An Bord Réitigh um Pirít
Pyrite Resolution Board

Pyrite Resolution Board
Freedom of Information Publication Scheme

June 2020

Notice

It is the intention of the PRB 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 PRB 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 PRB undertakes to update this manual within a reasonable timeframe.

The information in the guide is intended only as a guide and not a legal interpretation of any legislation mentioned. The PRB shall not accept any liability for any errors or omissions in this reference book.

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1. Purpose of the Publication Scheme

The Pyrite Resolution Board (PRB) is subject to the provisions of the Freedom of Information Act 2014 (the **"FOI Act"**).

This Publication Scheme has been prepared and published in accordance with the requirements of Section 8 of the Freedom of Information Act which requires FOI bodies to prepare and publish as much information as possible in an open and assessable manner on a routine basis outside FOI.

The Publication Scheme facilitates access to records held by the PRB by outlining the structure of the organisation, including a description of the functions, powers, duties and services it provides to the public, the classes of records held and guidelines on how to make a request for information under the FOI Act.

2. Overview of the PRB

Mission Statement

To procure the remediation of certain dwellings with damage caused by pyritic heave of hardcore under floor slabs in a fair, efficient, transparent and cost effective manner.

Establishment

The Pyrite Resolution Board (PRB) was established by the Minister for the Environment, Community and Local Government, following the commencement of the Pyrite Resolution Act 2013 on 10th January 2014, to make a scheme for the remediation of damage to certain dwellings caused by pyritic heave and to oversee and ensure the effective implementation of a programme of remediation works for affected dwellings. The Pyrite Remediation Scheme was made by the Board on 12th February 2014.

Functions of the PRB

In broad terms:

- the Pyrite Resolution Board (PRB) accepts and validates applications under the Scheme and oversees the implementation of the pyrite remediation programme for approved dwellings. The scale of the programme is determined by the availability of funding and other factors.
- the Housing Agency, subject to the direction of PRB, remediates approved dwellings affected by pyrite. The Housing Agency also assesses and makes recommendations to the PRB on applications from homeowners for inclusion in the scheme.

3. Organisation and Management

3.1 Board

The Pyrite Resolution Board is governed by a Board which consists of the Chairman and 4 Members:

- Jack Keyes, Chairman (Chartered Engineer and former County Manager, Cavan County Council)
- Alec Flood (Practising Barrister and Chartered Engineer)
- Derek Sinnott (Head of Department of the Built Environment, Waterford Institute of Technology)

Currently, two of the four Board Member positions are vacant.

