

## **FOI Publication Scheme 2020**

### **STANDARDS IN PUBLIC OFFICE COMMISSION**

#### **FREEDOM OF INFORMATION PUBLICATION SCHEME**

##### **Introduction**

The following Publication Scheme has been prepared under Section 8 of the Freedom of Information Act 2014 (FOI Act). The Scheme came into effect on the 1 March 2020. It is designed to facilitate the provision of information to the greatest extent possible, except for information exempted under the FOI Act.

The Scheme is web based and contains links to reference material on our website, which will be updated as provided for under the Act. A hard copy will be made available for viewing by appointment.

##### **1. Information about the Standards in Public Office Commission**

###### Who we are and what we do

The Standards in Public Office Commission is an independent body, established in December 2001 by the Standards in Public Office Act 2001. It has six members and is chaired by a former Judge of the High or Supreme Court. It has supervisory roles under four separate legislative frameworks. Its functions include supervising compliance and investigating potential non-compliance with the Acts. Operational oversight includes the disclosure of interests of office holders and their compliance with tax clearance requirements, the disclosure of political donations and election expenditure, the expenditure of state funding received by political parties, the review of audited statement of accounts by political parties and the regulation of lobbying.

###### Establishment

The Standards in Public Office Commission (the Standards Commission) was established on 10 December 2001 by the Standards in Public Office Act 2001. It replaced and assumed all of the functions of the former Public Offices Commission which had been in place since the commencement of the Ethics in Public Office Act 1995 in November 1995.

###### Functions of the Commission

The Standards in Public Office Commission (the Standards Commission) has a supervisory role under four separate legislative frameworks as follows:

- The [Ethics in Public Office Act 1995](#), as amended by the [Standards in Public Office Act 2001](#), (the Ethics Acts).
- The [Electoral Act 1997](#), as amended, (the Electoral Acts)
- The [Oireachtas \(Ministerial and Parliamentary Offices\) \(Amendment\) Act 2014](#), (the Parliamentary Activities Allowance Act)
- The [Regulation of Lobbying Act 2015](#)

###### Roles and Responsibilities

The Ethics in Public Office Acts 1995 and 2001 provide a statutory framework for disclosure of personal, family and business interests by parliamentarians and other civil and public servants and

also deal with matters such as tax clearance obligations, codes of conduct, surrender of valuable gifts, etc.

As well as its functions under the Ethics Acts, the Standards Commission is responsible for supervision of the Electoral Act 1997 (as amended). The role of the Standards Commission under the Electoral Act relates mainly to matters such as disclosure and limitation of political donations, expenditure at Dáil, European Parliament and Presidential elections, verifying and ordering the reimbursement of election expenses, verifying the expenditure of Exchequer funding by qualified political parties, party leaders and independents, registration of third parties and corporate donors etc.

In addition, the Commission has a role in supervising the funding of political parties and independents under the Oireachtas (Ministerial and Parliamentary Offices)(Amendment) Act 2014 (known as the Parliamentary Activities Allowance legislation). Under this legislation parliamentary leaders of qualifying political parties and independent members must report annually on their expenditure from the allowance paid to the member in respect of the previous year. Statements must be audited and provided to the Commission along with the auditor's report.

Finally, the Standards Commission has responsibility for the implementation of the Regulation of Lobbying Act 2015. The Act provides for the registration of lobbyists and the disclosure of lobbying activities on a publicly accessible, web-based register of lobbying. Those persons who fall within the scope of the legislation who are communicating with designated public officials about relevant matters must register online and submit returns of their lobbying activities three times per year. Returns must disclose who was lobbying, who was lobbied, the subject matter, method and frequency of communication, and the intended result. The Act also provides for a post-employment cooling-off period after certain public officials leave office, during which they are prohibited from engaging in certain lobbying activities. Finally, the Commission has also established a Code of Conduct for lobbyists.

The overriding purpose of the aforementioned legislation is to ensure that openness, accountability and transparency are at the centre of our systems of public administration and governance.

