



**An Roinn Gnó,
Fiontar agus Nuálaíochta**
Department of Business,
Enterprise and Innovation

Freedom of Information Publication Scheme

Prepared Under Section 8 of the Freedom of Information Act 2014

Updated August 2018

Introduction

Section 8 of the Freedom of Information (FOI) Act 2014 requires FOI bodies to prepare and publish a scheme concerning the publication of information by the body in conformity with a model publication scheme and guidelines made by the Minister for Public Expenditure and Reform in October 2014. This approach allows for the publication or giving of records outside of FOI provided that such publication or giving of access is not prohibited by law. Furthermore, all FOI bodies are required to publish as much information as possible in an open and accessible manner on a routine basis outside of FOI, having regard to the principles of openness, transparency and accountability as set out in Sections 8(5) and 11(3) of the FOI Act 2014 and having regard to the Code of Conduct which was drawn up in accordance with Section 48 of that Act.

Publication Scheme Prepared by Department of Business, Enterprise and Innovation

The Department of Business, Enterprise and Innovation (DBEI) has prepared its FOI Publication Scheme in accordance with the model publication scheme and guidelines made by the Minister for Public Expenditure and Reform. This Scheme commits the Department to make information available as part of its normal business activities. Publication of documents which are not exempt under the Scheme is in line with the intention of the Directive on the Re-use of Public Sector Information, and the obligation under that Directive to publish information and ensure that it is accessible and re-usable for commercial and non-commercial purposes.

In preparing its Scheme, DBEI has had regard to the public interest in:

- (a) allowing public access to information held by DBEI;
- (b) the publication of reasons for decisions made by DBEI; and
- (c) publishing information of relevance or interest to the general public in relation to DBEI's activities and functions generally.

Publication Format

The information in the Scheme has been grouped into the six classes listed in the model publication scheme and guidelines made by the Minister for Public Expenditure and Reform. These six classes are:

Information About the FOI Body	Services Provided or to be provided to the Public	Decision Making process for major policy proposals
Financial Information	Procurement	FOI Disclosure Log and Other Information to be Published Routinely

In addition to publishing the scheme on the Department's website, Section 8(6) of the FOI Act provides that a printed version of the basic scheme should be available at the Department's Head Office for a member of the public to view during normal office hours. Should a member of the public wish to view the printed version of the basic scheme, they can contact the Department's FOI Unit on (01) 631 2115 or at foiunit@dbei.gov.ie to arrange an appointment to this effect.

A Information about the FOI Body

Who we are and what we do

Organisational information, structures, locations and contacts

Information Required in the Scheme

Roles, responsibilities and functions

The Department of Business, Enterprise and Innovation (DBEI) plays a key role in implementing the Government's policies of stimulating the productive capacity of the economy and creating an environment which supports job creation. The Department also has a policy remit to ensure fair competition, consumer protection and safeguard workers. Through its Offices and Agencies, the Department's remit covers a wide range of activity including:

- facilitating the start-up and growth of indigenous enterprises,
- attracting foreign direct investment (FDI),
- increasing exports,
- improving competitiveness,
- promoting innovation and growth through investment in research and development,
- promoting fair competition for businesses and consumers,
- upholding company law,
- safeguarding the rights of workers, including their entitlement to occupational safety and health,
- facilitating a positive industrial relations environment,
- making evidence based policy, informed by research, analysis and a robust evaluations culture,
- identifying the future skills needs of enterprise (enhancing the product offering to attract FDI, facilitate investment and job creation by indigenous businesses and improving Ireland's competitiveness, innovation and productivity), and
- representing Ireland's interests in relevant EU and other international fora.

General description of the classes of records held by the Department

The creation and maintenance of complete and accurate records is necessary to enable the Department to carry out its business effectively and to meet its statutory obligations under the [Freedom of Information Act 2014](#), [Data Protection Act 2018](#), and the [National Archives Act 1986](#). Accordingly, records held by the Department, the majority of which are filed on hard copy files, are created or received in the course of the Department's business and contain official information or data that relates directly to the business of the Department. Examples of such records include:

- Records relating to the Department's origins, structure, functions, procedures, business and transactions.

- Agendas and minutes of meetings.
- Notes of significant telephone conversations.
- Records seeking approval for a course of action or decision.
- Records showing why a course of action or decision was not taken.
- Position papers.
- Memoranda circulated for comment or approval by Ministers, Departments or Government.

Governance/Management arrangements

Role of Minister

Article 28.12 of the Constitution refers to Ministers as “in charge of” Departments of State. Article 28.4.2 of the Constitution provides that the Government shall be collectively responsible for Departments of State “administered” by the Members of the Government.

