

Housing Finance Agency plc

Freedom of Information Acts

Section 15 Reference Manual

1. INTRODUCTION

1.1 The Freedom of Information (FOI) Acts

The Freedom of Information Act 1997 (FOI) as amended by the Freedom of Information (Amendment) Act 2003 obliged government departments, the Health Service Executive (HSE), local authorities and a range of other public bodies to publish information on their activities and to make the information they held, including personal information, available to citizens.

The FOI Act established three new statutory rights:

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

The Act asserted 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.

On 14 October 2014, the Freedom of Information Act 2014 came into effect and repealed the 1997 and 2003 Acts. The new Act introduced a number of changes to the Freedom of Information scheme and widened the range of bodies to which the FOI legislation applies to all public bodies, unless specifically exempt. It also allows for the Government to prescribe (or designate) other bodies receiving significant public funds, so that the FOI legislation applies to them also.

1.2 Section 15 reference manual: This *Section 15 Manual*, compiled in accordance with section 15 of the FOI Act, facilitates access to official information held by the Agency, by outlining the structure and functions of the Agency; the services provided and how they may be availed of; the classes of records held; and how a request to the Agency under the FOI Act 1997 can be made.

1.3 Section 16 reference manual: As the schemes funded by the Agency are operated by the local authorities, and the Agency does not hold detailed records relating to individual loans, the Agency does not publish a manual under section 16 of the FOI Act. Queries relating to individual loans should be directed to the relevant local authority. A list of local authorities is at <http://www.gov.ie/en/sites/local%20authorities/>

2. OVERVIEW OF THE AGENCY

2.1 Description and functions

The Agency is a company limited by shares promoted by the Minister for the Environment, Community and Local Government under the terms of the Housing Finance Agency Act, 1981 (as amended) and incorporated on 8 February 1982. The Acts and other prescriptions governing the Agency are:

- Housing Finance Agency Act 1981 and Amendment Acts of 1982, 1985, 1987 and 1988.
- Housing (Miscellaneous Provisions) Acts 1992,1997, 2002 and 2009
- Planning and Development (Amendment) Act, 2002.
- Companies Acts 1963 to 2009.
- Financial transactions of Certain Companies and Other Bodies act 1992.
- Central Bank Acts.
- Code of Practice for the Governance of State Bodies.
- Department of Environment, Heritage and Local Government and Finance Directives and circulars.
- Public Procurement Guidelines.
- Freedom of Information Acts 1997 and 2003
- Data Protection Act 1988 and Data Protection Amendment Act 2003 and European Communities (Electronic Communications Networks and Services) (Data Protection and Privacy) Regulations 2003 and the European Communities (Electronic Communications Networks and Services) (Data Protection and Privacy) (Amendment) Regulations 2008.
- European Communities (Late Payment in Commercial Transactions) Regulations, 2002
- Ethics in Public Office Acts,1995 and 2001
- Safety, Health and Welfare at Work Act, 2005
- Employment Equality Acts 1998 and 2004
- Equal Status Acts 2000 to 2004
- Part 5 of the Disability Act 2005

The principal objects of the Agency are: to advance loan finance to local authorities and to the voluntary housing sector to be used by them for any purpose authorised by the Housing Acts; and to borrow or raise funds for these purposes.

2.2. Function and Mission

The Agency's function is to advance loan finance to local authorities and the voluntary housing sector to be used by them for any purpose authorised by the Housing Acts, and to borrow or raise funds for these purposes.

The Agency's mission is to source and structure this loan finance in a cost-effective manner, and to requirements of our customers.

3. HOW TO GET INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

3.1 Applications under the Freedom of Information Act

The Agency is disposed to conduct its business in as open and transparent a manner as possible.

Under the FOI Act, anyone is entitled to apply for access to information not otherwise publicly available. Each person has a right to:

- access to records held by the Agency;
- correction of personal information relating to oneself held by the Agency where it is inaccurate, incomplete or misleading;
- access to reasons for decisions made by the Agency directly affecting oneself.