#### Records held in the Office

The range of records held in the Office fall within the following broad categories (some overlap may occur)

##### *Internal Administration Records*

- Personnel Records
- Accounts Records
- Assets Register
- Civil/Public Service Guidelines and Circulars
- Published Media Coverage, including press cuttings
- Speeches, Presentations and Articles by Commission members and the Commission Secretariat
- Contacts with public bodies including contact names for each body covered by the legislation under which the Commission operates

- Notes and minutes of management meetings and associated documentation
- Notes and minutes of meetings of the Advisory Group on the Regulation of Lobbying
- Records relating to publication of reports e.g. periodic and annual reports, including records relating to translation, tendering, designing and printing
- Management of the website of the Commission ([www.sipo.ie](http://www.sipo.ie))
- Management/development of the Register of Lobbying
- Management/development of the lobbying.ie website ([www.lobbying.ie](http://www.lobbying.ie))
- FOI requests for access to records held by the Commission
- Applications for review of FOI decisions
- Data Protection Act requests for access to records held by the Commission
- Correspondence with registrants under the Regulation of Lobbying Act
- General enquiries and correspondence

#### *Policy*

- Contacts with the Department of Public Expenditure and Reform
- Contacts with the Department of Housing, Planning, Community and Local Government
- Contacts with Oireachtas Committees
- Correspondence with outside bodies

#### *Legislation and related matters*

- Discussions with the Department of Public Expenditure and Reform regarding the operation of the Ethics Acts and proposed ethics legislation
- Discussions with the Department of Public Expenditure and Reform regarding the operation of the Regulation of Lobbying Act 2015
- Discussion with the Department of Housing, Planning, Community and Local Government regarding the operation of the Electoral Acts and the proposed legislation for an Electoral Commission

#### *Staff Instructions/Guidelines*

- Various Guidelines and Procedures documents for dealing with the work under the various pieces of legislation for which the Commission is responsible
- Liaison arrangements with public bodies

#### *Investigations/Enquiries by the Commission*

- Communications with complainants, subjects of investigation, any relevant public body and any relevant third parties
- Records relating to enquiries made to the Commission

- Submissions in connection with an investigation/preliminary inquiry/case assessment
- Legal advice provided to the Office
- Decisions of the Commission, including decisions by staff with delegated authorities
- Other records relating to investigations and enquiries, including briefing notes for the Commission, investigation reports, analysis, comment by Secretariat staff

### Governance and Management arrangements

This Office is committed to best practice structures, processes and systems that support the successful operation of duties in an ethical, accountable, transparent and effective manner. Details of the Office's governance arrangements can be found in its [Corporate Governance Framework](#) document, which sets out the systems, principles and processes by which the Office is directed and controlled.

#### *Corporate Plans & Strategies*

The staff of the Secretariat to the Standards Commission also contributes to, and is guided by, the wider Strategy Statement of the Office of the Ombudsman. Links to the Strategy Statement of the Office of the Ombudsman can be found [here](#).

#### *Annual Reports*

The Commission's Annual Reports are available on the website at [Annual Reports](#).

#### *Membership of the Commission*

Chairperson of Commission:

- Currently vacant (from 11 February 2020)

Ex-officio members:

- Mr. Seamus McCarthy, Comptroller and Auditor General;
- Mr Peter Tyndall, Ombudsman;
- Mr. Peter Finnegan, Clerk of Dáil Éireann
- Mr. Martin Groves, Clerk Assistant of Seanad Éireann

Ordinary member:

- Currently vacant (from 11 February 2020)

#### *Staff of Secretariat*

Principal Officer:

- Sherry Perreault, Head of Ethics & Lobbying Regulation

Assistant Principals: 4

Higher Executive Officers: 4

Administrative Officers: 3

Executive Officer: 4

Clerical Officers: 4

### *Pay Grading*

The *ex-officio* members of the Commission do not receive any additional remuneration or allowance for their work on the Commission. The Chairman and Ordinary Member (when *in situ*) receive a per diem payment for attendance. Both are also entitled to claim travel and subsistence allowance, where appropriate.

The staff of the Commission Secretariat are civil servants and the salary scales of civil servants may be found in the circular available at the following link:

Salaries of Civil Servants <https://circulars.gov.ie/pdf/circular/per/2019/17.pdf>

### Location and Contact Information

6 Earlsfort Terrace, Dublin 2, D02 W773

Telephone: (01) 6395666

Email: [info@sipo.ie](mailto:info@sipo.ie)

Opening hours: between 9.15 and 5.00 Monday to Friday.

