

Re: FOI request 2016/478

Dear [REDACTED]

I refer to your request made under the Freedom of Information Act, 2014, which was received on 16<sup>th</sup> December, 2016, for records held by by this Department. Your request sought:

*"The name, job title, salary scale and precise salary of every person employed by the Department of Education, or hired as a contractor, who is paid over €150,000 per annum, including all those earning €150,000 or more pro-rata".*

*"The names, job title, salary scale and precise salary of the ten highest earners, or contractors, including those who work on a pro-rata basis, who are directly employed by the Department of Education".*

I refer to my previous communication dated 21<sup>st</sup> December, 2016, (copy is attached for your information) requesting further clarification on your request. As a response has not been received from you, I am now proceeding to issue a formal decision on your request.

I, Eilis Oliver, HR Unit, have now made a final decision to part grant your request on the 17<sup>th</sup> January, 2017.

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

1. A schedule of the records covered by your request
2. An explanation of the relevant findings concerning the records 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 parts in turn.

#### **1. Schedule of records**

A schedule is enclosed with this email, it shows the documents that the Department of Education and Skills considers relevant to your request. The information and schedule of records is set out in the attached appendices.

#### **2. 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.

Section 2 of the FOI Act 2014 defines what is considered personal information and includes *'information relating to the employment or employment history of the individual'*

Under the provisions of Section 37 (1) of the FOI Act 2014 personal information is exempt from disclosure to third parties which states as follows:

*"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)"*

This exemption is subject to a number of exceptions which include:

- where the public interest in disclosure outweighs the individual's right to privacy,
- where the person to whom the information relates has consented to the release,
- where disclosure would benefit the person to whom the information relates.

I consider a salary scale which has only one salary point is not personal information and therefore is releasable. However, I consider the precise salary details of an individual's salary, where a salary scale exists, to be personal information to the individuals concerned and exempt under the provisions of Section 37(1) of the Freedom of Information Act.

### 3. Right to 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.

### Publication

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.

If you have any queries in relation to this information you can contact me by email at [eilis\\_oliver@education.gov.ie](mailto:eilis_oliver@education.gov.ie) or at telephone at 01-889 6452

Yours sincerely,

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Eilis Oliver  
HR Unit