The following records come within the scope of the Act:

- all records relating to personal information held by the Agency irrespective of when created;
- all other records created from the commencement of the FOI Act (21 April, 1998);
- any records necessary to the understanding of a current record even if created prior to 21 April 1998.
- Any official information falling into these categories sought under the Act.

How do I make an FOI request?

Requests for information under the Freedom of Information Act must be made **in writing** to the Agency and should indicate that the information is being sought under the Freedom of Information Act. An acknowledgement will be made within 2 weeks and, normally, the applicant will be notified of the decision on a request within 4 weeks of its receipt.

If information is desired in a particular form (such as an email, a photocopy, computer disk etc.) this should be specified in the application. Requests should be as specific as possible to enable the information sought to be identified.

An application form has been devised to facilitate the making of requests and is at the end of this document.

Queries relating to further details on getting information under the FOI Act and requests for information under the FOI Act should be addressed to:

Mr. Seán Cremen
Housing Finance Agency plc
46 St. Stephen's Green
Dublin 2

Telephone: 01 872 5722
Fax: 01 872 5878
Email: scremen@hfa.ie

If difficulty is experienced in identifying the records required, the staff of the Agency will be happy to assist in the formulation of the request.

3.2 Rights of review and appeal

The FOI Act sets out a series of exemptions to protect sensitive information where its disclosure may damage key interests of the State or of third parties. Among the key exemptions are records relating to:

- Government meetings;
- law enforcement and security;
- confidential and commercially sensitive information;
- personal information (other than information relating to the person making the request);

Where the Agency invokes these provisions to withhold information, the decision may be appealed. Decisions in relation to deferral of access, charges, forms of access, etc. may also be appealed. Details of the appeals mechanisms are set out in the following paragraphs.

3.3 Internal review

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

- (a) the applicant is dissatisfied with the initial response received, e.g. refusal of information, form of access, charges, etc., or
- (b) the applicant has not received a reply within four weeks of the initial application - this is deemed to be a refusal of the request and allows the applicant to proceed to internal review.

Requests for an internal review should be submitted in writing to:

Mr Barry O'Leary
Freedom of Information internal reviewer
Housing Finance Agency plc
46 St. Stephen's Green
Dublin 2

Telephone: 01 872 5722
Fax: 01 872 5878
Email: boleary@hfa.ie

A request for an internal review must be submitted within 4 weeks of the initial decision. The Agency must complete the review within 3 weeks. An internal review must normally be completed before an appeal may be made to the Information Commissioner.

3.4 Review by the Information Commissioner

Following completion of the internal review, if the requester is still unhappy with the decision an applicant may seek an independent review of the decision from the Information Commissioner. An applicant may also appeal to the Commissioner if the Agency does not reply to his/her request for an internal review of the original decision within three weeks - as this is deemed to be a refusal.

Appeals must be made in writing to the Information Commissioner at the following address:

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

Telephone: 01-6395689
Lo call 1890-223030.
Fax: 01-6395674 or 01-6395676
e-mail: info@oic.ie

3.5 Fees and Charges

A. Fees

The following fees apply to FOI requests for access to records and applications under internal review and review by Information Commissioner:

Requests for records

- An FOI request for a record or records is free.

Internal Review

- A standard fee of **€30** must accompany an application for internal review.
- A reduced fee of **€10** applies if the person bringing the application is a medical card holder or a dependant of a medical card holder.
- The following internal review applications are exempt:
 - (a) an application in relation to a decision concerning records containing only personal information related to the applicant.
 - (b) an application in relation to right of amendment of records relating to personal information.
 - (c) an application in relation to right of person to information regarding acts of public bodies affecting the person.
 - (d) an application in relation to a decision to charge a fee or deposit, or a fee or deposit of a particular amount.

