



Public Affairs Ireland presents

# **Certificate in Freedom of Information, Data Protection and Documents Management**

A training programme for the Irish public service

**Duration:** 6 Days (9.30am - 4pm) **Venue:** Public Affairs Ireland, 25 Mountjoy Square, Dublin 1

## **Module Dates**

Module One: Tuesday 6 <sup>th</sup> October	Module Four: Wednesday 21 <sup>st</sup> October
Module Two: Wednesday 7 <sup>th</sup> October	Module Five: Tuesday 3 <sup>rd</sup> November
Module Three: Tuesday 20 <sup>th</sup> October	Module Six: Wednesday 4 <sup>th</sup> November

## **Background**

### **Freedom of Information**

The Freedom of Information Act now applies to over 500 bodies. As public bodies are prescribed by the legislation on a continual basis, many other organisations will be subject to FOI in the future. The extension of the Act will bring new challenges to these bodies, and introduce new compliance obligations for people working within them. FOI is now an established and fully accepted feature of all government departments and offices and many government bodies in Ireland. However, the Information Commissioner's annual report for 2006 highlights the fact that poor records management practices within these public bodies continue to obstruct their searches for records and, in turn, the right of access of the requesters concerned.

Furthermore, the report asserts that the civil service takes a more restrictive approach to providing access to information generally than in other sectors covered by FOI. The Act (which was amended by the Freedom of Information (Amendment) Act 2003) establishes the following statutory rights for the public:

1. the right to be granted access to records held by public bodies, subject to the exemptions set out in the Acts;
2. the right to apply to the head of a public body for the amendment of personal information in records held by that public body, on the grounds that it is incomplete, incorrect or misleading, and
3. a general right to apply for, and obtain, reasons and underlying material fact-finding in respect of administrative decisions, subject to certain conditions.

In addition, the Act obliges prescribed public bodies to publish information about themselves, the information they hold, and the internal guidelines, precedents, and so on used in decision-making. Specifically, section 15 of the 1997 Act requires the publication by each public body of a reference book setting out a number of categories of information relating to the body, including a general description of the structure and organisation, functions, powers and duties of the public body, any services it provides for the public, and the procedures by which any such services may be availed of by the public. Section 16 of the 1997 Act requires such a body also to publish the rules relied upon by it in exercising its decision-making functions.

### **Data Protection**

In recent years there has been an increase in the obligations and commitments imposed on controllers of personal data. These changes have particular consequences for the public service, where data controllers are responsible for processing and collating large amounts of public information. This increases the responsibilities of public servants in entering, storing and accessing the personal data of citizens. The advent of Freedom of Information legislation, which also allows access to data that is subject to Data Protection

rules, raises additional issues for data controllers and FOI officers. Recent events in both the UK and Ireland have served to highlight the importance of proper procedures for the protection of personal data by the public service.

### Records Management

Increasing amounts of information are being collected, held and processed by public sector organisations. Records are increasingly held in electronic form and document and records management systems are being introduced to manage this, so that new specialist knowledge and skills in records management are now required to face these challenges.

Against this background, Public Affairs Ireland are pleased to announce the **Certificate in Freedom of Information, Data Protection and Documents Management**. This programme is designed to address the needs of the public sector in Ireland.

## The course

The course will provide an introduction to the legislation, look at the role of the Data Protection and Information Commissioners and review recent court decisions. It is designed to be practical and focused course for any public servant involved in the control of personal data of citizens or the provision of information to the public. The course will also examine the relationship between data protection obligations and the responsibilities arising for public authorities under Freedom of Information legislation. Increasingly FOI officers in organisations are also responsible for dealing with requests for data access under the Data Protection Acts and guidance will be provided on how to handle requests for information which arise under both FOI and Data Protection regimes. Data storage and retrieval is an issue intertwined with data protection and will also be addressed in this course. This course aims to equip FoI and DP officers and Records Managers with the skills, knowledge and competencies to be able to fulfil their role.

## Approach

The course will take a pragmatic approach and will focus on practical FoI, DP and Records Management tasks and essential law, rules and guidelines, as opposed to theory. Delegate participation and interaction will be encouraged by way of group exercises, role plays, quizzes and presentations. Participants will have the opportunity to share their own experiences and get a valuable insight into issues and an understanding of best practice that will maximise their ability to perform in the role.

## Designed for the public sector

This programme has been custom designed for the public sector in Ireland. The case studies which have been prepared for delegates to work with are based on real-world examples.

