



Freedom of Information Act Sections 15 & 16 Reference Book

**A guide to the functions, records, rules and
practices of the Commission for Taxi
Regulation**

April 2010

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Preface

This Reference Book has been prepared in accordance with the publication requirements set out in Section 15 of the Freedom of Information Act, 1997. It is intended as a practical guide to the services of the Commission, to assist you in identifying and accessing the information which we hold. It is not a definitive description of all our services and should you require further details please do not hesitate to contact the Commission.

Background

This *Freedom of Information Sections 15 and 16 Reference Book – A Guide to the functions, records, rules and practices of the Commission for Taxi Regulation, August 2007* is compiled in accordance with the Freedom of Information Acts 1997, as amended by the Freedom of Information Act 2003. All references in this manual to the Freedom of Information Act or Acts refer to the 1997 Act as amended by the 2003 Act.

The Freedom of Information (FOI) Acts, effective from 21st April 1998, establish three statutory rights:

1. a legal right for each person to access information held by public bodies;
2. a legal right for each person to have official information relating to him/herself amended where it is incomplete, incorrect or misleading;
3. 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.

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.

Section 15

In accordance with Section 15 of the Act, the purpose of this reference book is to facilitate access to official information held by the Commission, 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 we hold, and information on how to make a request to the Commission under the Freedom of Information Acts, 1997 and 2003.

Section 16

Section 16 of the FOI Act requires us to publish a book containing:

- a) 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

- b) 'appropriate information in relation to the manner or intended manner of administration of any such enactment or scheme.'

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 us and any fees that may arise.

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

- **Role** – outlines the main work we do;
- **Structure** – gives details of our personnel structure;
- **Work we do** – provides a synopsis of our main activities;
- **Classes of records held** – describes the classes of records we hold;
- **Contact points**– how to contact us for assistance;
- **Rules and Practices** – this information is provided in accordance with Section 16 of the FOI Act, as amended. Where we provide any scheme impacting on the public within the meaning of Section 16 of the Act, as outlined under the heading Purpose of Reference Book above, the rules and practices that we use 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 from our website www.taxiregulator.ie or a printed copy will be provided on request from the Commission by ringing our lo-call consumer information line – 1890 606090 or by emailing commission@taxiregulator.ie.

Part 1 - Access to Information

How to get Information

Routinely Available Information

The Commission currently makes information routinely available to the public in relation to its functions, activities and schemes. Such information will continue to be available informally without the need to use the FOI mechanism. Through our website, information on our role, aims and structure can be accessed. We have also put in place a 'publications' section containing all publications emanating from the Commission. The Legislation section contains copies of statutory instruments made by the Commission and lists all other relevant legislation. Press releases and news items are also available. It is important to note that the Commission is registered as a data controller under the Data Protection Act 2003. The provisions of this Act still apply in relation to personal data and a request in relation to such data may be made under either the Data Protection Act or the Freedom of Information Act.

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 records held by us not covered by one of the exemptions in the Act;
- Correct personal information held by us relating to himself/herself where it is inaccurate, incomplete or misleading;
- Access reasons for decisions made by us directly affecting him/herself.

The following records come within the scope of the Act:

- All records relating to personal information held by us 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.

We 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:

FOI Officer
Commission for Taxi Regulation,
35 Fitzwilliam Square, Dublin 2.
Telephone: +353 1 6593813
Fax: +353 1 6593801

Email: commission@taxiregulator.ie

Compiling your application

- (i) Your application should be in writing and, if applicable, accompanied by the appropriate fee (see "fees" below). The relevant fee should be paid by Bank Draft, Money Order, Postal Order or cheque drawn on a bank in the Republic of Ireland, made payable to the "Commission for Taxi Regulation".

You may use the form entitled 'Request for Information under the Freedom of Information Acts' which is widely available or OUR version of this form (see Appendix 1). This form is also available from our website www.taxiregulator.ie

If you are not using the form outlined above, then your application should indicate that the information is sought under the Freedom of Information Act.

- (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 us 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 our 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 photo 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.

We are happy to provide assistance to members of the public who seek advice on making a request.

Assistance to persons with a disability

We 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 Commission for Taxi Regulation

Freedom of Information decisions are taken by Jennifer Gilna, FOI Officer and internal appeals are decided by Jill Barry, Director of Policy and Operations.