The Ministers and Secretaries Act 1924, as amended by Public Services Management Act 1997, provides that each Minister shall be the responsible head of the Department or Departments under his charge and “...shall be individually responsible to Dáil Éireann alone for the administration of the Department or Departments which he is head”. That Act also designates a Minister as a corporation sole, that is a perpetual legal entity separate from the individual office holder.

The Public Service Management Act, 1997 provides that the Minister of the Government having charge of a Department shall, in accordance with the Ministers and Secretaries Acts, 1924 to 2011, be responsible for the performance of functions that are assigned to the Department pursuant to any of those Acts. This responsibility, a central element of the structure of Government, ranges from significant political decision making on major policy issues to routine administrative responsibilities discharged by civil servants on the Minister’s behalf.

The role of the [Minister for Business, Enterprise and Innovation](#) currently includes:

- Championing enterprise across Government to encourage the creation of high quality and sustainable full employment,
- Supporting a competitive enterprise base,
- Promoting a low tax environment to incentivise work and enterprise,
- Promoting fair and competitive markets,
- Promoting innovation, and,
- Ensuring employment rights are appropriate and respected.

Role of Secretary General

The [Secretary General](#) is the head of the Department of Business, Enterprise and Innovation. She is also the Accounting Officer for the Department. The Secretary General is the chief policy advisor to the Minister. In that

capacity she is responsible for offering independent advice to Ministers and Ministers of State on a wide range of issues relevant to the Department.

Section 4(1) of the Public Service Management Act, 1997 Act empowers the Secretary General to assign to other officers of the Department (or grade or grades of officer) responsibility for the performance of his functions. The Department is currently organised into 6 [Divisions](#), and a number of distinct Offices, which broadly reflect distinct functional units but there is also a substantial degree of co-operation and interaction between Divisions. Each Division is led by an Assistant Secretary.

Role of Management Board

In the context of the vision and mission set out in the Department's [Statement of Strategy](#), the Department's Management Board is a collegiate body established to ensure the Department is managed as a corporate entity, and that decisions on key policy, strategic and management issues are taken collectively before submission, as appropriate, for consideration at a political level or otherwise implemented.

The Management Board comprises the Secretary General, each Assistant Secretary, the Head of the Management Support Unit and such other persons, from within or outside the Department as the Board may agree from time to time. The Board is chaired by the Secretary General and in her absence, by any other member, as nominated by the Secretary General.

Where unanimous endorsement/agreement of the Board cannot be achieved it remains the prerogative of the Secretary General to progress any matter to implementation or political consideration as appropriate with reservations duly noted.

The role of the Management Board does not supersede responsibilities of its individual members, assigned to those members, under the Public Service Management Act, 1997 but should be supportive to the overall effective management of the Department.

The minutes of the meetings of the Management Board will be published on the Department's website on a monthly basis.

Governance Framework

The relationship between the Minister and the Department is fundamental to the [governance framework](#) of the Department. The function of the Department is to advise and support the Minister and give effect to the Minister's decisions and policies. Key relationships with the Minister include the following:

- The Secretary General is responsible for providing policy advice to the Minister on all matters within the remit of the Department and for delivering outputs as determined by the Minister;
- Assistant Secretaries are responsible for advising the Secretary General and the Minister on strategic direction, the formulation of policy and the implementation generally of relevant policies; and

- Principal Officers are responsible for the provision of policy advice to Assistant Secretaries, Secretary General and the Minister.

Corporate Plans and Strategies

Under the terms of the Public Service Management Act, 1997, there is a statutory requirement on all government departments and offices to produce a [Statement of Strategy](#) every three years, or within six months of the appointment of a new minister. DBEI's Statement of Strategy provides an outline of our mission and strategic goals. It sets out the current context facing our stakeholders and the Department, and details the commitments we are making in terms of delivering on our strategic goals.

Annual Report

In accordance with the Public Service Management Act, 1997, each year the Department publishes an [Annual Report](#) which details progress against agreed objectives and commitments in our Statement of Strategy. The report is intended as a means of monitoring activity, enabling assessment of the impact of the Department's Statement of Strategy. It is also an opportunity to highlight new issues or changing circumstances and as such, is an important element in the Department's accountability process. This progress report is submitted by the Secretary General to the Minister and is published on the Department's website.

Organisation and Pay/Grading Structures

[Pay scales](#) and [travel and subsistence rates](#) for all civil servants are agreed by the Department of Public Expenditure and Reform.

The Department's [structure](#) provides clear reporting lines and clarity on areas of responsibility. The responsibility for each of the Department's 6 Divisions is assigned at Assistant Secretary level. Responsibility at Business Unit level is assigned at Principal Officer level. An [organisation chart](#) displaying all staff within each Division at Principal Officer level is also available while details of the [total number of staff](#) in the Department at each grade are published on a quarterly basis.

Locations and contact details for the organisation

The Department, its Offices and Agencies are based in a number of [buildings and offices](#) in Ireland and overseas

Freedom of Information Act.

