

08<sup>th</sup> November 2017



**Re: FOI Request Response [IE\_FOI\_124]**

Dear ,

I refer to your request dated 10<sup>th</sup> October 2017 made under the Freedom of Information Act 2014, which was received on that date for records held by Iarnród Éireann your request sought:

**All relevant documentation relating to:**

I AM CONTACTING YOU TO INQUIRE ABOUT THE PROCEDURE OF ISSUING A FIXED PENALTY NOTICE.

1. IS THIS ISSUED ON THE SPOT?
2. IF NOT, WHAT INFORMATION DOES THE INSPECTOR REQUIRE TO ISSUE ONE
3. HOW IS THIS INFORMATION OBTAINED?
4. HOW IS THE CUSTOMER PROTECTED WITH REGARD TO DATA PROTECTION?

I WOULD APPRECIATE IF YOU WOULD ANSWER THE ABOVE QUESTION AS I HAVE SEARCHED THROUGH THE IARNRÓD ÉIREANN WEBSITE AND I CANNOT FIND THE ANSWERS. I AM CONTACTING YOU TO INQUIRE ABOUT THE PROCEDURE OF ISSUING A FIXED PENALTY NOTICE.

I, Roger Tobin, have now made a final decision to grant your request on 08<sup>th</sup> November 2017.

You have sought access to the records as listed above and I consider this an appropriate form of access in this case. Accordingly, a copy of the records is now attached including a copy of the schedule to these records.

**Response:**

1. A Fixed Payment Notice is usually issued on the spot but not in all circumstances. Failure to deliver up a valid ticket to travel on a train or DART is a criminal offence as set out in Section 132 of the Railway Safety Act 2005 ("the Act of 2005") and CIE is authorised to bring such prosecutions under statute. Section 132 of the Act of 2005 also provides that a passenger who has not paid his fare, shall upon request give the officer his name and address. If he gives a false or misleading name or address, he is guilty of a separate offence under the same section. Those failing to present an appropriate ticket when asked by a authorised officer to do so are liable to payment of a fixed payment of €100 provided for by the Railway Safety Act 2005 (Fixed Payment Notice) Regulations 2006 (S.I. 576 of 2006). In the event that the fixed payment is not paid, the person can be prosecuted and faces a potential fine not exceeding €1,000 upon conviction.
2. Details of the alleged offence(s) committed and the details of the alleged offender.
3. In most cases Fixed Payment Notices are issued on board a train at a Railway Station or on Railway Property when the Authorised Officer (Revenue Protection Officer) is speaking with the alleged offender. Some notices are issued retrospectively after obtaining correct information at a later date.

4. Fixed Payment Notices are kept secure at all times and retained for no longer than is necessary. If a person has been issued with a Fixed Payment Notice they can appeal the decision. If the appeal is unsuccessful and payment is not received the file will be forwarded for possible prosecution to the CIE Chief Solicitor.

In the event that you are not happy with this decision, you can make an appeal in relation to this matter, you can do so by writing to the Freedom of Information Unit, Corporate Communications, Iarnród Éireann, Connolly Station, Amiens Street, Dublin 1 or by email to [foi@irishrail.ie](mailto:foi@irishrail.ie).

You should make your appeal within 4 weeks (20 working days) from the date of this notification, where a day is defined as a working day excluding the weekend and public holidays, however, the making of a late appeal may be permitted in appropriate circumstances.

The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body.

Should you have any questions or concerns regarding the above, please contact the FOI officer by telephone on +353 1 7034293.

**Yours sincerely,**



**Roger Tobin**  
**FOI Decision Maker.**

Freedom of Information Request:  
Schedule of Records for **IE\_FOI\_124** : Summary for Decision Making

Record No.	Date of Record	Brief Description	No. of Pages	Decision: Grant/Part Grant/Refuse	Section of Act if applicable
1	06/11/2017	<p>I AM CONTACTING YOU TO INQUIRE ABOUT THE PROCEDURE OF ISSUING A FIXED PENALTY NOTICE.</p> <p style="text-align: center;">1. IS THIS ISSUED ON THE SPOT? 2. IF NOT, WHAT INFORMATION DOES THE INSPECTOR REQUIRE TO ISSUE ONE 3. HOW IS THIS INFORMATION OBTAINED? 4. HOW IS THE CUSTOMER PROTECTED WITH REGARD TO DATA PROTECTION?</p> <p>I WOULD APPRECIATE IF YOU WOULD ANSWER THE ABOVE QUESTION AS I HAVE SEARCHED THROUGH THE IARNRÓD ÉIREANN WEBSITE AND I CANNOT FIND THE ANSWERS.</p> <p>I AM CONTACTING YOU TO INQUIRE ABOUT THE PROCEDURE OF ISSUING A FIXED PENALTY NOTICE.</p>	1	Grant	N/A

Signed : Roger Tobin

Decision maker