We acknowledge receipt of FOI applications not later than 2 weeks following their receipt and forward 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:

Ms Jill Barry,
Director of Policy and Operations,
Commission for Taxi Regulation,
35 Fitzwilliam Square, Dublin 2.
Telephone: +353 1 6593813
Fax: +353 1 6593801
Email: commission@taxiregulator.ie

The relevant fee should be paid by Bank Draft, Money Order, Postal Order or cheque drawn on a bank in the Republic of Ireland, made payable to the "Commission for Taxi Regulation".

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>

Application fees

A standard application fee of **€15** must accompany an FOI request made under section 7 of the Act for a record or records **containing non-personal information**.

A reduced fee of **€10** applies if the person making such a request is a medical card holder or the dependant of a medical card holder.

The following requests/applications are exempt from application fees:

- (a) A request under section 7 for a record or records containing only personal information related to the requester,
- (b) An application under section 17 (right of amendment of records relating to personal information), and
- (c) An application under section 18 (right of person to information regarding acts of public bodies affecting the person).

Internal review fees

A standard application fee of **€75** must accompany an application for internal review under section 14 of the Act.

A reduced fee of **€25** applies if the person bringing the application is a medical card holder or the 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 a decision under section 17 (right of amendment of records relating to personal information),
- (c) An application in relation to a decision under section 18 (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, and
- (e) An appeal of a decision which is deemed to be refused because the original request was not replied to within the required time limits.

Review by Information Commissioner

A standard application fee of **€150** must accompany applications to the Information Commissioner for review of decisions made by public bodies under section 34 of the Act.

A reduced fee of **€50** applies if:

- (a) the person bringing the application is a medical card holder or the dependant of a medical card holder, or
- (b) the person is specified in section 29(2) i.e. 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 do not require an application fee:

- (a) An application concerning records containing only personal information relating to the applicant;
- (b) An application in relation to a decision under section 17 (right of amendment of records relating to personal information);
- (c) An application in relation to a decision under section 18 (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 under section 47 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 relating to the requester or the requester is not a medical card holder or a dependant of a medical card holder;
- (e) An appeal of an internal review decision which is deemed to be refused because that decision was not made within the required time limits.

Search and Retrieval and Photocopying Fees

Fees may also be charged for search and retrieval of records as follows:

- In respect of personal records, fees in respect of the cost of copying the records requested will apply.
- In respect of other (non-personal) information, fees may be charged in respect of the time spent in efficiently locating and copying records, based on a standard hourly rate of €20.95. No charges shall apply in respect of the time spent by public bodies in considering requests.

A deposit may be payable where the total fee is likely to exceed €50.79. In these circumstances, we will, if requested, assist the member of the public to amend the request so as to reduce or eliminate the amount of the deposit.

Charges may be waived in the following circumstances:

- Where the cost of collecting and accounting for the fee would exceed the amount of the fee;
- Where the information would be of particular assistance to the understanding of an issue of national importance;
- In the case of personal information, where such charges would not be reasonable having regard to the means of the requester.

Section 47 of the FOI Act sets out the rules for applying search and retrieval fees. Fees are currently set as follows in accordance with S.I. No. 13 of 1997, S.I. No. 139 of 1998 and S.I. No. 264 of 200,3 as follows:

- €20.95 per hour - search and retrieval;
- €0.04 per sheet for a photocopy;
- €0.51 for a 3½ inch computer diskette;
- €10.16 for a CD-ROM;
- €6.35 for a Radiograph (X-Ray).

Part 2 – Our Role and Structure

Our Mission Statement

The objective of the Commission is:

"To achieve a first class, professional, efficient, safe and accessible, customer-friendly service, for small public service vehicle passengers and service providers."

Our Policy on Confidentiality

We undertake to treat as confidential any information provided to the Commission in confidence by individuals or others, subject to our obligations under law, including the FOI 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 FOI request received involving sensitive information which you may have supplied.

Detailed Information on our Role and Structure

Role

The principal function of the Commission is the development and maintenance of a regulatory framework for the control and operation of taxis, hackneys and limousines¹. Our commitment to developing a quality and customer-oriented licensing system is guided by our mission statement.

The Commission is the statutory body responsible for the regulation of the small public service vehicle industry in Ireland. By virtue of section 34 of the Taxi Regulation Act 2003 the Commission may make regulations in relation to the licensing, ownership, control and operation of SPSVs, the licensing and control of small public service vehicle drivers, and the standards to be applied to SPSVs and their drivers. There has been a range of such regulations made – see the legislation section of www.taxiregulator.ie - in order to help us achieve our statutory objectives.

