

Employment Equality Acts, 1998 to 2004

Reply to a request for information

Explanatory note:

- The Employment Equality Acts 1998 to 2004 provide at section 76 that:
 - where a person thinks they may have been discriminated against, or treated in any other way which is unlawful under the Employment Equality Acts,
 - that person (the “complainant”) may
 - write to the person or organisation whom they think may have treated them unlawfully, (the “respondent”)
 - asking for relevant information to help in deciding whether they should refer a case to the Equality Tribunal or to help in formulating and presenting a case.

- Form EE.2 contains the form prescribed by law for a complainant to use in asking for such information.

- **This Form EE.3 is prescribed by law¹ as the form for a respondent to use in replying to a request for information.**

- The respondent is not obliged to reply to a request for information.

- However, section 81 of the Employment Equality Acts provides that if they do not reply, or if their replies are false or misleading, this may be taken into account in deciding the case.

- Some types of information are excluded. According to Section 76, information is relevant if it is:
 - information about the respondent’s reasons for doing, or omitting to do, anything relevant
 - information about any relevant practices or procedures of the respondent
 - information (other than confidential information, or information about the scale or financial resources of the employer’s business) about the remuneration or treatment of other persons who are in a comparable position to the complainant,
 - any other information which is not confidential, and which it is reasonable for the complainant to ask for in the circumstances.

Confidential information means “*any information which relates to a particular individual, which can be identified as so relating, and to the disclosure of which that individual does not agree.*”

¹ See *Employment Equality Act 1998 (Section 76 – Right to Information) Regulations, 1999*, Statutory Instrument no 321 of 1999.

**Employment Equality Acts 1998 and 2004 – Section 76
Reply by the Respondent**

<p>Name and address of Complainant:</p>	<p>To..... of</p>
<p>Name and address of Respondent:</p>	<p>1 . I..... of</p> <p>hereby acknowledge receipt of the Questionnaire signed by you and dated.....</p>
<p>Delete sentence at (a) or (b) as appropriate and, if (a) is deleted, complete (b).</p>	<p>2 . (a) I agree that the statement/circumstances outlined in paragraph 3 of the Questionnaire is/are accurate.</p> <p>(b) I disagree with the statement/circumstances outlined in paragraph 3 of the Questionnaire in that.....</p>

<p>Delete sentence at (a) or (b) as appropriate and, if (a) is deleted, complete one or more of the sentences at (b) (i) and (b) (ii).</p>	<p>3 . (a) I accept that my treatment of you, or the rate of remuneration afforded to you, was unlawful, contrary to the provisions of the Employment Equality Acts, 1998 to 2004.</p> <p>(b) I dispute that my treatment of you, or the rate of remuneration afforded to you, was unlawful, contrary to the provisions of the Employment Equality Acts, 1998 to 2004:</p> <p>(i) My reasons for disputing are....</p> <p>(ii) The reasons why you received the treatment accorded to you or the rate of remuneration afforded to you are as follows....</p>
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