

Bóthar Phort Laoise  
An Tulach Mhór  
Co. Uíbhailí  
R35 Y2N5

17<sup>th</sup> January 2017

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

Ms [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Copy

**Re: FOI request refusing request 2016/480**

Dear Ms [REDACTED]

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

I would like to make an application for the following information under the Freedom of Information Act, 2014.

Copies of any reports or findings that resulted from the safety audits of the following schools:

1. Scoil Naomh Lucais, Tyrrellstown, Dublin
2. Belmayne Educate Together/St. Francis of Assisi, Dublin (adjoining campus)
3. Greystones Educate Together/Gaelscoil na gCloch Liath, Dublin (adjoining campus)
4. Mullingar Educate Together, Westmeath

I, Eddie Quinn, Executive Officer, have now made a final decision to refuse your request on 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 all of the records covered by your request;
2. An explanation of the relevant findings concerning the records to which access is denied, and
3. An 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 the Department of Education and Skills 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 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 consider the reports requested are exempt from release under the provisions of section 29 (1) of the FOI Act 2014 and Section 30(1) as they contain matters relating to the deliberative processes of this Department and that disclosure of the records at this time would be contrary to the public interest along with the fact that they may prejudice ongoing effectiveness of tests and inquiries in relation to the reports.

### **Section 29 - Deliberations of FOI bodies**

**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,*

### **Section 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.*

I consider that the public interest would not be best served at this time on the basis that it could cause an unnecessary intrusion into the ongoing deliberative and decision making process and reveal details regarding the deliberative process of which the Department has yet to finalise its deliberations. Further I consider that such release could prejudice the Department's ability to properly conclude those deliberations and would have the effect of interfering with those deliberations and disclose information that would be detrimental to the Department's decision making process in relation to the aforementioned issue and may prejudice any ongoing effectiveness of investigations and inquiries.

## **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. 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.

In the event that you are not happy with this decision you may make an "an application for review" of this decision to the Information Commissioner of this notification. There is a fee of €50 payable for this. In the event that you need to make such an 'application for review' you can do so by writing to:

The Office of the Information Commissioner,  
18 Lower Leeson Street,  
Dublin, 2.  
DO2 HE97

Should you write to the Information Commissioner making an appeal, please either refer to this letter or enclose a copy.

Alternatively you may appeal using the Office of the Information Commissioner on-line application form which can be located at:

<https://www.oic.gov.ie/en/apply-for-review/apply-for-review-online/>

If an appeal is made by you and accepted, the Information Commissioner will fully investigate and consider the matter and issue a fresh decision.

#### **4. 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.

Should you wish to discuss the above, please contact me at 057-9324437.

Yours sincerely,



Eddie Quinn  
Executive Officer  
Encl. Schedule of Records

# Freedom of Information/AIE Schedule of Records - Summary of Decision Making

FOI/AIE Request Reference

2016-480

Rec. No.	No. of pages	Date of Record	Brief description of record	Decision	Basis for refusal - Refusal on grounds of confidentiality of proceedings of public bodies	Other
N/A		01/09/2016	Fire Safety Reports Various Schools.	Refuse	29(2)(a) Deliberations of FOI bodies - opinions, advice, recommendations	