo-call 1890 253238

Tel: +353 1 639 5689

Email: [info@oic.gov.ie](mailto:info@oic.gov.ie)

## 5 Irish Water legislation, functions, rules, procedures and practices (section 16 information).

### Irish Water operates under the provisions of the following Acts:

- Water Services Act 2007 (as amended)
- Water Services Act 2013 (as amended)
- Water Services (No 2) Act 2013

Copies of the Acts and Regulations listed are available for purchase from the Government Publications Office, or they can be assessed on the Irish Government website.

In addition to its own governing legislation, Irish Water makes decisions under various laws and procedures. Irish Water activities currently operate under national and EU laws including (but not limited to) the following:

#### 5.1 Tendering

EU Public Procurement Regulations (including the Utilities Regulations, 2007)  
Guidelines on EU public procurement

#### 5.2 Acquisition of Water Rights/Water Abstraction

Water Supplies Act, 1942 (as amended)

#### 5.3 Wayleaves

Public Health (Ireland) Act, 1878 (as amended)  
Water Services Act 2007 (as amended)  
European Community (Environmental Liability) Regulations, 2008.

#### 5.4 Water Quality

EC (Water Intended for Human Consumption) Regulations, 1988.  
EC (Quality of Surface Water Intended for the Abstraction of Drinking Water) Regulations, 1989.  
EC Directive 91/271 EEC or EPA Act 1992, (Urban Waste Water Treatment) Regulations, 1994.  
D.O.E.L.G. Handbooks on above Regulations  
European Union (Drinking Water) Regulations 2014  
Local Government (Water Pollution) Acts 1977 to 1990  
Local Government (Water Pollution) Regulations, 1978  
Local Government (Water Pollution) Regulations, 1992  
Local Government (Water Pollution) (Amendment) Regulations, 1996  
Environment Protection Agency Act, 1992, (Urban Waste Water Treatment), Regulations, 1994  
Local Government (Water Pollution) (Amendment) Regulations 1999  
Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy

#### 5.5 Connections to Public Water & Sewerage Mains

Irish Water Connection Policy  
Water Services Act 2007 to 2013

#### 5.6 Access to Information on the Environment

European Communities (Access to Information on the Environment) Regulations 2007

## 5.7 Environmental Impact Assessment

European Communities (Environmental Impact Assessment) Regulations 1989  
Environment Impact Assessment Regulations 1994  
European Communities (Environmental Impact Assessment) (Amendment) Regulations 1994  
European Communities (Environmental Impact Assessment) (Amendment) Regulations 1996  
European Communities (Environmental Impact Assessment) (Amendment) Regulations 1998  
European Communities (Environmental Impact Assessment) (Amendment) Regulations 1999  
European Communities (Environmental Impact Assessment) (Amendment) Regulations 2000  
Planning and Development Act 2000 (as amended)  
European Communities (Environmental Impact Assessment) (Amendment) Regulations 2001  
European Communities (Environmental Impact Assessment) (Amendment) Regulations 2006

Directive 97/11/EC amending Directive 85/337/EC on the assessment of the effects of certain public and private projects on the environment

## 5.8 Archives

National Archives Act 1986  
Freedom of Information Acts 1997 and 2003  
Data Protection Act 1988 and 2003  
Copyright & Related Act 2000

## 5.9 Other

Safety, Health and Welfare at Work Act, 2005 to 2010  
Employment Equality Acts, 1998 to 2011  
Equal Status Act 2000 to 2012  
Local Government (Financial Provisions) (No 2) Act 1983 (as amended)

Irish Water, as a recently established entity, is in the process of developing a water charges plan, capital development plan and customer charter. Details of these will be published on the Irish Water website in due course.

