



14<sup>th</sup> September 2016

**Re: FOI request 2016/306**

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

- *Copies of any departmental briefing material, presentations or reports prepared for the Minister for Education concerning the UK's EU referendum between January 1, 2016 and August 17, 2016.*
- *Copies of any correspondence between the Minister, Secretary General and Assistant Secretaries General concerning the UK EU referendum, over the same period.*

I, Kieran Ormond, Executive Officer, have now made a final decision to part grant your request on 14<sup>th</sup> September 2016.

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

1. a schedule of all of the records covered by your request;
2. an explanation of the relevant findings concerning the record(s) to which access is denied, and
3. 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.

**1. Schedule of records**

A schedule is enclosed with this letter, it shows the documents that this body considers relevant to your request. It describes each document and refers to the sections of the FOI Act which apply to prevent release. The schedule also refers you to sections of the detailed explanation given under heading 2 below, which are relevant to the document(s) in question. It also gives you a summary and overview of the decision as a whole.

**2. 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) There are no internal presentations or reports prepared for the Minister for Education relating to the UK leaving the European Union in existence as none were created, therefore, that part of your request is being refused under Section 15 (1) (a) of the Act.

(ii) Records relating to the Department's EU/UK Risk Analysis Framework and briefing material prepared for the Minister regarding his attendance at an Export Trade Council meeting are being refused under Section 29(1) of the Act – The records concerned relate to the deliberative process:

'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)'.

This exemption has two requirements:

- (a) the record must contain matter relating to the deliberative process; and
- (b) disclosure must be contrary to the public interest.

I consider that the public interest would not be best served at this time by the release of these records on the basis that it could:

- reveal details regarding the deliberative process regarding the EU/UK Risk Analysis Framework which this Department has yet to finalise its deliberations and that such release could prejudice this Department's ability to properly conclude those deliberations;
- premature release could contaminate the decision making process;

(iii) Records relating to the UK EU referendum contained in North South Ministerial Council Plenary papers are being refused under Section 33(1) (c) of the Act – the records relate to "matters relating to Northern Ireland".

### **3. 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 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.

Yours sincerely,



Kieran Ormond  
Executive Officer