



**An Roinn Fiontar,
Trádála agus Fostaíochta**
Department of Enterprise,
Trade and Employment

Freedom of Information Publication Scheme

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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 the 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. FOI bodies are required to publish as much information as possible in an open and accessible manner 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 the Department of Enterprise, Trade and Employment

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, the Department has had regard to the public interest in:

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

Publication Format

The information in the Department's Publication Scheme has been grouped into the six classes listed in the model publication scheme made by the Minister for Public Expenditure and Reform.

These six classes are:

1. Information about the FOI Body
2. Services provided to the Public
3. Decision Making process for major policy proposals
4. Financial Information
5. Procurement
6. 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 by email at foiunit@enterprise.gov.ie to arrange an appointment to this effect.

A. Information about the Department of Enterprise, Trade and Employment

Roles, Responsibilities and Functions

The Department is currently organised into eight Divisions, and a number of Offices. Each Division is led by an Assistant Secretary and is distinct functional unit, however there is also a substantial degree of co-operation and interaction between them.

An outline of each Division's functions and responsibilities can be found under "[Who We Are](#)" on the Department's website and also on the whodoeswhat.gov.ie as follows:

1. Commerce, Consumer and Competition Division
2. Enterprise Strategy, Competitiveness and Evaluation Division
3. EU Affairs, Digital and Access to Finance Division
4. Indigenous Enterprise, SMEs and Entrepreneurship Division
5. Innovation and Investment Division
6. Trade Division
7. Workplace Regulation and Economic Migration Division
8. Corporate Services Division

The Department leads in advising and implementing the Government's policies of stimulating the productive capacity of the economy and creating an environment which enables employment creation and sustainability. The Department is also charged with promoting fair competition in the marketplace, protecting consumers and safeguarding workers. Through its Offices and Agencies, the Department's remit covers a wide range of activity including:

- Leading on helping entrepreneurs and businesses create and sustain high quality employment across all regions of our country, by developing a strong indigenous enterprise base, attracting Foreign Direct Investment and increasing trade.
- Promoting quality employment, positive workplace relations, well-functioning dispute resolution mechanisms and a safe working environment.
- Creating a strong entrepreneurial culture.
- Assisting enterprise with their research and development needs to maintain and create new jobs and contribute to building a better society.
- 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), including adapting migration policy to ensure access to suitable skills and labour.
- Leading a whole-of-Government approach to developing a competitive environment for investment, productivity and sustainable jobs.

- Ensuring our business regulation facilitates investment and development, competition in the marketplace, high standards of consumer protection and corporate governance, and provides Ireland with a competitive advantage in the global market.
- Working ambitiously across Government with our EU and international partners to achieve progress in EU and International fora, across a wide range of interests.
- Advancing the green transition in enterprise.
- Honouring our climate action commitments.
- Fostering the economic and employment opportunities that arise for businesses and society in the transition to net zero, including in renewable energy development, building retrofitting, sustainable products and associated supply chains.
- Integrating climate action into all aspects of Departmental and agency activities.
- Implementing Trade Controls and Trade Sanctions.

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 the 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 provides that each Minister shall be the responsible head of the Department or Departments under his or her charge and “shall be individually responsible to Dáil Éireann alone for the administration of the Department or Departments of which he or she 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 2017, 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 in delivering the objectives set out in the Department's [Statement of Strategy](#) and in other statutory obligations for which the Minister and Department has responsibility.

Roles of the Minister(s) of State

There are currently two [Ministers of State](#) in the Department. Ministers of State are appointed by the Government, on the nomination of the Taoiseach. In accordance with the Ministers and Secretaries Acts 1924-2017, the Government may delegate, by way of an Order made on the request of the relevant Minister of the Government, to a Minister of State any of the powers and duties of the Minister of the Government under any particular Act or any particular statutory power or duty. The role and function of the Minister of State may also be on an administrative basis.

The Ministers of State at the Department of Enterprise, Trade and Employment undertake business on behalf of the Minister for Enterprise, Trade and Employment. The Role of the Minister of State is determined by the functions delegated to him/her in a Delegation of Functions Order. The Orders for the delegation of Ministerial Functions to the Ministers of State are published on the [Irish Statute Book](#) website.

