



Housing Agency

Section 15 and 16 Manual

August 2016

Notice

It is the intention of the Housing Agency to keep this manual and the information it contains as accurate and up to date as possible. However, users of the manual should be advised that some of the information supplied may through no fault of the Housing Agency have changed post publication. Changes in information may come about due to staff changes, contact details/ change of address, changes in legislation, changes in organisational structures and areas of responsibility. Where changes occur, the Housing Agency undertakes to update this manual within a reasonable timeframe. The most up to date version of this manual can be downloaded from the Housing Agency website www.housingagency.ie

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1. Introduction

1.1 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 Housing 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, such as the Housing Agency website at www.housingagency.ie and in response to enquiries made to the office.

The Freedom of Information (FOI) Acts, effective from 21st April 1998, establish 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; and
- a legal right to obtain reasons for decisions affecting oneself.

The Acts assert the right of members of the public to obtain access to official information to the greatest extent possible consistent with the public interest and the right to privacy of individuals.

This manual does not purport to be a definitive description of all of the activities of the Housing Agency. A copy of this manual and other Housing Agency publications are available on the Housing Agency website www.housingagency.ie

1.2 Purpose of Reference Book

This reference book has been prepared and published in accordance with the requirements of Sections 15 and 16 of the FOI Acts.

In accordance with **Section 15** of the Act, the purpose of this reference manual is to facilitate access to official information held by Housing Agency. This is done by outlining the structure and functions of this organisation, details of the services we provide and how they may be availed of, information on the classes of records held, and information on how to make a request to the Department under the Freedom of Information Acts, 1997, 2003 and 2014.

Section 16 of the FOI Act requires the Housing Agency to publish a manual containing:

- the rules, procedures, practices, guidelines and interpretations used by the body, and an index of any precedents kept, for the purposes of decisions under any enactment or scheme administered by us ‘with respect to rights, privileges, benefits, obligations, penalties or other sanctions to which members of the public are or may be entitled or subject under the enactment or scheme’ together with
- ‘appropriate information in relation to the manner or intended manner of administration of any such enactment or scheme.’

2. Overview of the Housing Agency

2.1 Establishment

The Agency was setup under the Local Government (Corporate Bodies) Act 1971 as amended and that Establishment Order No. 264 of 2012 provides for a Board to conduct the Agency’s business. The aim of the Agency is to work with and support:

- Local authorities;
- Approved Housing Bodies; and the
- Department of the Housing, Planning, Community and Local Government

in the delivery of housing and housing services. We offer a broad base of shared and centralised services through our practical, research and technical expertise.

The Housing Agency is governed by a Board and will operate through a dedicated team of fulltime staff.

“The Housing Agency – Freedom of Information Act 1997 - Sections 15 and 16 Manual” is compiled in accordance with the Freedom of Information Acts 1997, as amended by the Freedom of Information Acts 2003 and 2014. All references in this manual to the Freedom of Information Act or Acts refer to the 1997 Act as amended by the 2003 and 2014 Acts.

2.2 Housing Agency Functions

The functions of the Housing Agency as set out in Section 5 of the Establishment Order SI 264 of 2012 are:-

1. shared and central services;
2. research, advisory, information and training services;
3. consultancy, technical and strategic planning services;
4. procurement services;

5. agency services;
6. at the request of the Minister, the preparation, holding, management and publication of indices of residential property, including indices in relation to residential housing sales and residential property rents;
7. the arrangement, co-ordination and provision of social and economic regeneration, including the development and improvement of land and infrastructure; and
8. the coordination of, and contribution to, the resolution of issues relating to unfinished housing developments.