Commissioner

Kathleen Doyle

Management

Jill Barry Director of Policy and Operations

Mary Johnson Director of Enforcement and Legal Affairs

Berit Keyes Head of Projects and Planning

Eddie Fullerton Head of Enforcement

Jennifer Gilna Head of Corporate Affairs

¹ Section 9 of the Taxi Regulation Act 2003

Sonia McIntyre PA to Commissioner
Guido Cozzi Information Officer
Jacqueline Fennessy Customer Services Manager
Michelle Cosgrove Customer Services Administrator
Tom Banning Customer Services Administrator
Emer Goggins Enforcement Executive
Ann Wilson Enforcement Administrator
Tom Barry Enforcement Officer
Martin Bates Enforcement Officer
Anthony Carey Enforcement Officer
Adam Doherty Enforcement Officer
Liam Kavanagh Enforcement Officer
Joe Kineen Enforcement Officer
Noel McNally Enforcement Officer
Barry O'Meara Enforcement Officer
Stephen Ryan Enforcement Officer

Technical Advisor

Neill Anderson

Classes of Records Held

The Commission holds records under the following main categories:

1. National register of SPSVs

Under section 38 of the Taxi Regulation Act 2003, the Commission is required to maintain a national register of licences. There are currently two separate registers – a register of licensed SPSVs and a register of licensed SPSV drivers. The registers include the following details:

- (a) the name and address of the holder,*
- (b) any change of address of the holder,*
- (c) the licence number,*
- (d) where the licence is granted in respect of a vehicle, the unique identification mark (registration number) of the said vehicle,*
- (e) the driver number of the holder of a licence, that is to say the number of the driving licence granted to the holder,*
- (f) the category of small public service vehicle in respect of which a licence has been granted,*
- (g) the date of the grant of a licence,*
- (h) the area of application in respect of which the licence has been granted, where appropriate,*
- (i) details of any transfer of ownership of a licence or of the continuance in force of a licence in respect of a different vehicle,*
- (j) details of any suspension applying to a licence, including the period of the suspension, a reference to the reason for the suspension and particulars of all removals of such suspensions,*

(k) details of the revocation of a licence and the reasons for the revocation.

2. Complaints records as part of national complaints system to include:

- (a) Contact details of complainant;
- (b) Personal data in respect of complaint made / being investigated (name, address, email, telephone number, detail of journey undertaken, details of complaint);
- (c) Personal data in respect of legal proceedings being undertaken.

3. Employee records.

Contact details, income details, PPSN, cv/qualification, next of kin, date of birth, medical information as supplied.

4. Contact management system.

Contact details of persons requesting general information or publications, including telephone numbers, address and email address.

5. Third party suppliers – goods and services.

Contact details, information provided as part of procurement process.

The Commission may withhold some details which are not to be made public by reference to advice from An Garda Síochána or Data Protection Legislation.

National Register of Vehicle and Driver Licence Details

Access to individual records:

- Full access granted to actual licence holders;
- Third party access will be granted only where it is decided that the purposes for which the information is sought supports the reason for which the data is collected (for licensing purposes).

Examples of third party access that will be permitted;

- Requests for verification of licence for *bona fide* reasons – e.g. law enforcement.
- Requests for confirmation of licensing status

Please note that full access to the national register is provided on a regular basis to a number of approved third parties for the purposes of enforcement and other statutory activities – these include An Garda Síochána, the Revenue Commissioners, the Department of Social and Family Affairs, the Office for Tobacco Control, Data Commissioner, etc.

Examples of third party access that will not be permitted:

- Requests for contact details of an individual SPSV operator;
- Requests for information for commercial or marketing purposes

Format of access:

The register of licences is available to inspect at the Commission's offices by appointment.

Abridged register (excluding name and address) will be available on the Commission's website – www.taxiregulator.ie – from autumn 2010.

Individual certificates relating to information contained in a reference in a register are available to purchase from the Commission in accordance with section 38 of the Taxi Regulation Act 2003. Electronic versions of condensed register are available.

Vehicle Licensing – SPSVs

Rules and practices

A SPSV vehicle licence is only issued if the following conditions can be satisfied:

- Valid NCT roadworthiness certificate issued within 90 days of the date of licence issue;
- Valid tax clearance certificate;
- Valid insurance to cover the vehicle associated to the licence for operation as a SPSV;
- Payment of the appropriate fee;
- A completed and signed VL1 new licence application form;
- Complete an Initial Suitability Inspection to prove the vehicle suitability to operate as a SPSV;
- An engineer's report if the vehicle has been modified in any way.

