

[REDACTED]

19th October 2015

Re: Request for information under the Freedom of Information Act 2014
Reference No: 2015/274

Dear [REDACTED]

I refer to your application for information under the Freedom of Information Act 2014 for records held by this Body as follows:

"Of all the correspondence regarding the matter of the dissolution of the school board of Scoil Mhuire, Oranmore, Roll No. 133650. Specifically all correspondence between the Department of Education and Science and the following (1) school patron [REDACTED], (2) diocesan education secretary [REDACTED], (3) Scoil Mhuire principal [REDACTED], (4) school board chairman [REDACTED]. Again specifically your Department's request for further information and clarification from any and all of the above. I am aware that the Department of Education made such requests."

I have now made the decision to part grant your request on 19th October, 2015.

The purpose of this letter is to explain that decision. This explanation has the following part:

- a. A schedule of all of the records covered by your request.
- b. An explanation of the relevant findings concerning the records to which access is denied.
- c. A statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these three parts in turn.

- a. Schedule of records.

A schedule is enclosed with this letter. This schedule lists the records that are relevant to your request. There are 65 documents which are relevant to your request. These include documents that have been submitted to the Department by members of the Board of Management and in some cases by the patron as required by the process for the dissolution of a Board as set out in section 16 of The Education Act, 1998. Section 16(4) of the Education Act, 1998 requires that "a copy of every notice issued under this section and any

representation made to the patron shall be delivered to the Minister as soon as may be after it has been made”.

The schedule also provides you with a summary and overview of the decision as a whole. It describes each document and indicates whether each document is granted, part granted or refused. Where documents are refused or part granted the schedule refers to the sections of the FOI Act which apply to prevent release.

b. Findings, particulars and reasons for decisions to deny access.

The sections of the Act which can apply to deny access to documents are known as its exemptions provisions.

Section 29 – Deliberations of a Public Body

Documents numbered 6, 7, 8, 9, 13, 14, 18, 19, 20, 21, 23, 26, 28, 29, 30, 31, 32, 34, 41, 42, 43, 44, 45, 47, 48, 49, 52, 54, 55, 56, 58, 59, 63 and 65 have been refused or part granted (as scheduled) under section 29 (1) (a) and (b) of The Freedom of Information Act, 2014.

29. (1) A head may refuse to grant an FOI request—

- (a) If the record concerned contains matter relating to the deliberative processes of an FOI body (including opinions, advice, recommendations, and the results of consultations, considered by the body, the head of the body, or a member of the body or of the staff of the body for the purpose of those processes), and
- (b) the granting of the request would, in the opinion of the head, be contrary to the public interest, and, without prejudice to the generality of paragraph (b), the head shall, in determining whether to grant or refuse to grant the request, consider whether the grant thereof would be contrary to the public interest by reason of the fact that the requested concerned would thereby become aware of a significant decision that the body proposes to make.

Section 35 – Information obtained in confidence

Documents numbered 18, 19, 20, 21, 26, 31, 32, 34, 41, 42, 43, 44, 45, have been refused or part granted (as scheduled) under section 35 (1) (a) of The Freedom of Information Act, 2014.

35. (1) Subject to this section, a head shall refuse to grant an FOI request if-

- (a) the record concerned contains information given to an FOI body, in confidence and on the understanding that it would be treated by it as confidential (including such information as aforesaid that a person was required by law, or could have been required by the body pursuant to law, to give to the body) and, in the opinion of the head, its disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further similar information as aforesaid should continue to be given to the body.

Section 37 – Personal Information

Documents numbered 1, 2, 3, 5, 9, 10, 11, 12, 13, 16, 18, 19, 20, 21, 22, 24, 25, 26, 27, 31, 34, 36, 38, 39, 40, 43, 46, 50, 53, 57, 59, 60, 61, 62, 63 and 65 have been refused or part granted (as scheduled) under section 37 (1) and (7) of The Freedom of Information Act, 2014.

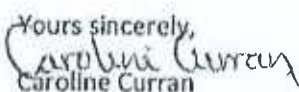
37. (1) Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual).

(7) Notwithstanding paragraph (a) of subsection (2), a head shall, subject to paragraphs (b) to (e) of that subsection and subsections (5) and (8), refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would, in addition to involving the disclosure of personal information relating to the requester, also involve the disclosure of personal information relating to an individual or individuals other than the requester.

3. Rights of appeal

In the event that you are unhappy with this decision you may appeal the decision. In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Department of Education and Skills, Marlborough Street, Dublin 1 or by e-mail to www.foi.ie. You should make your appeal within 4 weeks 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 me by telephone on 090 648 3719

Yours sincerely,

Caroline Curran

Higher Executive Officer/Decision Maker
School Governance Section