

Corr na Madadh
Baile Átha Luain
Co. na hIarmhí
N37 X659

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

COPY

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25 January, 2016

Re: Request for information under the Freedom of Information Act 2014
Reference No: 2015/416

Dear [REDACTED]

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

The minutes of all Board of Management meetings at St. Aidan's Community School, Brookfield, Tallaght, Dublin 24 (Roll number 91338D) between the dates of January 1st 2012 and 15th December 2015.

I have made the decision to part grant your request on 25 January 2016.

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

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

This letter addresses each of these four 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 34 documents relevant to your request.

The schedule also provides you with a summary and overview of the decision as a whole. It describes each document, indicates that each document is being part granted and refers to the relevant sections of the FOI Act which apply to prevent their full release.

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

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

All 34 documents listed on the schedule have been part-granted (as scheduled) under Section 29(1)(a) and (b), 30(1) and 37(1) of The Freedom of Information Act as outlined below.

Section 29 – Deliberations of a Public Body

Section 29 (1) (a) and (b) of The Freedom of Information Act, 2014 states;

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.

In making my decision to part-grant access under this section I have considered whether access to this information should be granted taking account of public interest factors in favour of release. I have come to the conclusion that the public interest would not on balance be better served by granting of these records.

In arriving at 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 30 – Functions and negotiations of FOI bodies

Section 30 (1) (a) of The Freedom of Information Act, 2014 states;

30. (1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—

- a) prejudice the effectiveness of tests, examinations, investigations, inquiries or audits conducted by or on behalf of an FOI body or the procedures or methods employed for the conduct thereof,
- b) have a significant, adverse effect on the performance by an FOI body of any of its functions relating to management (including industrial relations and management of its staff), or
- c) disclose positions taken, or to be taken, or plans, procedures, criteria or instructions used or followed, or to be used or followed, for the purpose of any negotiations carried on or being, or to be, carried on by or on behalf of the Government or an FOI body.

(2) *Subsection (1)* shall not apply in relation to a case in which in the opinion of the head concerned, the public interest would, on balance, be better served by granting than by refusing to grant the FOI request concerned.

In making my decision to part grant access under this section I have considered whether access to this information should be granted taking account of public interest factors in favour of release. I have concluded that the public interest would not on balance be better served by granting this information.

In arriving at 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 with regard to the subject matter due to the potential to compromise the ability of management to effectively carry out its core functions. I have concluded that the factors against release outweigh those for release in respect of this record.

Section 37 – Personal Information

Section 37 (1) of The Freedom of Information Act, 2014 states;

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).

Personal information has been redacted in the versions of the above documents being provided to you.

d. 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 foi@education.gov.ie. The fee for an internal review is €30 and for information on payment methods please email the Department's Freedom of Information Unit.

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 3720

Yours sincerely,

Caroline Curran

Caroline Curran

Higher Executive Officer/Decision Maker

School Governance Section