3.2 Staff

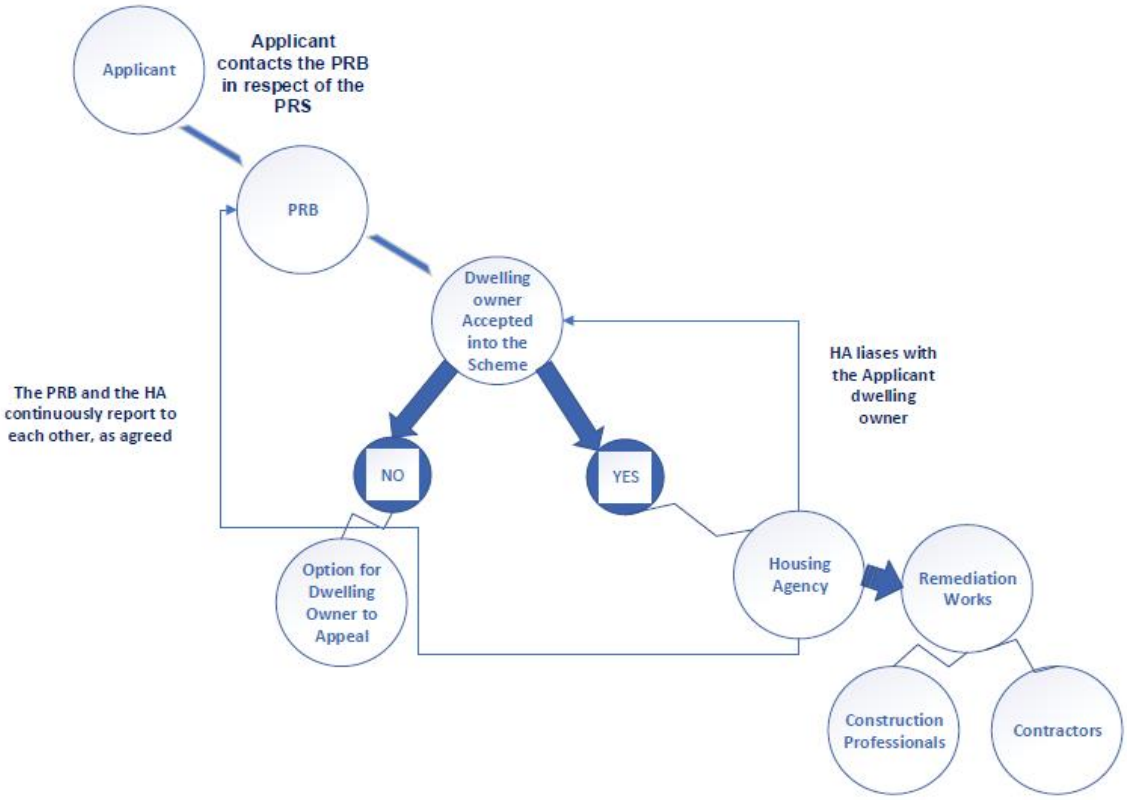
The day to day management and administration of the PRB's functions are delegated to the General Manager, Aidan O'Connor, MRIAI, supported by staff assigned from the Department of Housing, Planning, and Local Government.

Secretarial, administrative, ICT, legal services and other services are also being provided to the Board by or through the Housing Agency.

3.3 Construction Design Professionals and Contractors

The Housing Agency has carried out a public procurement process to establish Framework Agreements for design professionals to design, supervise and certify the pyrite remediation works and for contractors to undertake the work.
The tender awards have been published on www.etenders.gov.ie.

3.4 Joint Structure for Implementation



Responsibilities of the Pyrite Resolution Board	Responsibilities of the Housing Agency
1. Implements the Pyrite Remediation Scheme (PRS); 2. Responsible for any amendments to the PRS; 3. Oversees the delivery and/or implementation of the Pyrite Remediation Programme ('the Programme'); 4. Approves the budget for the PRS; 5. Receives applications to the PRS from potential affected dwelling owners; 6. Assesses alternative practicable options available to the applicant of the PRS; 7. Validates and/or refuses applications of the PRS; 8. Refers dwellings for verification to the Housing Agency; 9. Determines which dwellings are to be included in the PRS; 10. Approves group dwellings for remediation projects; 11. Sanctions remediation projects in accordance with the budget of the PRS; 12. Maintains management information on the Programme; 13. Resolves disputes; 14. Determines appeals by refused applicants of the PRS; 15. Reports to the Minister of State for Housing, Planning and Local Government on a quarterly and/or annual basis.	1. Assesses, verifies and recommends to the PRB on pyritic heave damage; 2. Assesses, verifies and recommends to the PRB on whether or not admittance should be made to the PRS; 3. Assesses, verifies and recommends to the PRB on exceptional circumstances; 4. Refunds building condition assessment ('BCA') costs; 5. Engages contractors; 6. Manages relations and liaises with householders. This includes, but is not limited to, the vacation of their home; 7. Provides accounting services on behalf of the PRB; 8. Provides internal audit function for the PRB; 9. Provides legal services on behalf of the PRB; 10. Approves and facilitates payments to construction professional(s) and applicants.