Applications under the [Freedom of Information](#) Act should be sent in writing to Freedom of Information Unit, Department of Business, Enterprise and Innovation, Kildare Street, Dublin 2, D02 TD30 or by e mail to foiunit@dbei.gov.ie.

Access to information on the Environment

Applications for [Access to Information on the Environment](#) held by this Department can either be or made in writing to AIE Officer, Freedom of Information Unit, Department of Business, Enterprise and Innovation, 23 Kildare Street, Dublin 2, D02 TD30 or submitted electronically to aie@dbei.gov.ie.

Contact details for the Provision of Information to the Media

The [Press Office](#) deals with queries from the media. The office also informs the public via the media about policies, functions and activities of the Department

Contact details for the Provision of Information to the Public

Members of the public may contact the Department in a number of its [buildings and offices](#).

Links to agencies/other bodies under the FOI body's remit

The Department is assisted in the delivery of its programmes by a number of its [Offices and Agencies](#).

Details of Service Level Agreements/Memoranda of Understanding

The Department and each Agency and Office agree, on an annual basis, a Service level Agreement (SLA) in respect of the Agencies and a Memorandum of Understanding in respect of the Offices. These SLAs and MoUs, which are jointly signed off by the Secretary General and the Head of each Agency/Office, set out agreed levels of performance/service in respect of the Body for the year ahead. They also allow for the adoption of both annual and multi-annual targets, and the development of output and outcome indicators including milestones to measure performance against targets.

Customer Charter

The Department is committed to providing the highest standard of [customer service](#) via its Customer Charter and Customer Action Plan. We have in place a robust Customer Complaints Procedures to ensure that any complaints that we receive are fully examined and resolved as soon as possible.

Codes of Practice or Guidelines

The Department's [Governance Framework](#) sets the governance procedures, processes and procedures that underpin the work of the Department.

B. Services provided or to be provided to the Public

The Services we offer

Details of functions and services that the organisation provides and the decision making process

Information Required in the Scheme

The Department of Business, Enterprise and Innovation's mission is to encourage the creation of high quality and sustainable full employment by championing enterprise across government, supporting a competitive enterprise base, promoting a low tax environment to incentivise work and enterprise, and promoting fair and competitive markets. The services we provide can be categorised under the following eight broad thematic areas:

- Innovation, Research and Development
- Trade and Investment
- Support for SMEs
- Business and Sectoral Initiatives
- Workplace and Skills
- EU and Internal Market
- Company and Corporate Law
- Consumer and Competition

Further details of the services provided under each thematic area are set out below.

Innovation, Research and Development

We develop, promote and co-ordinate innovation, research and development policy. We influence the European and International research agenda to allow research and enterprise in Ireland avail of opportunities arising through research programmes. We fund Enterprise Ireland, SFI and the Programme for Research in Third Level Institutions; We develop intellectual property policy, prepare legislation and provide an intellectual property regime which reflects the international law environment and best practice.

Trade and Investment

We drive the development and delivery of the enterprise development programmes of IDA Ireland, the principal agency charged with attracting foreign direct investment and promoting Ireland as the best small country in the world to do business. We promote the development of Ireland's exports to world markets and work with Enterprise Ireland to help Irish Companies achieve global success.

Support for SME's

We provide a range of tailored supports for enterprise of all sizes in Ireland, including support for businesses to prepare for Brexit. Supports include access to finance, management development, mentoring supports, business development programmes, market supports and trade promotion. We hold structured dialogue with key stakeholders and we advocate across Government to ensure the needs of SMEs are taken into account in the execution of national policy.

Business and Sectoral Initiatives

The Department engages with key stakeholders to address issues that arise on a sectoral basis across all areas of enterprise activity. These business and sectoral initiatives are across a wide range of areas covering internationally traded goods and services as well as the domestically traded sector. The key focus is to develop and implement

policy to enhance the enterprise environment leading to the start-up and growth of competitive firms in Ireland and sustainable development for enterprises of all sizes.

Jobs, Workplace and Skills

We ensure through work at national and international levels that workplaces are safe, employment rights are appropriate and respected, harmonious industrial relations are promoted and any disputes or breaches are handled efficiently and effectively; that skills needs are identified and met through alignment of education and training provision and, as required, through targeted and efficient economic migration.

EU and Internal Market

We have a leadership and coordination role in respect of the EU Competitiveness Council and on the Single Market and generally in driving the Department's EU Agenda. We engage proactively at EU institutional level and with our EU partners so as to ensure that Departmental EU priority measures are advanced. We support our Ministers in their pursuit of achieving domestic and EU Policy outcomes that are supportive, in particular, of the enterprise, competitiveness, single market and innovation agendas.

