

AN ROINN OIDEACHAIS agus SCILEANNA
Corr na Madadh
Baile Átha Luain
Co. na hIarmhí
N37 X659



Department of Education and Skills
Cornamaddy
Athlone
Co. Westmeath
N37 X659



COPY

7 December 2015

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

Dear 

I refer to the appeal which you made under the Freedom of Information Act 2014 for review of the decision of this Department dated 19 October 2015.

I am a more senior member of Department staff than was the person making the first decision. I have reviewed your request and have decided today on 7 December 2015 to vary the original decision on your request by granting access to record number 56 and part granting access to records numbered 20 and 23. Each of these records is now enclosed.

This decision on review is an entirely new and separate decision on your request.

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

- a schedule of the records covered by your request;
- concerning records to which access is denied, the giving of the relevant findings, particulars and reasons for these decisions; and
- a statement of how you can appeal this decision should you wish to do so;

1. 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 documents that have been submitted by the patron under the process for dissolution of a Board as set out in section 16 of the Education Act, 1998.

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

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

Your request under the Freedom of Information Act 2014 was for records "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 Departments request for further information and clarification from any and all of the above. I am aware that the Department of Education made such requests."

The relevant exemption provisions for each record refused or part granted is listed in the enclosed schedule and an explanation of the use of each exemption listed is set out below.

Section 29 – Deliberations of a Public Body

Documents numbered 6, 7, 8, 9, 13, 14, 18, 19, 21, 26, 28, 29, 30, 31, 32, 34, 41, 42, 43, 44, 45, 47, 48, 49, 52, 54, 55, 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. Where it has been possible to redact the information which relates to the deliberative process the document is part granted. In this regard, I understand that a redacted version of the relevant documents have already been provided to you.

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.

I have examined each of the relevant records concerned and am satisfied that each contains matter exempted by section 29. I have also considered whether access to this information should be granted taking account of public interest factors in favour of release and have concluded that the public interest would not on balance be better served by granting of these records.

In making this decision, I have taken into account public interest considerations for release including the right of access under the FOI Acts generally and the need for there to be accountability of administrators and scrutiny of decision making processes. The public interest factors against release which I have considered include the need to preserve confidentiality having regard to the subject matter and the circumstances of the records and whether release of records would impair the integrity and viability of the deliberative process to a significant or substantial degree. I have concluded that the factors against release outweigh those for

release in respect of the records concerned.

Section 35 – Information obtained in confidence

Documents numbered 18, 19, 21, 26, 31, 32, 34, 41, 42, 43, 44, and 45 have been refused or part granted (as scheduled) under section 35 (1) (a) of The Freedom of Information Act, 2014. Where it has been possible to redact the relevant information which was obtained in confidence the document is part granted. You have already received redacted versions of the relevant documents.

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.

I have examined each of the relevant records concerned and am satisfied that each contains information given to the Department in confidence and on the understanding that it would be treated by it as confidential. I am also of the opinion that in each case disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and have taken into account the importance to the Department that such further similar information should continue to be given to the Department.

I have also considered whether access to this record should be granted taking account of public interest factors in favour of release and have concluded that the public interest would not on balance be better served by granting of this record. In making this decision, I have taken into account public interest considerations for release including the right of access under the FOI Acts generally, the need for there to be accountability of administrators and scrutiny of decision making processes. The public interest factors against release which I have considered are the need to preserve confidentiality having regard to the subject matter and the circumstances of the communications, the importance of the giving of further similar information from the same person or other persons and the importance that such further similar information should continue to be given to the Department in the future. I have concluded that the factors against release outweigh those for release in respect of this record.

Section 37 – Personal Information

Documents numbered 1, 2, 3, 5, 9, 10, 11, 12, 13, 16, 18, 19, 20, 21, 22, 23, 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 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).

I have examined each of the relevant records concerned and am satisfied that each contains some information exempted by section 37. The personal information has in each case been redacted in the versions of the above documents that have already been provided to you. Redacted versions of documents numbered 20 and 23 are enclosed with this decision.

3. Rights of appeal

You may appeal this decision by writing to the Information Commissioner at 18 Lower Leeson Street, Dublin 2. There is a fee of €50 for such appeals, other than appeals against a decision to impose a fee. If you wish to appeal, you must usually do so not later than 6 months from the date of this notification. Should you write to the Information Commissioner making an appeal, please refer to this letter.

If an appeal is made by you, the Information Commissioner will fully investigate and consider the matter and issue a fresh decision.

Yours sincerely,



Teresa McNeill
Reviewer
School Governance Section

COPY