4. Contact Point

Name: Pyrite Resolution Board
Address: 53 Mount Street Upper, Dublin 2
Phone: 1890 252842
Email: info@pyriteboard.ie
Website: http://www.pyriteboard.ie/

Housing Agency Email: info@housingagency.ie

Housing Agency Phone: 01 656 4100

5. Services Provided by the Pyrite Resolution Board

The Pyrite Remediation Scheme

The aim of the Pyrite Remediation Scheme (the Scheme) is to remediate certain dwellings with damage caused by pyritic heave of hard-core under floor slabs. The Housing Agency are responsible for the testing of dwellings and the implementation of the remediation process. They will also be the contracting authority for the Scheme and will engage all necessary construction professionals, advisors and contractors to carry out the remediation of dwellings which are included in the Scheme.

The details, terms and conditions and eligibility criteria of the Scheme are set in the Pyrite Remediation Scheme.

The stages in the Scheme are as follows:

Stage 1	Application & Validation
Stage 2	Assessment and Verification Process
Stage 3	Remedial Works Plans

Stage 4	Tendering and Tender Analysis
Stage 5	Decision to Contract
Stage 6	Dwelling Remediation
Stage 7	Retention Period
Stage 8	Application Closure

Appealing a Decision

If an application to the Pyrite Remediation Scheme is refused or excluded, the decision may be appealed in line with the procedures prescribed by the Pyrite Resolution Board for hearing and determination of appeals which can be found in the “Submit an application” section of the PRB’s website.

Information for Scheme Participants

The Guide for Scheme Participants is for homeowners (applicants) who have been included in the Scheme.

The guide explains what is involved in Stages 3-8 of the remediation process and what is required of Scheme Participants during these stages. The guide also provides information to the Scheme Participant on other aspects of the Scheme, such as the programming of Remedial Works, the Homeowner’s Agreement, the process for recouping expenses, etc.

6. Classes of Records

The PRB holds a variety of records in a number of formats including paper documents (including maps and plans) and information held electronically (on computer).

The classes of records held/ to be held by (or on behalf of) PRB include:

Personal Information

- Application Forms
- Appeal Applications
- FOI Requests
- Correspondence from the public / public representatives.

Policy and Legislation

- Pyrite Resolution Act 2013
- Pyrite Remediation Scheme

Administration Records

- Minutes of Board Meetings
- Executive Board Papers
- Legal Documents
- Declarations of Interests
- Statistical Returns
- Annual and Quarterly Reports
- Correspondence with Government Departments
- Freedom of Information Publication Scheme
- The PRB has a number of Policy & Procedures in place, which cover Data Protection, Appeals Procedures, Guidance for Decision Makers etc.
- Corporate Governance Documentation –Corporate Governance Principles and Practices (including Code of Business Conduct) and an Internal Audit Charter.

7. How to Access Information Outside the FOI Act

The PRB conducts its business in as open and transparent a manner as possible. In keeping with this policy, information is and will continue to be made available to the public outside the formal procedures of the FOI Acts.
This section describes how members of the public can:

- obtain routinely available information, e.g. through the Board's website; and
- make a request for information under the Access to Information on the Environment (AIE) Regulations and the Data Protection Act 2018.

Routinely Available Information
The Board currently makes information routinely available to the public in relation to its functions and activities. Such information will continue to be made available informally without the need to invoke the Freedom of Information Act.

The Board's website www.pyriteboard.ie, in particular the Quick Links section, is a useful source of information, where documents such as the Board's Annual and Quarterly Reports may be viewed. These reports also give some statistical information covering the number and status of submissions, information regarding appeals etc.
The PRB can also be contacted by phone (1890 252842) and email (info@pyriteboard.ie).

Data Protection Act 2018

This Act provides for the right of access by the data subject to his or her personal information. Information on how to make a request under the Data Protection Act is set out under a link on the home page of the Board's website www.pyriteboard.ie.

Access to Information on the Environment (AIE)
The European Communities (Access to Information on the Environment) Regulations 2007 to 2014 (hereafter referred to as the AIE Regulations), give legal rights to those seeking to access information on the environment from public authorities.

