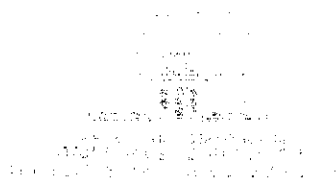


An Roinn Oideachais agus Scileanna  
Bóthar Phort Laoise  
An Tulach Mhór  
Co. Uíbh Fhailí  
R35 Y2N5 15 February 2017



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

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

File Copy

**Re: FOI request, original decision affirmed - Reference 2016/480**

Dear Ms [REDACTED]

I refer to the appeal which you made under the Freedom of Information Acts 2014 and the Department's acknowledgement letter dated 26 January 2017.

I am a more senior member of staff in the Department, than the original decision maker in this case. I have decided today 15 February 2017, to affirm the original decision made in relation to your request. This review of your request is an entirely new and separate decision, and is explained as such below.

Your original request, sought access to the following records

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

In arriving at this decision I have had regard to the original request the records which were located as part of that request and the appeal letter which you submitted in this regard.

I wish to inform you that I have not found any grounds to reverse the decision made by the initial decision-maker and accordingly I affirm the decision to refuse access to the records requested and re-iterate the relevant sections of the act which this decision relies on.

### **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.

You may make an 'application for review' of this decision to the Information Commissioner no later than 6 months from the date of this notification. There is a fee of €50. Payment should be made by way of bank draft, money order, postal order or personal cheque: crossed and made payable to the 'Office of the Information Commissioner'.

Alternatively you can make payment on-line which can be located at:

<https://www.oic.gov.ie/en/Apply-for-Review/Fees-Payable/> .

Should you wish to make such an 'application for review' in writing, please use the details below:

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

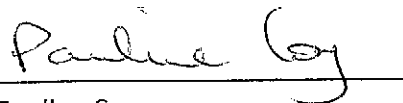
Alternatively you may appeal using the Office of the Information Commissioner on-line application form which can be located at:

<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.

Details of 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.

Yours sincerely

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

Pauline Coy

Higher Executive Officer

Major Projects Design & Construction Stages

## 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(1)(a) Deliberations of FOI bodies - opinions, advice, recommendations 30(1)(a) Functions and negotiations of FOI bodies - prejudice 29(1)(b) Deliberations of FOI bodies - granting the request - contrary to the Public Interest	