## 5.10 Irish Water Policies and Procedures

Irish Water is also in the process of developing a number of policies and procedures, which include or may include the following:

- Policy Document Development
- Authorisation Levels and Contract Execution
- Purchasing Procedures
- Cheque Signing Procedures
- Code of Business Conduct all employees
- Internal Audit Charter
- Disposal of Assets and access to Assets by Third Parties
- Disclosure of Information
- Formal Schedule of Matters Reserved to Board
- Treasury Policy
- Late Payment in Commercial Transactions Regulations 2002
- Diversification
- Business Continuity Management
- Data Protection Policy
- Enterprise Risk Management Policy
- Credit Card Policy & Procedures
- Information Security Policy
- Petty Cash Procedure
- Movers Leavers Joiners
- Regulatory Code of Conduct
- Irish Water Health, Safety, Quality & Environment Policy
- Capital IT Governance Policy Document

- Competition Code of Conduct
- Fuel Card Policy
- Acceptable Usage Policy
- Corporate Giving Policy
- Anti-Fraud Policy
- Fleet and Company Vehicle Maintenance and Replacement Policy
- Desk and Office Allocation Policy
- Notice/ Poster Policy
- Toll Tag Policy
- Identification & Access Control Card Policy
- Lost and Found Property Policy
- Driving for Work Policy
- Parliamentary Questions Policy

### **5.11 The Environmental Protection Agency**

The Environmental Protection Agency (EPA) is responsible for the licensing and regulation of large/complex industrial, agricultural and other processes with significant pollution potential. It is an independent public body established under the Environmental Protection Agency Act, 1992 (as amended). The other main instruments from which the EPA derives a mandate are the Waste Management Act 1996 and the Protection of the Environment Act, 2003. The EPA has been assigned a large number of tasks under (amongst other instruments) the European Communities (Water Policy) Regulations, 2003.

### **5.12 Commission for Energy Regulation (“CER”)**

The Commission for Energy Regulation (CER) is Ireland’s independent energy regulator. The CER was established in 1999 and now has a wide range of economic, customer protection and safety responsibilities in energy. Under Part 5 of the Water Services (No. 2) Act 2013, the remit of the CER was expanded to include a function to become the independent economic regulator for the public water services sector in Ireland.

### **5.13 Monitoring of Water Quality**

The EU Water Framework Directive (WFD) is now the most wide ranging piece of legislation governing water quality. It bases its ethos on the management of water in River Basin Districts.

Irish Water submits annual reports detailing the quality of its drinking water, the level of dangerous substances in surface waters and Phosphorous levels in surface waters. The results of these various reports is published annually by the EPA.

### **5.14 Discharges to Waters**

A licence is required in respect of the discharge of trade and/or sewerage effluent to any waters. A person may appeal to An Bord Pleanála in relation to

- the grant, refusal to grant or revocation of a licence
- the attachment of conditions or additional conditions to a licence or
- the amendment or deletion of any condition attached to a licence

### **5.15 Discharges to Sewers**

A license is required to discharge or cause or permit the discharge of any trade effluent or other matter (other than domestic sewerage or storm water) to a sewer. The occupier of premises from which the discharge concerned is made may appeal to An Bord Pleanála in relation to

- the refusal to grant or revocation of the licence
- the attachment of conditions or additional conditions to a licence or
- the amendment or deletion of any condition attached to a licence

## 5.16 Access to Information on the Environment

Persons have the right to obtain certain environmental information from Irish Water under the European Communities (Access to Information on the Environment) Regulations 2007 (as amended) (“**AIE Regulations**”). The AIE Regulations set out the procedures for public access to information relating to the environment held by public bodies.

Requests must be in writing and, generally, a response should be made within one month from the date on which the request is received. You must state that you are making a request under the AIE Regulations and clearly state the environmental information you want. You should try to be as specific as possible because it will help your application to be processed faster and may reduce costs. Requests for environmental information should be sent to the Irish Water AIE Officer at Colvill House, 24-26 Talbot Street, Dublin, Ireland. Public bodies may refuse requests on certain mandatory grounds (e.g. personal information/third party information) or discretionary grounds (e.g. commercial confidentiality etc.).

You can make a complaint or appeal a decision to the Commissioner for Environmental Information (“**CEI**”). You must make a complaint or appeal within one month of getting the reviewed decision from the public authority. The CEI may extend the time limit if he believes it is reasonable to do so. The CEI has the power to make his decisions binding and if necessary can apply to the High Court to have a decision upheld.

Reasonable charges may be made having regard to the cost of making available the information.

Copies of the AIE Regulations and other relevant legislation are available from the Governments Publications Office.