2.3 Housing Agency Services

Support Housing Delivery

- Provide advice and information on new housing delivery mechanisms to key stakeholders involved in the delivery of social housing. Key areas include initiatives relating to the leasing of accommodation for social housing purposes and options for tenants to purchase accommodation.
- Work with bodies involved in the delivery of social housing and affordable housing, to ensure successful and consistent implementation of housing policy.
- Facilitate delivery of housing through acquisition of residential property on behalf of local authorities, where requested.
- Coordinate the review of properties identified by the National Asset Management Agency for suitability for social housing.
- Provide a centralised underwriting service and carry out credit checks for local authorities in respect of their loan services to facilitate home purchase.

Advice on Housing Policy and Legislation

Support to local authorities, approved housing bodies and the Department of the Environment, Community and Local Government in applying housing policy and to provide guidance on new legislative provisions and issues that arise

Promote Good Practice in Housing

Assist the Agency's stakeholders as list above

- Through the management of online good practice guidance for all housing practitioners
- Provide training, host briefing sessions, produce 'how to' guides and case study examples.

- Engage individually with housing providers in order to promote good practice on key housing management issues.
- Facilitate and chair the National Housing Practitioner Network Forum

Research Services

- The research function is to carry out research and evaluations, provide policy advice, analyse information on housing matters, distribute information on housing matters to housing practitioners and the wider public;
- The conducted research is on a broad range of housing topics such as Social housing delivery, Housing management, Regeneration, Private rented sector, Housing for people with a disability and Traveller specific accommodation

Regulatory Function

- The Agency carries out a regulatory role for Approved Housing Bodies (AHBs) and acts as the interim Regulatory; this will assist AHBs in improving their governance, management and financial capabilities, and provide oversight of the sector.

Asset Management

- The Agency manages lands under the Land Aggregation Scheme in order to promote the orderly and timely disposal and utilisation of land in support of Government policy and regional and local development strategies

Projects and Procurement Services

- The professional and technical services division provides expert advice in the implementation of regeneration programmes, maintenance and upgrading of housing stock, procurement and project management, and
- Client advisory services for local authorities and voluntary state bodies. Such as procurement of design teams, contractors and specialists; cost control and cost planning; certification and building control, void management and other housing related issues; risk analyses and dispute resolution; compliance with health and safety legislation; and planning, architecture and infrastructure

Administrative Support to the Pyrite Resolution Board

The Agency provides administrative support to the Pyrite Resolution Board, in administering the Pyrite Remediation Scheme.

3. How to use this Reference Book

This book is divided into a number of parts.

Part 1 of the Book - **Access to Information** - explains how to access information from the Housing Agency under and any fees that may arise.

Part 2 of the Book - the “**Our Role and Structure**” - outlines the role of the Housing Agency and its organisational structure. This part gives a breakdown of our internal structure and organisation. Information is provided under the following headings:

- **Structure** – gives details of board and the organisational structure.
- **Services** - outlines the main work the Housing Agency does and provides a synopsis of the main activities
- **Classes of records held** – details the records held by the Housing Agency
- **Contact points**– how to contact the Housing Agency for assistance.
- **Rules and Practices** – this information is provided in accordance with Section 16 of the FOI Act as amended. Where the Housing Agency provides any scheme impacting on the public within the meaning of Section 16 of the Act, as outlined under the heading Purpose of Reference Book earlier, then the rules and practices that the Housing Agency uses in delivery of this scheme are outlined or referenced under the Rules and Practices heading.

Availability of this Book

Copies of this publication are available free of charge, you can avail of this via

- Electronically on the Housing Agency’s website:
www.housingagency.ie
- Printed Version on request from:

Ciara Galvin

Freedom of Information Officer

Housing Agency

53 Mount Street Upper, Dublin 2

Ph: 656 4100

Email: ciara.galvin@housingagency.ie

Part 1 - Access to Information

How to get information under the Freedom of Information Act

Routinely Available Information

Information that can be found on the Housing Agency's website is documentation relating to Corporate Governance of the Housing Agency's, including the Agency's Establishment details, Code of Business Conduct, Prompt Payment Returns and Purchase Ordering details. Other documentation on the site relates to housing policy and guidance; housing research; statistics on the properties identified through NAMA as suitable for social housing; guidance, reports and statistic on Unfinished Developments and reports and statistics on Mortgage to Rent. The website also provides information in respect of the regulation of approved housing bodies, which the Housing Agency has been given responsibility for regulating.