Directions to the Office can be found at: <https://www.sipo.ie/about/contact/>.

### Media Enquiries

Contact:

Press Officer, Standards in Public Office Commission

Phone: 01-639 5666

Email: [info@sipo.ie](mailto:info@sipo.ie)

### Service Users' Charter

The Standards Commission has adopted a Service Users' Charter. This is available at <https://www.sipo.ie/services-users-charter/>

### Code of Practice

The staff of the Secretariat are serving civil servants in the Civil Service of the State and are therefore bound by the [Civil Service Code of Standards and Behaviour](#).

## **2. Services Provided to the Public**

On this page a brief description of the main features of the various pieces of legislation and the functions performed by the Standards Commission in each case is provided.

## Ethics Acts

### *Overview of the Ethics Acts*

The Ethics Acts provide for disclosure of interests, including any material factors which could influence a Government Minister or Minister of State, a member of the Houses of the Oireachtas, a member of a State board or a public servant in performing their official duties. The principal objective of the legislation is to demonstrate that those who are participating in public life do not seek to derive personal advantage from the outcome of their actions. To meet this objective, a statutory framework has been put in place to regulate the disclosure of interests and to ensure that other measures are taken to satisfy the broad range of obligations arising under the legislation. The legislation is founded on the presumption of integrity but recognises that specific measures should exist to underpin compliance.

Under the Ethics Acts, as well as disclosing interests, evidence that they are tax compliant must be furnished to the Standards Commission by all members of both Houses of the Oireachtas, the Attorney General and appointees to senior office in public bodies. The legislation also requires the drawing up of codes of conduct for ordinary members of the Houses, for office holders (e.g. Ministers of the Government and Ministers of State) and for public servants. These codes are published by the Standards Commission.

### *Functions of the Standards Commission under the Ethics Acts*

The principal ongoing functions of the Standards Commission are to provide advice and guidelines on compliance with the Ethics Acts, to administer the disclosure of interests and tax clearance regimes and to investigate and report on possible contraventions of the legislation. These functions of the Standards Commission apply to office holders and to public servants and, in relation to tax compliance measures, to all members of the Houses. Apart from matters relating to tax clearance, the Committees on Members' Interests of both Houses have functions similar to those of the Standards Commission in relation to members of the Houses who are not office holders.

### *Further Information*

Further information concerning the requirements of the Ethics Acts and the role of the Standards Commission under this legislation can be found on the [Guidelines](#) and [Annual Reports](#) sections of its website. Details of the Ethics Acts and regulations made under the Ethics Acts can be found in the [Acts and Codes](#) section of the website.

Details of how persons who have obligations under the Ethics Acts can request advice from the Standards Commission are available on the [Contact Us](#) page of the website.

## Electoral Acts

### *Overview of the Electoral Acts*

The purpose of the Electoral Acts is to ensure that there is openness and accountability in the relationships that exist between, on the one hand, political parties and individual politicians and, on the other, those who would support them politically, whether by way of financial assistance or otherwise. The legislation also seeks to achieve equity in the electoral process by limiting expenditure at elections and by providing a system whereby candidates at elections can, in certain

circumstances, recoup election expenses. The Electoral Acts also provide for State financing of qualified political parties which received at least 2% of the first preference votes at the last preceding Dáil general election.

#### *Functions of the Standards Commission under the Electoral Acts*

The Electoral Acts require the Standards Commission to monitor and, where it considers it appropriate to do so, to report to the Chairman of Dáil Éireann on matters relating to -

- the acceptance and disclosure of donations received by political parties, Members of both Houses and of the European Parliament and candidates at Dáil, Seanad, European Parliament and presidential elections
- the opening and maintenance of political donations accounts
- the limitation, disclosure and reimbursement of election expenses
- the registration of corporate donors
- the registration of "third parties" (i.e. campaign / lobby groups or individuals which accept a donation for political purposes that exceeds €100 in value) and other persons
- the review of annual statements of accounts and auditors reports furnished to the Commission by political parties
- State financing of qualified political parties.