## Course objectives

Following the successful completion of the course, delegates will have acquired knowledge and developed skills and techniques which will give them the ability to perform better in this complex and demanding role.

### On completion of this course participants will know:

- how Data Protection and Freedom of Information legislation applies to their organisation
- the key obligations imposed on data controllers in the public service
- what they can and cannot do with information under their control
- what is best practice in terms of the gathering, storage, handling, management, retrieval and destruction of personal data
- the rights of access for members of the public to personal data under Freedom of Information, Data Protection or Discovery
- the roles, powers and functions of the Office of the Data Protection Commissioner and the Office of the Information Commissioner
- the registration requirements for data controllers
- how data protection rules have been applied in practice in some cases
- the legal requirements and restrictions on sending data off site for processing management or destruction

### On completion of this course graduates will be able to:

- identify areas within their organisations that may need attention and remedial action
- handle requests for information by individuals including 'sensitive personal data' such as medical information, criminal convictions and ethnicity data
- ensure compliance with your obligations under the Freedom of Information Acts (FOI), 1997 and 2003, the Data Protection Acts, 1988 and 2003 and other related legislation
- advise your organisation on records management
- formulate policies, standards and practices in records management in keeping with best practice
- provide information, assistance and training to colleagues
- devise and manage tracking systems for files and documents
- plan for and recover from emergencies that threaten vital data

## **Target audience and entry requirements**

The course will be of interest to a wide selection of groups and individuals who have recently become involved with FOI. It will appeal to people from the organisations that have recently been made subject to the Act and to newly-appointed FOI officers from bodies that were already subject to the Act and for those seeking an update on the FOI regime. The course is suitable for information and records management staff in the public sector including the civil service, bodies and agencies, local authorities, further and higher educational establishments, emergency services, defence forces, the health sector and non-governmental organisations. Students attending the course must be approved by their supervisor or Training Manager.

## **Your instructors**

The speakers on this course are consultants and expert lawyers working in an everyday context in the area and who have expert knowledge of the subject, as well as policy advisors with extensive experience of working with the public sector. Two of the tutors on this seminar are expert lawyers who have extensive knowledge of the FOI Acts 1997 and 2003, having been involved in all developments in the law since the Acts came into operation and having acted in all High Court and Supreme Court proceedings in relation to the FOI scheme. Legal experts will provide a step by step guide to the Data Protection legislation and a specialist will provide practical advice for data controllers on record management and secure and ethical data disposal. They will bring a top-quality cutting-edge practical emphasis to the subject matter.

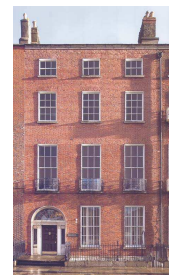
## **The format of the course**

The course is a combination of classroom time (6 full days), a small amount of home study reading and coursework and an exam. Delegates will have an opportunity to discuss and share their own experiences and issues. Delegates are expected to prepare for classroom days through reading and other exercises. Classroom sessions are intensive and participative and will include a variety of approaches including lectures, group discussions and practical exercises. Part of the assessment will be based on coursework which will include assignments, group work, exercises, role plays and practical case studies. There will be plenty of opportunities for delegates to test their knowledge and learning progress during the course. The course leader will provide support and feedback to help delegates during the course and will use the PAI Moodle for this purpose. Numbers will be restricted to permit a good interchange of ideas between attendees and tutors.

## **Course venue**



The course is delivered in Public Affairs Ireland's headquarters at 25 Mountjoy Square, Dublin 1. Our new premises offers bright spacious and well equipped modern facilities, in an elegant and historic building close to the city centre. This 200 year old Georgian house was recently meticulously restored. It is convenient for many bus routes, as well as Dart stations at Connolly and Tara St (10 minutes walk), commuter trains (we are a 5 minute walk from Drumcondra Train Station) and the Luas (5 minutes walk). There is a multi-storey car park at Marlborough Street as well as parking at nearby Jury's Croke Park.



## **Course materials**

Delegates will be issued with comprehensive materials some of which will be supplied electronically through the PAI Moodle and which will be added to each day. When complete this will be a useful reference resource and manual, containing templates, checklists and reference materials.

## **Assessment**

Each participant is assessed on the basis of coursework and a formal examination on the last day. They will be required to demonstrate their uptake of skills and knowledge on all of the course's modules. Participants must pass the examination on the last day of the course and score well on the continuous assessment assignments in order to receive their certificate. Assessment methods will include assignments which will count towards the total final grade, as well as work based projects, and summative testing on the final day in the form of a multiple choice exam and group presentations.