Under these regulations, information relating to the environment held by, or for, a public authority must be made available on request, subject to certain exceptions. The AIE regulations also oblige public authorities to be proactive in disseminating environmental information to the public.

The AIE Regulations provide a definition of environmental information; outline the manner in which requests for information may be submitted to public authorities and the manner in which public authorities are required to deal with requests e.g. timeframes for response. The regulations also provide for a formal appeals procedure in the even that a person is unhappy with a decision on their request. Further information can be found in the link on the home page of the Board's website www.pyriteboard.ie.

8. How to access information under the FOI Act

Introduction

The Freedom of Information (FOI) Act 2014 gives three legal rights to those seeking access to information held by public bodies covered by the Act:

- The right to access official records held by governmental departments and listed public bodies.
- The right to have personal information relating to them amended where it is incomplete, incorrect or misleading.
- The right to be supplied with reasons for decisions made or taken by governmental departments and listed public bodies that affect them.

Access to information under the FOI Act is subject to certain exemptions and involves specific procedures and time limits.

Information on how to make a request under this Act is outlined below. It is also set out on the Quick Link on the page of the Board's website www.pyriteboard.ie.

What type of records can be requested under FOI?

You can ask for the following records held by the PRB:

- Any records relating to you personally, whenever they were created.
- All other records except “exempt records” which are specified in detail in the Act, e.g. information that may compromise the privacy rights of a third party.

How do I make an FOI request?

A request for information under the Freedom of Information Act must be made in writing and should indicate that the information is being sought under the Freedom of Information Act. The request should also be sufficiently clear for us to identify the records sought. If we are not clear as to the records being sought, we will contact you to seek clarification.

If you wish to gain access to the records in a particular form (e.g. inspect the records, photocopies, etc.) you should specify this in the application.

Alternatively, you may download the Freedom of Information Application Form.

Application form: PDF MS Word

FOI requests may be submitted by email to info@pyriteboard.ie or sent by post to the FOI Officer, Pyrite Resolution Board, 7 Eastgate Avenue, Little Island, Cork, T45 RX01. Normally you will be notified of the decision on your request within 4 weeks of its receipt.

Is there a charge for getting information under the FOI Act?

There is no application fee for requests. However, in respect of non-personal requests, there may be charges for the time spent retrieving records and for any reproduction costs. These will be advised if applicable.

Where the cost of search, retrieval and copying is less than €101, no fee is charged.

Where the cost of search, retrieval and copying is greater than €500 but less than €700, a maximum charge of €500 applies.

Where the cost of search, retrieval and copying is greater than €700, the PRB FOI Unit can refuse to process the request. Details of actual charges relating to your request will be notified to you in writing.

List of Fees

- There is no charge for submitting a request.
- Search and Retrieval – €20 per hour (for requests that exceed the €100 minimum in terms of search, retrieval and copying), subject to the ceilings mentioned above.
- €0.04 per sheet for a photocopy.
- Internal review fee €30 (€10 for medical card holders).
- Appeal to the Information Commissioner €50 (€15 for medical card holders). Please go the Information Commissioner's website for guidance on this appeal and applicable fee.

Notes

1. There is no charge if the records concerned contain only personal information relating to the requester, unless there are a significant number of records.
2. If you are claiming a reduced application fee, the request must be accompanied by the Medical Card registration number and your consent to the verification of these details with the Health Service Executive.

How is a Freedom of Information request processed by the PRB?

The FOI Officer will issue an acknowledgement letter to you within 10 working days (excluding Public Holidays) of your request being received. The next stages of the process will be clearly explained in this letter.

A decision regarding your request will normally be issued within 20 working days of the receipt of your request.

In some cases, an extension of time may be necessary to complete the decision. If this occurs while processing your request, the FOI Officer will contact you and explain this requirement.