The Standards Commission may conduct whatever enquiries are necessary in the discharge of its statutory functions. It may refer files to the Director for Public Prosecutions where it considers that a criminal offence may have been committed.

The Standards Commission is required, from time to time, to draw up and publish guidelines and provide advice on compliance to persons who are covered by the provisions of the Electoral Acts. A person must act in accordance with guidelines published or advice given by the Standards Commission, unless, by doing so, he or she would be contravening another provision of the Electoral Acts.

The Standards Commission is also required to facilitate the inspection and copying, by any person, of Donation Statements, Election Expenses Statements, etc., furnished to it under the legislation.

#### *Further Information*

Further information concerning the requirements of the Electoral Acts and the role of the Standards Commission under this legislation can be found in the [Guidelines](#) section of the website (under "Corporate Donors", "Donations", "Donations to multiple recipients", "Elections", "Political Party Accounts", "Recipients of State Funding", and "Third Parties") or the [Publications](#) section of this website (under "Annual disclosures", "Election reports", "Guidelines", "Political Party Accounts", "Register of Third Parties", "Register of Corporate Donors", and "State Financing"). Details of the Electoral Acts and regulations made under the Electoral Acts can be found in the [Legislation](#) section of the website.

Details of how persons who have obligations under the Electoral Acts can request advice from the Standards Commission are available on the [Contact Us](#) page of the website.

## Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014 (the Parliamentary Activities Allowance)

### *Overview of the Parliamentary Activities Allowance*

The Parliamentary Activities Allowance legislation provides for the payment of an annual allowance to the leaders of parliamentary parties and independent members in relation to expenses arising from the parliamentary activities, including research. The amount paid is based on the party's representation in Dáil and Seanad Éireann, with a separate rate paid to independent members. The allowance is reduced where a party forms part of the government. The "parliamentary activities" to which the funding may be applied are set out in the Parliamentary Activities Allowance Act. The funding may not be used for electoral or referendum purposes.

The Parliamentary Activities Allowance Act requires the party leader/independent member to prepare, or cause to be prepared, a statement of expenditure from the allowance received in respect of the preceding year. The statement must set out, under specific headings, the items on which the funding was spent. The statement must be audited by a public auditor and must be furnished together with the auditor's report to the Standards Commission within 120 days of the end of the financial year for which the allowance has been paid (i.e. 30 April). Failure to furnish the statement within this timeframe can result in a suspension of the Allowance.

### *Functions of the Standards Commission under the Parliamentary Activities Allowance*

The Standards Commission must consider each statement and auditor's report furnished to it and, if necessary, consult with the party leader or independent member on any matter contained in the statement. The Standards Commission is also required to furnish a report to the Minister for Public Expenditure and Reform indicating whether the statement and auditor's report have been submitted within the specified period. It must also indicate whether any unauthorised expenditure is disclosed and whether the statement is adequate or inappropriate.

The Standards Commission must cause a copy of the report to the Minister for Public Reform and Expenditure to be laid before each House of the Oireachtas. Copies of the statements and auditors' reports must be retained by the Standards Commission for 3 years and must be made available for public inspection and copying.

### *Further Information*

Further information concerning the requirements of the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014 and the role of the Standards Commission under this legislation can be found in the [State Financing](#) section of this website. Details of the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014 can be found in the [Legislation](#) section of this website.

Details of how persons who have obligations under the Act can request information from the Standards Commission are available on the [Contact Us](#) page of the website.

## Regulation of Lobbying Act 2015

### *Overview of the Lobbying Act*

The Regulation of Lobbying Act 2015 was signed into law on 11 March 2015 and came into effect on 1 September 2015.



The purpose of the Act is to provide for a web-based Register of Lobbying to make information available to the public on the identity of those communicating with designated public officials on relevant matters, including policy, program, legislation, funding or zoning and development. The Act designates the Standards in Public Office Commission as Registrar. The Commission has delegated certain decision-making functions under the Act to the Head of Ethics and Lobbying Regulation.