Role of Secretary General

The [Secretary General](#) is the head of the Department of Enterprise, Trade and Employment. She is also the Accounting Officer for the Department. The Secretary General is accountable to the Minister for Enterprise, Trade and Employment in the discharge of their duties as civil service head of the Department. She is the chief policy adviser to the Minister and in that capacity she is responsible for offering independent advice to the Minister and Ministers of State on a wide range of issues relevant to the Department.

The list of duties specified in the Public Services Management Act 1997, while extensive, is not necessarily exhaustive and the Secretary General may also be required, under the Act, to carry out other functions on behalf of the Minister

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 their functions, as set out earlier on page 3. The Department is currently organised into eight Divisions, and a number of Offices, which broadly reflect distinct functional units but there is also a substantial degree of co-operation and interaction between Divisions.

Role of Management Board

The Management Board assists the Secretary General in ensuring that 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 Governance, Information and 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.

Governance Framework

This Governance Framework for the Department of Enterprise, Trade and Employment is aimed at providing assurance that good governance policies and practices are embedded in the Department. The relationship and communication 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
- 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. The Department'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 eight 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 available [here](#).

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. The main number for the Department is 01 6312121 or 0818 302 12. The Department's web address is [Department of Enterprise, Trade and Employment - DETE](#).

Freedom of Information Act

Applications under the [FOI Act](#) should be made in writing to:

Freedom of Information Unit, Department of Enterprise, Trade and Employment, Kildare Street, Dublin 2, D02 TD30.

Applications can also be made electronically to foiunit@enterprise.gov.ie.

Access to information on the Environment

Applications for [Access to Information on the Environment](#) held by this Department should be made in writing to:

AIE Officer, Freedom of Information Unit, Department of Enterprise, Trade and Employment, 23 Kildare Street, Dublin 2, D02 TD30.

Applications can also be made electronically to AIE@enterprise.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 Oversight and Performance Delivery Agreements / Memoranda of Understanding

The Department and each Agency and Office agree, on an annual basis, an Oversight and Performance Delivery Agreement (OPDA) in respect of the Agencies and a Memorandum of Understanding (MoU) in respect of the Offices. These OPDAs and MoUs, which are jointly signed 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 a professional, efficient and courteous [customer service](#) to all our customers in accordance with the 12 Principles of Quality Customer Service. The Department's [Customer Charter](#) outlines the Department's commitment to maintaining and improving delivery of the highest standards of quality customer service. The [Customer Service Action Plan](#) outlines its strategic goals and the organisational structures that it has put in place to achieve them. The Department has 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. Service provided or to be provided to the Public

The Department's mission is to lead on the creation and maintenance of high quality and sustainable full employment across all regions of the country by championing enterprise and innovation across Government, by supporting a competitive business base to incentivise work, enterprise, trade, innovation and investment and by promoting fair and competitive markets as well as best business practice through the regulatory and enforcement work of the Department, its Offices and its agencies

Enterprise Innovation

Investment in innovation is an essential component of supporting an enterprising and productive economy. The Department funds and promotes enterprise-led innovation through a range of programmes and supports delivered for the most part through Enterprise Ireland and IDA Ireland.

The Department is responsible for the Disruptive Technologies Innovation Programme, a €500m Fund that is part of the Government's National Development Plan and which is administered by Enterprise Ireland. We also assist companies in Ireland to engage in space-related innovation and technology development through Ireland's membership of the European Space Agency and through engagement with EU Space Programmes. We engage with other Government Departments and organisations in the delivery of other important elements of Ireland's innovation ecosystem including Knowledge Transfer Ireland, the Health Innovation Hub Ireland, the Eureka programme for SME cooperation at international level, European Digital Innovation Hubs and a range of other initiatives.

The Department also develops intellectual property policy, prepares legislation and provides an intellectual property regime which reflects the international law environment and best practice.

Trade and Investment

We aim to deepen and extend Ireland's global business and trade in a fair and sustainable manner supportive of high labour standards and grow further the all-island economy. This involves working with our EU and international partners to advocate for new and exploit existing EU Free Trade Agreements;

working jointly with the European Commission and EU Member States to ensure that the World Trade Organization (WTO) is at the heart of a global, rules-based, multilateral trading system; ensuring rigorous enforcement of export controls and trade sanctions, in support of global security and human rights; working on the basis of political leadership and guidance via the Trade and Investment Council; and developing and implementing the Trade and Investment Strategy to promote flourishing trade that supports jobs and economic growth in Ireland and in partner countries, and that also promotes Ireland's values.