Review by Information Commissioner

- A standard fee of **€50** must accompany applications to the Information Commissioner for review of decisions made by public bodies.
- A reduced fee of **€15** applies if
 - (a) the person bringing the application is a medical card holder or a dependant of a medical card holder or
 - (b) the person is a third party with the right to apply directly to the Information Commissioner where a public body decides to release their information on public interest grounds.
- The following applications to the Information Commissioner are exempt:
 - (a) an application concerning records containing only personal information related to the applicant.
 - (b) an application in relation a decision (right of amendment of records relating to personal information)
 - (c) an application in relation to a decision (right of person to information regarding acts of public bodies affecting the person).
 - (d) an application in relation to a decision to charge a fee or deposit exceeding €25.00 in respect of search and retrieval and photocopying of records (decisions in relation to the charging of fees or deposits for search and retrieval and/or photocopying of less than €25 are not subject to review by the Information Commissioner).
 - (d) an application in relation to a decision to charge a fee under section 47(6A), or a fee of a particular amount under section 47(6A), on the grounds that the records concerned do not contain only personal information related to the requester or the requester is not a medical card holder or a dependant of a medical card holder.

B. Other charges

Charges may be applied for the time spent finding records and for any photocopying costs incurred by the Agency in providing material to the requester. Requesters will not be charged for the time spent on deciding whether or not to grant their request.

If the cost of search, retrieval and copying is €101 or less, no charge is applied. If the charge exceeds €101, full fees apply. You cannot be charged more than €500.

If the estimated cost of search, retrieval and copying is more than €700 the body can refuse to process your request, unless you refine your request to bring the search, retrieval and copying fees below this limit.

Type of Charge	Standard Charge
Search and retrieval of records	€20 per hour
Photocopying	4 cent per sheet
CD-ROM containing copy of documents	€10

Charges may be waived in the following circumstances:

- where the cost of collection would exceed the amount of the fee;
- where the information is of particular assistance to the understanding of an issue of national importance; or,
- in the case of Personal Information, where such charges would not be reasonable having regard to the means of the applicant.

3.6 Do I need to make an FOI request to get any information from the Agency?

No. It is not necessary to make an FOI request to get any information from the Agency. The purpose of FOI is that it provides an additional source of information by facilitating access to records not made routinely available. Material is already made available to the public through publications, the Agency's website at www.hfa.ie; and in response to enquiries.

While the Agency has a relationship with a range of bodies including the Department of the Environment, Community and Local Government, the Department of Finance, certain financial institutions etc., its customers are local authorities and voluntary housing bodies.

3.7 Policy with regard to confidentiality and Freedom of Information

The Agency undertakes to hold any information provided to it by individuals or others on a confidential basis, subject to the Agency's obligations under law, including the Freedom of Information Act. If, for any reason, it is wished that information provided to the Agency should not be disclosed because of its sensitive nature, then it is incumbent upon the person or body when supplying the information to make clear this wish and to specify the reasons for the information's sensitivity. The Agency will consult with any individual or body so supplying sensitive information before making a decision on any freedom of information request.

4. HOUSING FINANCE AGENCY plc

The following section sets out the internal structure and organisation of the Agency. It also describes the services delivered by each division, the information available on these services and details of the classes of records held.

4.1 The role of the Agency in the context of housing policy

Government policy: The Agency's role in social housing is carried out in the context of government housing policy, which is to enable every household to have available an affordable dwelling of good quality, suited to its needs, in a good environment and, as far as possible, at the tenure of its choice. Those who can afford to do so should provide housing for themselves and those who are unable to do so from their own resources have access to social housing or to income support to secure and retain private housing.

Local authority role: The local authorities play a key role in implementing social housing policy through the provision of accommodation for those in greatest need and by operating a series of measures including house purchase loans, shared ownership, the rental subsidy scheme, capital assistance scheme etc. Loan finance where required is provided by the Agency. ***The local authorities, not the Agency, are the legal lenders to individuals and organisations, and the Agency does not hold detailed records relating to individual loans.***

The role of the voluntary housing sector: The voluntary housing sector is seen as an important element in the delivery of housing policy initiatives. In furtherance of this, the Agency has commenced a process of setting in place a facility whereby, under appropriate conditions relating to risk, voluntary housing bodies will be in a position to borrow funds directly from the Agency.