## **Certificate**

This course is accredited by the Institute of Commercial Management (ICM). Delegates will receive an ICM continuing professional development (CPD) certificate on successful completion of the course including attendance, coursework assessments and the final exam.

## **Course VFM evaluation**

In order to assist organisations sending delegates on this course to measure the effectiveness of the training, Public Affairs Ireland will if desired complete a before and after report on each student, using the "Kirkpatrick model" for evaluating training and including the input of line managers where available, as well as the student. This is intended to go beyond the student feedback forms, continual assessment and exam built into the course itself, and to evaluate how students later applied their learning and changed their behaviour, activity and performance in their workplace. This report if desired will be prepared with the co-operation of the students and line managers, subject to their availability for this purpose and will be complete assuming full co-operation of all concerned within 8 weeks of course completion. (Unfortunately, it will not be possible to extend this period).

## **Registration and enquiries about the course**

To register for the course or make an enquiry, please contact Public Affairs Ireland on 01-8198500 or by email: [registrations@publicaffairsireland.com](mailto:registrations@publicaffairsireland.com). Before you make a booking, please obtain the approval of your training officer. Please send a purchase order number as you will be billed directly.

# Course programme

Module	Topic	Speakers
1 -	<b>Introductory session (objectives, outline and outcomes)</b> <ul style="list-style-type: none"> <li>The Policy context</li> </ul> <b>FOI module (part 1)</b> <ul style="list-style-type: none"> <li>Introduction to FOI</li> <li>The Statutory Framework for FOI</li> <li>An annotated guide to FOI Acts (delegates will be given the “Freedom of Information Sourcebook” a 260 page annotated copy of the Acts)</li> </ul>	Course Leader: Shane O’Driscoll Niall Michel, Mason Hayes+Curran
2 -	<b>FOI module (part 2)</b> <ul style="list-style-type: none"> <li>Outline of the role of the Information Commissioner</li> <li>Case studies from Courts &amp; OIC decisions</li> </ul> <b>Data Protection module (part 1)</b> <ul style="list-style-type: none"> <li>The statutory framework for DP</li> <li>Obligations on Data Controllers</li> </ul>	Niall Michel, Mason Hayes+Curran Sean Garvey, Office of the Information Commissioner Anne Bateman, Philip Lee Solicitors
3 -	<b>Data Protection module (part 2)</b> <ul style="list-style-type: none"> <li>Rights of access for individuals</li> <li>The role of the Data Protection Commissioner and Case Studies from ODPC decisions</li> </ul> <b>Records management module</b> <ul style="list-style-type: none"> <li>Records management – a practical guide</li> </ul>	Anne Bateman, Philip Lee Solicitors Gary Davis, Deputy Data Protection Commissioner Mark Farrell, Arcline
4 -	<b>Legal privilege, discovery</b> <ul style="list-style-type: none"> <li>Explaining legal discovery processes</li> <li>What is legal privilege?</li> <li>Discovery, privilege, FOI and DP – the relationship &amp; the role of the Courts</li> </ul> <b>Group oral presentations preparation</b>	Niall Michel, Mason Hayes+Curran and Shane O’Driscoll
5 -	<b>Official Secrets, Law of privacy and confidentiality</b> <ul style="list-style-type: none"> <li>Legal right to privacy</li> <li>Legal right to confidentiality</li> <li>Obligations arising for public servants under Official Secrets Act</li> </ul> <b>Public records – legal obligations on public authorities under the National Archive legislation</b> <ul style="list-style-type: none"> <li>Outline of the legal scheme</li> <li>Practical implications</li> </ul>	Paul Lavery, McCann FitzGerald Leslie Caplin, McCann FitzGerald Yvonne Cunnane, Matheson Ormsby Prentice Damien Young, Philip Lee Solicitors
6 -	<b>Exam</b> <ul style="list-style-type: none"> <li>Written exam and group oral presentation</li> </ul>	Exam panel

## Course tutors



**Niall Michel** is a partner in the Public and Administrative Law Unit of Mason Hayes+Curran. He is a graduate of Trinity College, Dublin and Cambridge University and was formerly qualified as a barrister. He specialises in advising Irish public and regulatory bodies and others in administrative and public law matters.



**Paul Lavery** is a Partner in McCann FitzGerald Solicitors and is a member of the firm's IT & E-Commerce Group. He advises clients on a wide range of information technology, intellectual property, freedom of information, data protection and confidentiality issues. Paul is the author of Commercial Secrets: The Action for Breach of Confidence in Ireland



**Damien Young** heads Philip Lee's litigation and dispute resolution unit and has extensive experience of handling commercial disputes across a broad range of sectors including, in particular, public procurement and competition and EU law.



