

An Roinn Oideachais agus Scileanna
Sráid Maoilbhríde
Baile Átha Cliath 1



Department of Education and Skills
Marlborough Street
Dublin 1

[REDACTED]

16 January 2017

Re: FOI request FOI/2016/477

Dear [REDACTED]

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

"I wish to make a request of the Department under the Freedom of Information Act 2014. My request relates to the work of the European Structural Funds financial control unit ... Finally, I seek the details of all ESF funding recouped from the providers of higher education since 2012 where it was deemed to have been ineligible spending."

Your request was received in this Department on 16 December 2016 and acknowledged by the FOI Unit on 21 December 2016. This acknowledgement informed you that I was elected as the decision-maker for the ESF (European Social Fund) Policy and Operations Unit. Please note that this letter only responds to one of the requests submitted in the 16 December FOI request. The other requests are being responded to separately by Mr. John Collins of the ESF Financial Control Unit.

I, Tom Whelan, have now made a final decision to refuse your request on 16 January 2017. This decision is made on the grounds that since 2012, no ESF funding has been recouped from the providers of higher education where it was deemed to have been ineligible spending for ESF co-funding and, therefore, no related records are available. However, for your information and outside the scope of the FOI request, financial adjustments have been applied to ESF claims since 2012 to remove any expenditure by higher education providers identified as potentially ineligible for EU funding. In line with EU rules, alternative



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expenditure has been claimed for the ineligible spending removed to allow for the full drawdown of ESF monies available to Ireland with no financial loss to the Exchequer.

Therefore this request has been refused under Section 15(1)(a) of the FOI Act which states "A head to whom an FOI request is made may refuse to grant the request where the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken". In this case the records concerned do not exist.

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

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.

All non-personal FOI requests will be recorded on an FOI disclosure log which will be published on the Department of Education and Skills website in due course.

Should you wish to discuss the above, please contact me by telephone at 01 889 2288.

Yours sincerely


Tom Whelan

ESF Policy and Operations Unit
Department of Education and Skills
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