Applications under the FOI Act

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 Housing Agency not covered by one of the exemptions in the Act.
- Correction of personal information relating to oneself held by the Housing Agency where it is inaccurate, incomplete or misleading.
- Access to reasons for decisions made by the Housing Agency directly affecting oneself.

The following records come within the scope of the Act:

- All records relating to personal information held by the Housing Agency irrespective of when created.
- All other records created from commencement date of the Act i.e. 21st April 1998.
- Any other records necessary to the understanding of a current record.
- Personnel records of serving staff created from 21st April 1995 and those created prior to that date where they are being used or proposed to be used in a way which adversely affects or may affect the person involved.

The Housing Agency will normally be obliged to respond to a request within 4 weeks. A week is defined in the Act to mean 5 consecutive weekdays, excluding Saturdays and public holidays (Sundays are also excluded, as they are not week days).

Applications under the FOI Act should be addressed to:

Ciara Galvin

Freedom of Information Officer

Housing Agency

53 Upper Mount Street, Dublin 2

Ph: 656 4100/ 656 4115 Email: ciara.galvin@housingagency.ie or/
info@housingagency.ie

How do I make an FOI application

- (i) Your application should be in **writing** and should indicate that the information is sought under the Freedom of Information Acts.
- (ii) If you require a reply in a particular format i.e. photocopy, computer disk, etc. please mention this in your application.
- (iii) Please be as detailed and as specific as possible when compiling your application as this will assist the Housing Agency in dealing with it. It can also result in lesser charges being incurred on search and retrieval in cases where these fall to be paid. Where possible please try to indicate the time period for which you wish to access records e.g. records created between May 2003 and December 2003. If you have any difficulty in preparing your application the Housing Agency staff will be happy to assist you in this regard.
- (iv) You may be required to prove your identity, especially when seeking personal information, so you may, therefore, be asked to produce your Birth Certificate, Driving Licence, Passport or other form of identity.
- (v) Please include a daytime telephone number, if possible, so that you may be contacted quickly if it is necessary to clarify details of your request.

The Housing Agency is happy to provide assistance to members of the public who seek advice on making a request.

Assistance to persons with a disability

The Housing Agency staff are available to provide assistance to persons with a disability to exercise their rights under the FOI Act (e.g. accepting oral requests from requesters who are unable to read, print and/or write due to their disability, enabling the requester to inspect or have records explained to him or her).

FOI Decision Making in the Housing Agency**Decision Maker:**

- Ciara Galvin, Administrative Officer

The Housing Agency acknowledges receipt of FOI applications not later than 2 weeks following their receipt and forwards them to the FOI Decision Maker for decision. The Decision Maker proceeds to deal with the request, liaise with the requester as appropriate and make a decision on the matter.

Rights of Review and Appeal

The 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. Where a Public Body 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 the subject of appeal. Details of the appeals mechanisms are as follows:

Internal Review

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

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

Requests for internal review should be submitted in writing and, if applicable, accompanied by the appropriate fee, (see under Fees) to:

David Silke

Director of Services

Housing Agency

53 Upper Mount Street, Dublin 2

Ph: 656 4100 Email: info@housingagency.ie

The relevant fee should be paid by Bank Draft, Postal Order or cheque drawn on a bank in the Republic of Ireland, made payable to “Housing and Sustainable Communities Agency”.

Such a request for internal review must be submitted within 4 weeks of the initial decision. We must complete the review within 3 weeks. Internal review must normally be completed before an appeal may be made to the Office of 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 to your application for internal review within 3 weeks, this is deemed to be a refusal and you may appeal the matter to the Information Commissioner.