The Act also provides that specific classes of designated public officials (namely Ministers and Ministers of State, special advisors and public and civil servants) are subject to a one-year post-employment cooling-off period, during which they must not engage in specific lobbying activities.

Anyone carrying on lobbying activities must keep a record of these activities for each prescribed reporting period and submit them to the register by the statutory deadline, which falls every four months. This information will be required to be submitted to the Register within 21 days after the end of each four month period.

#### *Functions of the Standards Commission under the Lobbying Act*

The Act provides that the Standards Commission will be the Registrar of Lobbying. The Standards Commission will oversee the implementation of the register, monitor compliance, provide guidance and assistance and, where necessary, investigate and pursue breaches of legal requirements in due course.

With effect from 1 January 2017, the enforcement provisions of the Act commenced. Registered persons who are late submitting a return or a nil return will receive a fixed payment notification for the amount of €200. Other offences under the Act, including failure to register, failure to submit a return, providing false or misleading information to the Commission, or failing to cooperate or obstructing an investigation, may be subject to prosecution. Consequences will be determined by the courts, and may include fines or imprisonment.

#### *Further Information*

Further information and guidelines promoting an understanding of the Act are available at [www.lobbying.ie](http://www.lobbying.ie). Persons wishing to be kept up to date on any developments regarding Regulation of Lobbying can follow the Twitter account [@lobbyingIE](https://twitter.com/lobbyingIE) or visit [www.lobbying.ie](http://www.lobbying.ie).

### **3. Decision Making process for major policy proposals**

#### How we make decisions

The Commission has supervisory functions and therefore does not make public policy. However the Commission does, on occasion, provide submissions on the operation of the legislation it supervises to the Department of Public Expenditure and Reform and to the Department of Housing, Planning, Community and Local Government. For example, the Commission has made submissions on the Public Sector Standards Bill 2015, legislative reviews of the Regulation of Lobbying Act, and on the proposed establishment of an Electoral Commission.

The main decision making functions of the Commission in respect of its role under the Ethics are in relation to providing advice, and in deciding to carry out an investigation of a complaint and deciding on the findings and determinations on foot of the investigation.

In relation to the Electoral Acts and the Parliamentary Activities Allowance legislation, its main decision-making role is in the provision of advice, and in deciding whether statutory returns made to the Commission in respect of donations, election expenses and Exchequer funding are in accordance

with the legislation. It may also decide to refer files to the Director for Public Prosecutions where breaches of the Electoral legislation are found.

Under the Regulation of Lobbying Act, the Commission may also make decisions with respect to the information contained on the Register of Lobbying, to delay in whole or in part publication of information contained in a registration or a return of lobbying activities, and to waive or reduce the post-employment cooling-off period to which certain departing public officials are subject. The Commission may also investigate possible contraventions of the Act and prosecute non-compliance.

#### **4. Financial information**

##### What we spend

The Commission is funded under the financial vote allocated to the Office of the Ombudsman. Appropriation accounts are published by the Office of the Comptroller and Auditor General on an annual basis. Details are available at: <https://www.audit.gov.ie/en/Find-Report/Publications/Appropriation%20Accounts/>

#### **5. Procurement**

##### How we spend it

[Procurement Procedures for Model Publications Scheme](#)

#### **6. FOI Disclosure Log and Other Information to be Published Routinely**

##### FOI Disclosure Log

Non-personal FOI requests received since 1<sup>st</sup> January 2015 can be viewed [here](#).

##### FOI Requests to the Office

Under the FOI Act, any person is entitled to apply for access to information which is not otherwise publicly available. In general, a person has a right of:

1. Access to records held by the Office
2. Correction of personal information, relating to oneself, held by the Office, where such information is inaccurate, incomplete or misleading.
3. Access to reasons for decisions made by the Office which directly affect oneself.

The FOI Act does not cover all records held by the Office. The FOI Act does not apply to records precluded from disclosure under section 35 of the Ethics Acts, i.e. information obtained under the Ethics Acts or the Regulation of Lobbying Act 2015 or by being present at a meeting of the Commission, unless covered by an exception in section 35(2); or to statements from financial institutions, certificates of monetary donations and statutory declarations furnished to the Commission under the Electoral legislation, unless ordered by a court to disclose them or save when such disclosure is required in connection with an investigation held by the Commission. Examples of records precluded from disclosure under the Ethics Acts include statements of interests, requests for advice and records obtained in connection with the examination of a complaint. Other records – e.g. those relating to the administration of the Office such as personnel matters or general contacts with public bodies – may be available under the FOI Act (subject to the standard exemptions).