A SPSV vehicle licence is only renewed if the following conditions can be satisfied:

- Valid NCT roadworthiness certificate issued within 90 days of the date of licence issue;
- Valid tax clearance certificate (name and address must match those on the licence exactly);
- Valid insurance to cover the vehicle associated to the licence for operation as a SPSV;
- Payment of the appropriate fee;
- A completed and signed VL2 renewal application form;
- Complete a Licence Renewal Assessment (LRA) to prove the vehicle continues to meet suitability requirements to operate as a SPSV;
- An engineer's report of the vehicle has been modified in any way.

A SPSV licence which has expired is only restored renewed of the following conditions can be satisfied:

- Valid NCT roadworthiness certificate issued within 90 days of the date of licence issue;
- Valid tax clearance certificate (name and surname must match those on the licence exactly);
- Valid insurance to cover the vehicle associated to the licence for operation as a SPSV;
- Payment of the appropriate fee;
- A completed and signed VL2 renewal application form;

- Complete a Licence Renewal Assessment (LRA) to prove the vehicle continues to meet suitability requirements to operate as a SPSV or an Initial Suitability Inspection if a different vehicle is being associated to the licence;
- An engineer's report if the vehicle has been modified in any way.

Access to information in relation to vehicle licensing

Access to personal information:

- The Commission will provide, on written application, any personal information relating to a vehicle licensing request to the licence holder

Appeals mechanisms in place:

- The Commission has implemented an appeals mechanism where a SPSV operator wishes to request a refund of the Expired Licence Renewal fee in exceptional circumstances (i.e. where payment would result in undue hardship).
- Appeals in relation to the refusal of a licensing application are also considered on a case by case basis by the Commission.
- Appeals in relation to the validity of Initial Suitability Inspections and Licence Renewal Assessments are reviewed by an external review panel on a case-by-case basis.

For information on any of the above mechanisms, please contact the Vehicle Licensing Manager, Commission for Taxi Regulation, 35 Fitzwilliam Square, Dublin 2. Tel. 01-6593820, email licensing@taxiregulator.ie

Driver Licensing

Rules, practices and appeals are subject to the procedures currently administered by An Garda Síochána.

The national register of driver licences is maintained by the Commission in co-operation with An Garda Síochána.

Requests for access to data from the national register of driver licences will be considered in line with the following policy:

Access to individual records:

- Full access granted to actual licence holders;
- Third party access will be granted only where it is decided that the purposes for which the information is sought supports the reason for which the data is collected (for licensing purposes).

Examples of third party access that will be permitted:

- Requests for verification of licence for *bona fide* reasons – e.g. law enforcement.
- Requests for confirmation of licensing status.

Please note that full access to the national register is provided on a regular basis to a number of approved third parties for the purposes of enforcement and other statutory activities – these include An Garda Síochána, the Revenue Commissioners, the Department of Social and Family Affairs, the Office for Tobacco Control, etc.

Examples of third party access that will not be permitted:

- Requests for contact details of an individual SPSV operator;
- Requests for information for commercial or marketing purposes.

Format of access

- Once finalised, the full register of vehicle licences available to inspect at the Commission's offices, by appointment.
- Abridged register (excluding name and address) will be available on the Commission's website – www.taxiregulator.ie – from autumn 2010.
- Individual certificates relating to information contained in a reference in a register are available to purchase from the Commission in accordance with section 38 of the Taxi Regulation Act 2003.
- Electronic versions of abridged register are available.

Policy on Disclosure of Information in Relation to Licence Holders

Section 38 of the Taxi Regulation Act 2003 requires the Commission to keep a register of licences to include the following details:

- (a) the name and address of the holder,*
- (b) any change of address of the holder,*
- (c) the licence number,*
- (d) where the licence is granted in respect of a vehicle, the unique identification mark (registration number) of the said vehicle,*
- (e) the driver number of the holder of a licence, that is to say the number of the driving licence granted to the holder,*
- (f) the category of small public service vehicle in respect of which a licence has been granted,*
- (g) the date of the grant of a licence,*
- (h) the area of application in respect of which the licence has been granted, where appropriate,*
- (i) details of any transfer of ownership of a licence or of the continuance in force of a licence in respect of a different vehicle,*
- (j) details of any suspension applying to a licence, including the period of the suspension, a reference to the reason for the suspension and particulars of all removals of such suspensions,*
- (k) details of the revocation of a licence and the reasons for the revocation.*

By virtue of section 38(5), having consulted the Garda Commissioner, it has been agreed that certain personal information should remain confidential. For example, the address of a licence-holder or the reasons for any suspension or revocation of a licence will not be disclosed.