Appeals in writing, and, if applicable, accompanied by the appropriate fee, (see under Fees below) may be made directly to the Information Commissioner at the following address:

Office of the Information Commissioner

18 Lower Leeson Street,

Dublin 2

Telephone: 01-6395689 Fax: 01-6395676

E-mail: info@oic.ie Website: <http://www.oic.ie>

Fees and Charges

Type of Request/Application	Standard Fee ¹	Reduced Fee ^{1 2}
Request for a record		
Initial Request	No charge	No charge
Internal Review	€30	€10
Review by Information Commissioner	€50	€15
Request for a record containing personal information	No charge	No charge
Application under Section 9 for amendment of a record containing incorrect, incomplete or misleading personal information	No charge	No charge
Application under section 10 for the reasons for a decision affecting the individual	No charge	No charge
Search & retrieval and copying fees ³	<ul style="list-style-type: none"> • €20 per hour of search and retrieval (Min €101 - Max €500 subject to €700 cap) • €0.04 per sheet for a photocopy • €10 for a CD-ROM 	
Deposits	A deposit is payable where the estimated cost of search and retrieval exceeds the minimum level prescribed (€100). The deposit will be a minimum of 20% of the estimated search and retrieval costs.	

Notes to table:

1. Fee will not apply where a person appeals a decision to charge a fee or deposit, or a fee or deposit of a particular amount under Section 27 of the FOI Act.

2. Reduced fee will apply if the person making the request/ application is a medical card holder or a dependant of a medical card holder. The reduced fee will also apply in respect of third parties who appeal a decision of a public body to release their information on public interest grounds.

3. Where the information in the record would be of particular assistance to the understanding of an issue of national importance the fee may be reduced or waived. Where search and retrieval costs are estimated to be above the appropriate minimum (€100), a deposit of at least 20% must be charged.

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

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Part 2 – Our Role and Structure

Our Vision, Mission, and Values

Our Vision is to enable everyone to live in good quality, affordable homes in sustainable communities

Our Mission is to be housing experts driven by an understanding of the central role housing plays in people's quality of life and life changes.

Our Values are; independent influence, quality expertise, innovation and solution focused, respected reputation and collaboration.

To make a real difference to peoples' lives by **promoting sustainable communities**, we will

- Enable increased supply through promotion of quality and sustainability in housing delivery and management
- Provide a range of resolution services to address national level housing issues
- Be a knowledge-centre for housing policy and practice

Our Policy on Confidentiality

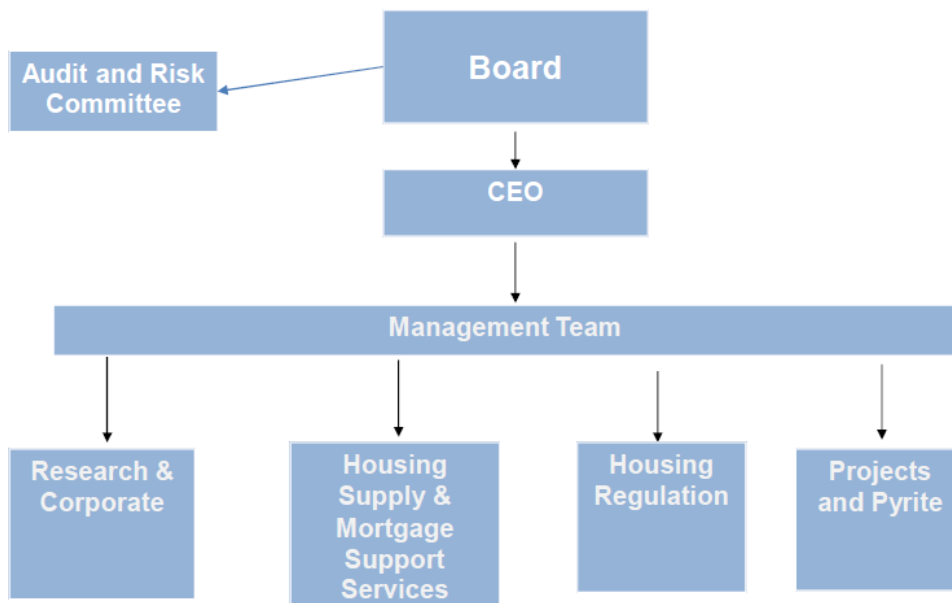
We undertake to treat as confidential any information provided to the Housing Agency in confidence by individuals or others, subject to the obligations under law, including the Freedom of Information Act. If, for any reason, you wish that information provided to us should not be disclosed because of its sensitive nature, then you must, when supplying the information, make clear this wish and specify the reasons for the information's sensitivity. We will consult with you before making a decision on any Freedom of Information request received involving sensitive information which you may have supplied.