**Yvonne Cunnane** is a member of the Information Technology and Commercial Contracts Law Group at Matheson Ormsby Prentice. Yvonne has extensive experience in drafting and negotiating IT procurement contracts. Yvonne's practice also includes advising clients on data protection and privacy related issues and technology related matters. She has hosted a number of workshops and seminars in relation data protection, ecommerce and contract drafting, analysis and negotiation skills and has written a number of articles on these issues.



**Anne Bateman** is a Partner specialising in Intellectual Property, Information Technology, Pharmaceutical and Data Protection law. She advises numerous clients on their obligations under data protection law, with a special focus on those in the pharmaceutical and healthcare sector.



**Course Leader Shane O'Driscoll BL** is a practising barrister. He concentrates on Health, Information Technology, E-Commerce and Intellectual Property law and particularly the law as it applies to new media in an international context. He lectures widely on these and other related topics. Prior to commencing in practice as a barrister, he worked in the Information Technology and Banking sectors both in Ireland and Germany. Shane is a graduate of Dublin City University and the Honorable Society of Kings Inns.



**Mark Farrell** is one of Ireland's most experienced records managers. He is co-founder and Managing Director of Arcline, Ireland's first records management consultancy firm, established in 1996. Mark has extensive experience in the design and implementation of records management programmes throughout a wide range of public sector organisations. He is well versed in the issues involved in matching best practice and international standards with the practical realities faced on the ground. Mark is also an experienced trainer, having designed and delivered a range of records management training courses to large public sector clients, including the Department of Education & Science, Fingal County Council, NUIG, and the Irish Aviation Authority.

## Guest speakers



**Gary Davis** joined the Office of the Data Protection Commissioner as Deputy Commissioner in April 2006. He is responsible for all operational and policy matters including dealing with complaints and ensuring compliance with the requirements of the Data Protection Acts, organising audits and promoting better understanding of the requirements of the Acts.

**Sean Garvey** is a Senior Investigator in the Office of the Information Commissioner, currently with responsibility for overseeing the Office's processing of applications for review from all FOI public bodies bar those in the health sector. He has extensive prior FOI experience from his service in the FOI Central Policy Unit in the Department of Finance.

# REGISTRATION FORM

## Certificate in Freedom of Information, Data Protection and Documents Management

**COURSE FEE: €1750 (PAI Subscribers) €2150 (non-Subscribers)**

Fee includes course materials, teas/coffees, lunches, exam and certificate.

Delegates are responsible for their own overnight accommodation and evening meals, if required.

I am registering for the course starting 6<sup>th</sup> October 2009

NAME: \_\_\_\_\_

ORGANISATION: \_\_\_\_\_

POSITION: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PHONE: \_\_\_\_\_ (office) \_\_\_\_\_ (mobile)

EMAIL: \_\_\_\_\_

Please let us know when registering if you have any special requirements when attending the event, such as special dietary requirements (vegetarian/pork free), electronic versions of presentations, guide dog water.

We may from time to time contact you with details of relevant PAI courses, seminars, conferences and publications unless you request us not to. If you change your mind in future you can opt out of or into this direct marketing service. [ ] Please do NOT add me to your mailing list now.

### PAYMENT METHOD:

INVOICE ME (purchase order # or reference \_\_\_\_\_)

VISA       MASTERCARD

NAME ON CARD: \_\_\_\_\_

CARD NO: \_\_\_\_\_ EXPIRY DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE \_\_\_\_\_

### TO REGISTER:

1. Register online on [www.publicaffairsireland.com](http://www.publicaffairsireland.com) or
2. Fax this form to 01-8944733 or
3. Post this form to PAI Professional Development, 25 Mountjoy Square East, Dublin 1.

If you require any further information call 01-8198500 or email [registrations@publicaffairsireland.com](mailto:registrations@publicaffairsireland.com)

**NB:** Payment in full must be received before course commencement.

**CANCELLATION POLICY:** For cancellations up to 2 weeks before the start of the course, the fee will be refunded less a 10% administration charge. For cancellations less than 2 weeks but more than 1 week before the course, we will refund 50% of the fees. Regrettably, for cancellations made within a week of the start of the course, the fees cannot be refunded. PAI Publications Ltd reserves the right to alter or revise the course agenda, including the substitution or replacement of speakers if circumstances necessitate.