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

No. It is not necessary to make an FOI request to get information from the PRB. A considerable amount of material is already made available to the public through the Quick Links section of the PRB's website. Also, queries are routinely handled by phone and via email on info@pyriteboard.ie.

FOI provides an additional source of information by facilitating access to records not made routinely available.

Can a decision be appealed?

Yes. If you would like to appeal the decision made by the FOI Officer, you can do so by sending a request in writing asking for an internal review of the decision to FOI Internal Reviewer, Pyrite Resolution Board, 7 Eastgate Avenue, Little Island, Cork, T45 RX01.

There is no fee for internal review applications concerning only personal information relating to oneself. Applications for internal review relating to non-personal records cost €30 (€10 for medical card holders).

The appeal process will involve a full reassessment of your original Freedom of Information request at a more senior level.

If, after the internal review, you are unsatisfied with the decision and you would like to appeal again, your appeal should be directed to the Office of the Information Commissioner.

Disclaimer

The purpose of this document is to assist the public in making an FOI request. These pages are intended as a non-technical guide to certain aspects of the FOI Act 2014. They do not represent a legal interpretation and should not be taken as a definitive representation of anything contained in the FOI Act 2014.

9. Financial Information

Financial Statements

In accordance with the Act, the Exchequer funding provided for pyrite remediation purposes (including the expenses of the PRB) is routed through the Housing Agency and the audited Financial Statements relating to such funds will be contained in the Housing Agency's Annual Report which can be found on their website

Payment or Purchase orders for goods & services

Payments and Purchase Orders are undertaken by the Housing Agency on behalf of the Pyrite Resolution Board and details can be found on the Housing Agency's website.

Board Member Expenses and Remuneration

This information can be found in the "Remuneration, Expenses and Attendance at Board Meetings" section of the PRB's Annual Reports available at https://www.pyriteboard.ie/More-Information-(1)/Annual-Reports.aspx

10. Procurement Information

Procurement policies

The Housing Agency undertakes all procurement on behalf of the Pyrite Resolution Board. All national and EU requirements relating to public procurement are met.

Current tender competitions – http://www.etenders.gov.ie/

11. Freedom of Information Disclosure Log

Received	FOI Ref	Category of Requester	Request	Decision	Decision date
06/08/2015	FOI 501	Public	Copies of all reports relating to the Requestor's dwelling. (Request sent jointly to HA & PRB)	n/a Withdrawn	28/08/2015
09/03/2016	FOI 601	Journalist	Copies of all records including, but not limited to correspondence held by the PRB in relation to the issue of defective concrete blocks and/or Mica/Muscovite Mica in concrete blocks.	Part Granted	06/04/2016
22/08/2017	FOI 701	Public	·The number of claims/complaints pertaining to suspected Pyrite submitted in relation to dwellings in Swords Manor Court or Aulden Grange Santry. · The number of complaints emanating from Swords Manor Court which failed to meet the eligibility requirements to make a formal application to the PRB. · The number of complaints emanating from Aulden Grange which failed to meet the eligibility requirements to make a formal application to the PRB. · The proportion of complaints/claims relating to pyrite which emanated from the Swords area in comparison to all complaints/ claims.	Part Granted	15/09/2017
06/04/2019	FOI 901	Public	Copies of all reports relating to the Requestor's dwelling. (Request sent jointly to HA & PRB)	Granted	07/05/2019
02/04/2020	FOI 2020 - 01	Public	Information regarding the names of all housing estates and housing developments including apartment schemes on a nationwide basis which the Pyrite Resolution Board has information relating to the presence of pyrite and/or where pyrite remediation works have been carried out.	Refused	02/05/2020

Related Documents and Useful Links

For further information on Freedom of Information please refer to the following links and documents:

Freedom of Information
www.foi.gov.ie

Office of the Information Commissioner
www.oic.gov.ie

Data Protection Commissioner
www.dataprotection.ie

Irish Statute Book
www.irishstatutebook.ie