Support for SMEs

We provide a range of tailored supports for enterprise of all sizes in Ireland, 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.

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. The Department provides the secretariat to the Expert Group on Future Skills Needs (www.egfsn.ie) and to the Low Pay Commission (gov.ie - Low Pay Commission).

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.

Enterprise Strategy, Competitiveness and Evaluation

We develop the Department's policies and responses to Climate Change and Infrastructure as they impact on the enterprise sector.

We support the green transition in enterprise, honouring our climate action commitments to achieve the outcome of alignment with the EU Green Deal and the Programme for Government target of an average annual 7% reduction in overall greenhouse gas emissions (51% reduction) by 2030, whilst minimising the competitiveness impact and fostering opportunities for growth in the green economy. Ensuring the resilience of the enterprise sector is a main focus.

We provide analysis and research on economic infrastructure matters across key areas including water, waste, energy, ports, airports, land infrastructure and housing and planning and advise on changes to the Government's statement on data centres.

Digital and Artificial Intelligence (AI)

We have a leadership and coordination role in respect of EU and national digital and AI policy. We convene the Enterprise Digital Advisory Forum and support the role of the AI Ambassador. We provide a legislative framework for the regulation of digital services and AI. We engage with the OECD and Global Partnership on Artificial Intelligence (GPAI) to ensure that Ireland's position is advanced. We support our Ministers in representing Ireland on digital and AI issues at the D9+ group of Member States, at EU Council meetings and abroad.

C. Decision Making process for major policy proposals

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 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

The Management Board assists the Secretary General in ensuring that 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

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

Briefing documents are published at regular intervals for members of the Joint Oireachtas Committee on Enterprise, Trades and Employment. 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 Enterprise, Trade and Employment.

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 <https://enterprise.gov.ie/en/Who-We-Are/Offices-Agencies/> for further details.

E. Procurement

Public procurement is governed by EU and national rules. The National Public Procurement Policy Framework sets out the overarching policy framework for public procurement in Ireland and comprises five strands:

1. Legislation (Directives, Regulations)
2. Government Policy (Circulars etc.)
3. Capital Works Management Framework for Public Works
4. General Procurement Guidelines for Goods and Services
5. More detailed technical guidelines, template documentation and information notes as issued periodically by the Policy Unit of the Office of Government Procurement

The framework sets out the procurement procedures to be followed by Government Departments and State Bodies under national and EU rules.

The principles of the Department of Finance's Public Procurement Guidelines – Competitive Process which govern procurements valued up to the EU threshold (currently €144,000) are applied in the Department and its Offices. These guidelines are available to all staff on the Department's intranet.

The Department utilises the Office of Government Procurement (OGP) templates for Request for Tender (RFT) and Contract documents, for the procurement of goods and services above €25,000 and are

advertised on the eTenders website. These template documents are also routinely used for lower value contracts.

Procurement planning is an integral part of business planning for the Department and its Offices.

The objectives of an effective procurement plan are to;

- Achieve greater value for money
- Support service delivery and fulfil strategic objectives in the Department's Corporate plan
- Ensure compliance with Procurement Directives, legislation, circulars and other legal requirements
- Ensure adherence to procurement policies and procedures
- Embed transparency and accountability in procurement practices
- Support SMEs
- Facilitate economic, social or environmental objectives through procurement
- Recognise diversity and promotion of equality of opportunity in accessing services and participation in the procurement process
- Improve risk management assessments in the procurement process
- Support ongoing development and innovation within the Department's procurement function
- Provide an opportunity to inform staff how procurement will be developed in the organisation and for staff to contribute to its development
- Help contracting authorities to evaluate their procurement
- Deliver excellence in overall procurement outcomes

The Department ensures that public procurement activities are discharged in line with procurement rules and procedures. This Department works closely with the Office of Government Procurement (OGP), in order to run fully compliant procurement projects. The OGP also supports the Department with regard to updating our awareness of legal and policy obligations in respect to public procurement. These are clearly outlined in the Corporate Governance Standard for the Civil Service, the Code of Practice for the Governance of State Bodies, the Public Spending Code, procurement guidelines and framework documents published by the OGP, and in EU and National legislation.

Current tender competitions on the eTenders 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

Payment 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.