Company and Corporate Law

Company law provides the legislative framework for the structure and operation of companies registered in Ireland, whether domestic or foreign. It seeks to ensure a balance between simplifying the day-to-day running of a business; maintaining necessary protections for those dealing with companies, such as creditors and investors; and putting in place an effective corporate governance regime to ensure compliance. This law is contained in the Companies Act 2014 and related statutory instruments. Some company law derives from EU legislation. A similar regime applies to industrial and provident and friendly societies.

Consumer and Competition

To help make markets work effectively for consumers and for the economy as a whole, our work falls under two main headings: national policy and EU policy on current competition and consumer matters; and supporting as well as liaising with and monitoring the Competition and Consumer Protection Commission.

C. Decision Making Process for Major Policy Proposals

Details of functions and services that the organisation provides and the decision making process

Information Required in the Scheme

Major policy proposals including any public consultation exercises

The Department values feedback from its stakeholders. Accordingly, when formulating major policy proposals, the Department publishes on its website calls for expressions of interest and requests for participation in [consultation processes](#) on specific work undertaken by the Department.

Background information relating to major policy proposals and decisions

The Department undertakes a number of [enterprise, innovation and science surveys](#) and regularly publishes data in relation to its own activities and on Ireland's trade and enterprise performance. In addition, reports, papers, evaluations of programmes and facts and analyses provided for consideration, which are relevant and important to framing major policy proposals and decisions, are available on the [Publications](#) section of the Department's website.

Decision Making Process of Department – Role of Department's Management Board

In the context of the vision and mission set out in the Department's Statement of Strategy, the Department's Management Board is a collegiate body established to ensure the Department is managed as a corporate entity, and that decisions on key policy, strategic and management issues are taken collectively before submission, as appropriate, for consideration at a political level or otherwise implemented.

D Financial Information

What we spend

Financial information relating to income and expenditure

Information required in the Scheme

Financial statements

[Exchequer funding](#) for the Department, its Offices and its Agencies is provided by the Houses of the Oireachtas through the annual budget process managed by the Department of Public Expenditure and Reform. The funding provision is targeted at growing Ireland's economy through maintaining and developing sustainable high-quality jobs. The Department also plays a key role in regulating markets, ensuring fair competition and retaining an effective and efficient labour relations capability. A core element of the Department's funding relates to capital investment grants to support the ongoing development of Ireland's enterprise, research and innovation capacity.

Plans for major Capital Expenditure Information

[Briefing documents](#) are published at regular intervals for members of the Joint Oireachtas Committee on Jobs, Enterprise and Innovation. These documents provide a comprehensive in-year review of the expenditure incurred from the Department's annual financial allocations, including plans for major capital expenditure.

Payments or Purchase Orders for goods and services

Details of payments made for goods and services valued at €20,000 or more are published quarterly in arrears on the [procurement section](#) of the Department's website.

Governance Board Member remuneration

Members of the Department's Management Board do not receive any additional remuneration in respect of this role. They are remunerated separately in their capacity as employees of the Department of Business, Enterprise and Innovation.

Employees of the Department who serve as Board members of State Bodies do not receive any remuneration in respect of these appointments. This is due to the application of the "One Salary Rule" which means that persons who are in receipt of a public sector salary or pension do not receive any additional remuneration in respect of their appointment to a State Board.

Details of the composition of the boards of all our Agencies are available on the [Stateboards.ie website](#).

[Guidelines covering the payment of fees to the Chairpersons and Directors/Members of State Bodies](#) were updated in 2014. The payment of Board members' expenses is a day-to-day operational matter for each Agency. The Annual Report published by each of our Agencies contains a schedule of the fees and aggregate expenses paid to each Director/Member; see [www.dbei.ie/en/Who-We-Are/Offices-Agencies](#) for further details.

E. Procurement

How we spend

Information relating to how we procure goods and services

Information required in the Scheme

Current tender competitions on the e Tenders website

Details of current tender competitions over €10,000 for ICT and €25,000 for all other competitions are available on www.etenders.gov.ie

Payments or Purchase Orders for goods and services

Details of payments made for goods and services valued at €20,000 or more are published quarterly in arrears on the [procurement section](#) of the Department's website.

F FOI Disclosure log and other information to be published routinely

FOI Disclosure Log

In accordance with Section 8 of the FOI Act (Publication of information about FOI bodies), this Department publishes its FOI disclosure log on its website. This disclosure log provides details of certain FOI requests that do not relate to requests for personal information such as the date of the request, the category of requestor (e.g. journalist, member of the public, member of business/interest group, member of the Oireachtas, member of Local Authority, etc.), a summary description of the FOI request, the decision made and, in the event that the request is granted, the date of release of records. Details of FOI requests received from April 2016 onwards are available in the Department's [FOI disclosure log](#).

Information held by the body which is sought regularly

Details of [Ministerial Expenses](#) incurred are published on a monthly basis. [Ministerial Diaries](#) are also published on the Department's website.