Housing Finance Agency plc: The Agency was established in 1982 to issue index linked loans to local authorities to fund the income related loans scheme. Its role was broadened in 1986 when it was mandated to fund all local authority house purchase loans and improvement grants. Its powers were further extended in 1992 when it was permitted to fund local authorities for any of their housing and related functions. Currently, the Agency aims to facilitate national housing policy by advancing loans to local authorities and the voluntary housing sector for housing and related purposes at the finest interest rates.

4.2 Summary of functions

The Agency's functions are:

- To provide local authorities with a comprehensive range of loan finance tailored to meet their individual requirements on demand.
- To set the interest rates on loans to local authorities at the finest rates that will enable the Agency achieve a break-even result.
- To provide local authorities with an investment facility for their surplus cash, offering competitive interest rates.
- To provide local authorities with information and advice on loan finance generally.
- To manage its debt efficiently.

- To lend directly to Approved Housing Bodies (Voluntary Housing Bodies and Co-Operative Housing Societies).

4.3 The Agency's functional divisions

The Agency consists of the Chief Executive Officer's Office and two functional divisions – Treasury, and Accounts/Lending. An outline of each is below.

4.3.1 Chief Executive Officer's Office

The Chief Executive's Office carries out the following functions:

Powers delegated to the Chief Executive by the Board
also and including...
 Agency business policy and the Corporate Plan
 Relationships between the Board and management/staff
 Relationships between the Agency and the Department of the Environment, Community and Local Government
 Relationships with local authorities
 Relationships with the media
 Overview of staff and personnel matters
 Internal audit overview
 Office management

4.3.2. Treasury

This division of the Agency carries out the following functions:

(a) Treasury/funding:

- Borrowing
- Liquidity and cashflow management
- Relations with financial institutions
- Debt management
- Treasury risk management

The Housing Finance Agency (Amendment) Act 1988 states (section 4) that the Agency, in performing its functions, shall ensure that, having regard to any contribution which may be made by the Minister and taking one year with another, all of its costs are met from its operations. The Agency has adopted a policy of setting its interest rates so to enable it to achieve a break-even result in accordance with the provision of the Act. The Agency's structure as a plc and its legislative remit to operate on at least a break-even basis means that the financing of housing policy initiatives are always assessed by reference to commercial, as well as social criteria.

The Agency's policy is to borrow at the finest rates, passing these on to the local authorities and voluntary housing bodies with a small margin to cover the Agency's administration costs and risks, thus fulfilling the terms of section 4 of the 1988 Housing Finance Agency (Amendment) Act. The Agency's policy is to provide local authorities with sufficient margin to cover their operations as lenders, while ensuring that its own margins supply adequate reserves to cover risk.

The Agency finances its operations by a combination of internationally-sourced loan finance, bank overdrafts and retained profits.

(b) Other functions

- Health and Safety
- EU matters
- Website maintenance and development
- Freedom of Information matters
- Certain matters in relation to direct lending to Approved Housing Bodies (legal, financial assessment).

4.3.3. Accounts/lending

This division of the Agency carries out the following functions:

(a) Accounts:

- Preparation of accounts - management and annual
- Company secretarial matters (Board meetings, etc)
- Internal audit [the internal auditor reports directly to the Chief Executive Officer]
- Personnel administration, training, recruitment

(b) Lending:

Administration of the Agency's lending to local authorities and Approved Housing Bodies. The following is a summary of the local authority schemes currently funded by the Agency:

- House purchase loans: These include annuity loans, the affordable loan scheme and the shared ownership scheme.
- Rented voluntary accommodation. Capital Loan and Subsidy Scheme (CLSS). Social Housing Leasing Initiative.
- House improvement loans: These include house improvement loans, disabled persons grants and various other housing grants.
- Miscellaneous matters: Includes land acquisition and various housing related projects.

The Agency's website (www.hfa.ie) contains the LABS on-line loan application and billing system. It provides a paperless, real-time system by which all stages of a loan's processing by the various parties can be carried out on-line and progress monitored.

