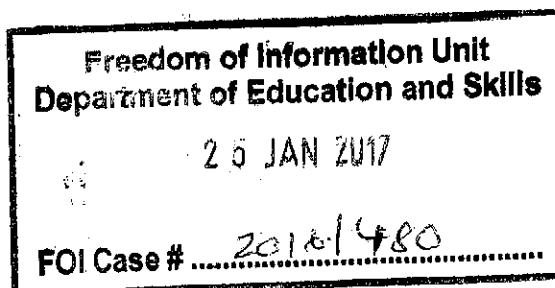


[REDACTED]

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



Re: FOI request 2016/480

To Whom it May Concern,

I would like to appeal the refusal of my FOI application for fire safety reports at various schools, which was refused under section 29 (1) and section 30 (1) (a) on the FOI Act 2014.

Firstly, it is important to note that the department has failed to fully explain how the exemptions claimed apply to the records at issue, and it has not demonstrated that it has considered the public interest in favour of release in relation to sections 29 (1) and section 30 (1) (a).

Appeal of refusal under section 29 (1) (a)

The request has been refused because of the argument that the fire safety reports are part of a deliberative process. I would argue that these records relate to the department's monitoring or supervisory role, rather than a deliberative process – a distinction which the Information Commissioner has drawn.

Appeal of refusal under section 29 (1) (b)

In addition to proving that the records relate to a deliberative process, the department must also prove that release of the records is *contrary* to the public interest.

Any argument for this should be substantiated and supported by the facts of the case. This has not been done. No such substantiation or detailed arguments were provided.

I would argue that it is significantly a matter of public interest, involving as it does:

- The accountable use of public funds as the schools were built under government school-building programmes
- The safety of children and teachers, as these schools are public buildings
- The accountability of government officials
- General transparency

Relevance of section 29 (2)

The response of the department also failed to take into account the exemptions to section 29 (1) under section 29 (2) (1), which state that this does not apply if it relates to factual information, or a report, study or analysis of a scientific expert. These fire safety reports, I would argue, contain factual information compiled by experts and, therefore, sections 29 (1) does not apply.

Section 30 (1) and (2)

When a body refuses under Section 30 (1) (a) it should first identify the potential harm to the relevant function specified in paragraph (a) which might arise from disclosure and secondly consider the reasonableness of the expectation that the harm will occur. The body must show that there are adequate grounds for its expectation. It should show how release of the record could reasonably be expected to give rise to the harm envisaged. It must then go on to consider the public interest test under section 30(2).

The department has failed to do this in detail.

I would be grateful if you would reconsider the refusal.

Many thanks,

[Redacted signature]

[Redacted name]

