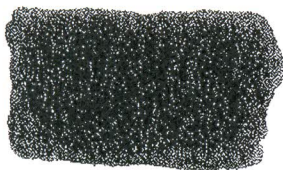


An Roinn Oideachais agus Scileanna  
Bóthar Phort Laoise  
An Tulach Mhór  
Co. Uíbh Fhailí  
R35 Y2N5



Department of Education and  
Portlaoise Road  
Tullamore  
Co. Offaly  
R35 Y2N5

29 April 2016



Re: FOI request 2016/143

I refer to the request which you made under the Freedom of Information Act 2014 for records held by this body

A copy of the purchase contract for the site on Ballycullen Drive, Firhouse, Dublin 24 where the two proposed schools are to be built subject to planning

I, John Hughes, Executive Officer have now made a final decision to refuse your request on 29 April 2016. The conveyance of the property is with the respective legal representatives

The purpose of this letter is to explain that decision

#### 1. 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 exemption provisions

I consider that the exemptions provided for in sections 29 (Deliberations of Public Bodies), 30 (functions and negotiations of Public Bodies), and Section 36 (Commercially sensitive information) of the FOI Act 2014 apply in relation to the records requested. These exemptions are discussed further below

#### Section 29: Deliberations of Public Bodies

A head may refuse to grant an FOI request 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) under section 29(1) (a)

Having considered section 29(1) (a) I must also consider section 29(1) (b) which provides that a head may decide to release records if, in his or her opinion, "the public interest would, on balance, be better served by granting than by refusing to grant the request". Having considered where the balance of the public interest lies in these cases, I have decided to **withhold** such information at this time.

### **Section 30 (1) (c): Functions and Negotiations of Public Bodies**

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 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 under section 30(1) (c).

Having considered section 30(1) (c) I must also consider section 30(2) which provides that a head may decide to release records if, in his or her opinion, "the public interest would, on balance, be better served by granting than by refusing to grant the request". Having considered where the balance of the public interest lies in these cases, I have decided to **withhold** such information at this time.

### **Section 36 (1) (c) Commercially sensitive information**

A head shall refuse to grant an FOI request if the record concerned contains information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.

I consider that the record requested contains information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the bodies in question. I am of the view therefore, that the records in question are exempt from release under the provision of Section 36(1) (c).

## **2. Right of appeal**

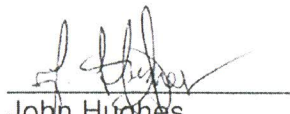
You may appeal this decision. In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Department of Education and Skills, Marlborough Street, Dublin 1. Your correspondence should include a fee of €30 (€10 for medical card holders)(delete as applicable) for processing the appeal. Payment should be made by way of personal cheque or postal money order made payable to the accountant in the Department of Education and Skills. Please note the Department of Education and Skills no longer accept cheque payments from business users. For further information regarding payment methods for business users, please email [foi@education.gov.ie](mailto:foi@education.gov.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 057-9324479.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Hughes', is written over a horizontal line.

John Hughes  
Executive Officer  
Site Acquisitions & Property Management section