FOI requests relating to records of the Office should be made to:

FOI Decision Officer

Standards in Public Office Commission

6 Earlsfort Terrace

Dublin 2 D02 W773

Telephone: (01) 6395666 Email: [foi@sipo.ie](mailto:foi@sipo.ie)

Requests should be made in writing and should specify that they are being made under the FOI Act. The form in which the records are sought – e.g. photocopies/disk – should be stated in the request. To allow identification of the records sought, requesters should describe the records in as much detail as possible. If possible, a contact number which can be used during office hours should be provided for the purpose of clarifying the details of an FOI request. The staff of the Office will assist in the formulation of an FOI request, if necessary.

The Office will acknowledge a request under the FOI Act within two weeks. This will include notification that, in the event that the requester is not satisfied with the FOI decision issued, there is a right to request an internal review of the decision. The decision will issue within four weeks.

#### Right to Internal Review of a Decision

The FOI Act provides for a right to internal review of decisions of public bodies. An internal review may be requested where an FOI request has been refused or partially granted or where access has been deferred. An internal review can also be requested where the form of access or the level of fees charged is disputed. *Refusal of an FOI request is deemed to have occurred where a decision has not issued within four weeks of receipt of the FOI request.*

Requests for internal review of decisions of the Office should be made, in writing, to:

FOI Internal Reviewer

Standards in Public Office Commission

6 Earlsfort Terrace

Dublin 2 D02 W773

Telephone: (01) 6395666 Email: [foi@sipo.ie](mailto:foi@sipo.ie)

who will ensure that the review is carried out by an official at a higher level than the official who made the original FOI decision. Such a request should be made within four weeks of the original decision. The decision following internal review must issue within three weeks of its receipt.

#### Information published by the Office

The FOI Act is intended to allow access to information held by public bodies which is not routinely available by other means subject to certain exemptions, procedures and time limits. The following information about the activities and functions of the Office is available without the need to use the FOI Act.

#### Annual Reports

The Commission submits a report to the Minister for Public Expenditure and Reform each year in relation to the Commission's activities during the previous year. Annual reports are available from:

- The Commission Secretariat at 6 Earlsfort Terrace, Dublin 2.
- On our website at the following link: <https://www.sipo.ie/reports-and-publications/annual-reports/>

#### Codes of Conduct:

For civil servants, local authority members and employees, office holders, senators, TDs, available at: <https://www.sipo.ie/acts-and-codes/codes-of-conduct/>

For persons carrying on lobbying activities, available at <https://www.lobbying.ie/about-us/code-of-conduct/>

#### Guidance Notes:

Available at [www.sipo.ie](http://www.sipo.ie) and [www.lobbying.ie](http://www.lobbying.ie)

#### Other publications

The Commission also publishes reports on the various aspects of its operation. See reports section of the [www.sipo.ie](http://www.sipo.ie) and [www.lobbying.ie](http://www.lobbying.ie).

The above publications are all available free of charge from the Office or on the above websites.

#### Website

Our website ([www.sipo.ie](http://www.sipo.ie)) contains additional information about the Office. This includes:

- Information about the Commission and its role
- Information on the Commission, including its compliance with the Disability Act and the Reuse of Public Sector Information
- Full text of the legislation it supervises
- Lists of all Public Bodies within the scope of the Ethics Act
- How to make an FOI request to the Office
- Various forms that may be used for making statutory returns to the Commission

Our lobbying website ([www.lobbying.ie](http://www.lobbying.ie)) contains information about the Commission's role and activities administering the Regulation of Lobbying Act, including:

- Information about the Commission and its role
- Information on the Commission's activities, including its compliance with the Disability Act and the Reuse of Public Sector Information
- Full text of the Regulation of Lobbying Act
- How to make an FOI request to the Office
- Information tools to assist compliance with the Regulation of Lobbying Act