Detailed Information on our Structure and Organisation

The Board

Conor Skehan	Chairperson
Eugene Cummins	Roscommon County Council
Bairbre Nic Aongusa	Dept. of Housing, Planning, Community and Local Government
Lorraine Lynch	Cork County Council
Donal McManus	Irish Council for Social Housing
John Burke	Department of Public Expenditure and Reform
John O' Connor	Housing Agency

Organisational Structure



Classes of Records Held

Internal Administration Records

- Minutes of Board Meetings
- Executive Board Papers
- Strategic Management Papers
- Legal Documents
- Declarations of Interests
- Minutes of Committee Meetings
- Personnel Files
- Recruitment and Selection Files
- Statistical Returns
- Superannuation Documentation
- Engagement of Consultants Documentation Legislation
- Tender Documents
- Annual Report
- Insurances
- Building Administration
- Health and Safety Documentation
- Correspondence with other Government Bodies
- Freedom of Information Manuals - Sections 15 & 16
- Housing Agency has a number of Policy & Procedures in place, which cover, Finance, Procurement and Engagement of Consultants, General Office Procedures
- Corporate Governance Documentation –Corporate Governance Principles and Practices (including Code of Business Conduct) and an Internal Audit Charter.

Financial Records

- Budgets
- Financial Accounts
- Management Accounts
- Audit Files
- General Procurement – Quotes/Orders
- Debtors/Creditors
- Salaries
- Taxation Documentation
- Project Costing

Classes of Records Held in Housing Supply

- Procurement
- Project Files
- Reports

Classes of Records Held in Research

- Procurement
- Data Analysis
- Research Assessments
- Policy Notes

Classes of Records Held in Regulation

- Minutes of Meetings
- Policy Notes
- Charters
- Annual Returns

Classes of Records Held in Projects

- Procurement
- Technical Specifications
- Technical Guidance
- Technical Standards
- Policy Notes

Classes of Records Held in Asset Management

- Assessment of Sites and Lands
- Policy Notes
- Legal Documents
- Leases

Classes of Records Held in Pyrite

- Policy Notes
- Procurement Records
- Payments and relevant reports
- Homeowner Records

Rules and Practices

The Housing Agency was setup in August 2012 through an Establishment Order. This sets out how the Housing Agency is operated.

The Housing Agency is governed by a Board. This Board is governed by the “Code of Practice for the Governance of State Bodies” and this applies to how the business of the Housing Agency is conducted. In conjunction with this the following documentation has been prepared and adopted by the Agency:-

- Corporate Governance Principles and Practices (including Code of Business Conduct).
- Internal Audit Charter

Housing Agency Policies and Procedures

This sets out financial procedures, procurement procedures, procedures relating to meetings, board meeting procedures, use of corporate templates, filing structure, office security, backup to the server and confidentiality.

Other documents that relate to the rules and regulations of the Housing Agency are:

- Corporate Bodies Act, 1971
- Housing Miscellaneous Act (2002)
- Department of Finance – procurement procedures