Section 28 of the Freedom of Information Act 1997 expressly provides that a public body shall not disclose personal information. Section 28(1) provides:

Subject to the provisions of this section, a head shall refuse to grant a request under section 7 if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual).

The Commission also has obligations under the Data Protection Acts 1988 & 2003 which provide that information may be obtained only for *one or more specified explicit and legitimate purposes*.

Summary of Commission Policy

In light of these various statutory provisions and to protect against misuse of information and avoid any security risk to drivers and operators, the Commission has adopted the policy of not disclosing private information concerning a licence-holder such as his or her address. Similarly, information relating to the reasons for the suspension or revocation of any licence will not be disclosed. This information will be available to members of the public from the register held in the Commission's offices **only** on foot of a request in writing for a certificate relating to the SPSV register under section 38(6) of our Act.

(An exchange of information may occur in the ordinary course between the Commission and other State agencies for the purpose of, among other matters, preventing, detecting or investigating offences).

Complaints Process

The Enforcement Team for the Commission for Taxi Regulation is now fully in place and has been active since February of this year. The team, assisted by An Garda Síochána, cover all aspects of the SPSV industry including vehicle standards, vehicle licensing and driver licensing. Under section 51 of the Taxi Regulation Act 2003, the Commission for Taxi Regulation is also responsible for investigating complaints in relation to the following:

- Complaints in relation to the condition and cleanliness of the vehicle;
- Complaints in relation to the conduct and behaviour of a SPSV operator or driver;
- Overcharging or other matters relating to fares;
- Matters relating to the hiring of a SPSV.

How Complaints are handled

All complaints are assessed upon receipt to establish whether they are valid and whether they fall within the remit of the Commission. Some of the complaints received are referred to other agencies for investigation, for example the Gardaí of the Office of Tobacco Control. All complaints are acknowledged.

Once the complaint has been assessed and validated, it is passed to an Enforcement Officer who is assigned to investigate the matter. The Enforcement Officer will make

contact with the person who is the subject of the complaint. In all cases, the person who is the subject of the complaint will be invited to provide their account of the incident. This is nearly always by way of a formal interview. Having obtained both sides of the incident and gathered any additional information and evidence that might be relevant, a decision is made whether to take the matter to court, issue of formal warning or take no further action.

It is important to note that only where evidence is of a sufficient standard will action be taken against an individual. All complainants should be prepared to attend court if necessary to give evidence regarding the incident.

Enforcement Officers may also discover offences during the course of their own work. In such instances, anybody suspected of committing an offence is given the opportunity to present their case. This will normally be within a formal interview setting. Again, evidence is assessed upon the completion of an investigation and the decision taken whether to prosecute, formally warn or take no further action.

Exceptions where data may not be released

Section 46(1)(f) of FOI provides that the Act does not apply to:

a record relating to information whose disclosure could reasonably be expected to reveal or lead to the revelation of—

- (i) the identity of a person who has provided information to a public body in confidence in relation to the enforcement of the criminal law, or*
- (ii) any other source of such information provided in confidence to a public body.*

Furthermore, section 23(1) of FOI provides:

A head may refuse to grant a request under section 7 if access to the record concerned could, in the opinion of the head, reasonably be expected to—

(a) prejudice or impair—

- (i) the prevention, detection or investigation of offences, the apprehension or prosecution of offenders or the effectiveness of lawful methods, systems, plans or procedures employed for the purposes of the matters aforesaid,*
- (ii) the enforcement of, compliance with or administration of any law,*
- (iii) lawful methods, systems, plans or procedures for ensuring the safety of the public and the safety or security of persons and property,*
- (iv) the fairness of criminal proceedings in a court or of civil proceedings in a court or other tribunal,*
- (v) the security of a penal institution,*
- (vi) the security of the Central Mental Hospital,*
- (vii) the security of a building or other structure or a vehicle, ship, boat or aircraft,*
- (viii) the security of any system of communications, whether internal or external, of the Garda Síochána, the Defence Forces, the Revenue Commissioners or a penal institution,*

(b) reveal or lead to the revelation of the identity of a person who has given information to a public body in confidence in relation to the enforcement or administration of the civil law or any other source of such information given in confidence, or

(c) facilitate the commission of an offence.

(Emphasis added).