4.4 Information available

A list of publications relevant to the Agency is included on the website of the Agency at www.hfa.ie. Further information on any of the services of the Agency can be requested from:

Company Secretary
Housing Finance Agency plc
46 St. Stephen's Green

Dublin 2

Telephone: 01 872 5722
Fax: 01 872 5878
Email: cosec@hfa.ie

4.5 Classes of records held by the Agency

The classes of records held by the Agency are as follows:

(a) Chief Executive Officer's Office

Personal information files

Files for each member of staff and former staff
Files relating to personnel matters i.e. personnel code, pay policy, employment policy, pay matters including the Board
Board Remuneration Committee
Ethics in Office Returns
Details regarding Board of Directors
Mortgage Protection Insurance - cases

Division files

Board papers relating to 1984 - date
Files on meetings with various local authority parties e.g. Heads of Finance, Town Clerks
Memoranda to Government received in confidence from the Department
Files on various Government housing policies
Legislation received
HFA / County Manager Liaison Committee
Board Finance Committee
Board Audit Committee
Various Sub Committees/Liaison Committees
Files on the financing of various elements of the housing programme e.g. affordable housing, income related loans, loan agreement files
Mortgage Protection Insurance – policy and renewal files
General local authorities files
Conferences, seminars
Internal audit reports,
SMI and Corporate Plan
Refinancing of the LLF
Annual Reports

Administration files

Administration Budget
Compliance with the Policy and Procedures Manual
Management meetings

(b) Treasury

Personal information files

Recruitment of treasury staff

Division files

Debt issues, loans, bonds – negotiation, arrangement, debt servicing
Compliance – returns to the Department of Finance and Central Bank
Statistics on borrowing costs
Loan advances to local authorities and interest rates charged
Board and Board Committee papers
EU matters
Index linked and inflation
Securitisation
Local Government Fund
Risk management
Deal and borrowing confirmations and daily transaction sheets
Treasury cash management (computer files only)
FRS 13
Lending to Voluntary Bodies

Administration files

IT matters
Office accommodation
Health and safety matters
Treasury procedures
Website administration and development
Miscellaneous correspondence with financial institutions

(c) Accounts/lending

Personal information files

Salaries, monthly salary analysis
Directors' expenses
Timesheets for staff members
Union subscription files
PSW tax details
Personal staff files
Personnel matters i.e. personnel code, pay policy, employment policy, pay matters including the Board Remuneration Committee etc.
Superannuation
Recruitment
Training

Division files

Internal audit

Monthly management accounts and related backup
Nominal ledger and variance analysis
Internal audit

Policy and procedures files
Excel files exported from LABS billing system
FRS 13
Pre 1986 loan back up data

Accounts

Petty Cash
Signed & unsigned confirmations
Recording bank cashbook
Bank cheque reconciliations
Insurance matters
Request for charitable donations
Treasury transactions including daily sheets
Treasury transfer spreadsheets.
Bank statements
Monthly bank reconciliations
Interest accrued/paid monthly
Monthly financial accounts
Year end financial accounts
Projected accounts
HFA, Finance & Company Acts
Billing system development files
Tax Clearance correspondence

Company secretarial

Board and Board Committee Meetings and Minutes
Policy and Procedures issues
Compliance and regulatory issues
Internal communication memos etc
External communication files (Departments and auditors etc)
General correspondence

Lending

Billing statements and listing
Billing movement schedules
Individual local authority loan advances
LABS (computer on-line loan application system files)

Administration files

LABS [Loan Application And Billing System] files
Travel and subsistence rates for local authorities and Directors
Request-for-proposal and tender applications and results
Circulars to local authorities
Customer Service Action Plan
General Correspondence
Office - decorating, maintenance/cleaning, furniture, removals

Housing Finance Agency plc

Request to the Agency for access to records under the FOI Acts

Name:

Email address:

Postal Address:

Telephone:

Home: Business:

My preferred form of
access is (eg post):

In accordance with the FOI Act, I request access
to records which are :

Personal Non-Personal

In the space provided below please describe the records as fully as you can.

If you are requesting personal information, please state precisely in whose name those records are held. You will not normally be given access to personal information of another person unless you have obtained the written consent of that person

Send to: Mr. Seán Cremen, Housing Finance Agency plc, 46 St. Stephen's Green, Dublin 2.