

An Ródan Ollmhóirle agus Leiftear
Bóthar Phort Laoise
An Tulach Mhór
Co. Uíbh Fhailí
R35 Y2N5

Department of Education and Skills
Portlaoise Road
Limerick
Co. Limerick
R35 Y2N5



2 March 2016

Re: FOI request 2016/40

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

Part 1. The numbers of National/ recognised Primary Schools, in the most recent year for which data is available, in the following categories:

- a) Vested in the Minister- total
- b) Vested in 'local' or other trustees- total, and totals for each of the following:
 - i. Vested in Roman Catholic Diocesan Trusts
 - ii. Vested in Roman Catholic Religious congregations or their trusts
 - iii. Vested in Protestant religious bodies
 - iv. Vested in Jewish religious bodies or trusts
 - v. Vested in Muslim bodies or trusts
 - vi. Vested in bodies with a linguistic mission- e.g. Gaelscoileanna.
 - vii. Vested in other persons or bodies not explicitly affiliated with recognised religious bodies.
- c) Currently Non-vested schools in operation- total, and
 - i. Non-vested due to expiry and non-renewal to date, of most recent lease/legal agreements
 - ii. Non-vested due to non-completion of legal instruments in respect of new schools.

Part 2. Blank copies of standard agreements, lease documents, indentures or other legal instruments used to secure the interests of the state in recognised

National / Primary Schools vested in local or other trustees, in the following years: 1955, 1965, 1975, 1985, 1995, 2005 and 2015.

I, John Hughes, Executive Officer have now made a final decision in relation to the various parts of your request on 2nd March 2016.

The purpose of this letter is to explain that decision.

Part 1 – Numbers of Vested/Non-Vested Primary Schools

There are in excess of 3,000 primary schools. Many of these are long-established and pre-date the foundation of the State. Most of the schools were founded on the initiative of a local patron, generally one of the main established churches (Catholic or Church of Ireland). Historically, the patron provided the site for the school and also contributed to the cost of building and running schools. The vast majority of primary schools are thus privately owned i.e. the site/building is owned by the relevant school patron. Where state monies were provided to facilitate building works to school property owned by a third party, a legal mechanism had to be put in place in order to protect the State's interest. This was known as a Charging Lease or Declaration of Trust. These leases protect the Minister's capital investment in the school property and require that the property be used as a school for a set period.

Information in relation to these leases are generally held on individual property files as distinct from a central database. Accordingly, the information requested is not readily available in a format that is readily retrievable. In this regard, I am not in a position to provide the information sought under Part 1 as the records concerned do not exist in a format that is retrievable. I consider that the exemptions provided for in section 15 (Administrative Reasons for Refusing Requests) which are discussed further below

Section 15(1)(a) & (c) Refusal on Administrative grounds

A head to whom an FOI request is made may refuse to grant the request where

- (a) The record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken.*
- (c) Voluminous. In the opinion of the head, granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, require the retrieval and examination of such number of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of work (including disruption of work in a particular functional area) of the FOI body concerned.*

As stated above the information in relation to these leases are generally held on individual property files and are not recorded in electronic format on a central database. I have engaged with relevant staff who would have handled the records,

who know the records management in the area and have confirmed that the records are not recorded in electronic format on a central database.

Part 2 -- Blank copies of standard agreements in the following years: 1955, 1965, 1975, 1985, 1995, 2005 and 2015.

A schedule is enclosed with this letter, it shows a random selection of documents that this body considers relevant to your request. These documents are taken from the 1950's, 1960's, 1970's, 1980's, 1990's, 2000's and 2010's. It describes each document which is being part granted. The documents contain other information that has been obtained in confidence and is deemed personal and as such I have deleted that information from those records.

The sections of the Act which can apply to deny access to documents are known as its exemption provisions.

I consider that the exemptions provided for in Section 35 (Information obtained in confidence) and Section 37(1) (Personal Information) of the FOI Act 2014 apply in relation to a number of records referred to on the schedule. These exemptions are discussed further below.

Section 35(1)(a) & (b) Information Obtained in Confidence

Subject to the provisions of this section, a head shall refuse to grant an FOI request if,

- (a) *The record concerned contains information given to an FOI body in confidence and on the understanding that it would be treated by it as confidential (including such information as aforesaid that a person was required by law, or could have been required by the body pursuant to law, to give to the body) and, in the opinion of the head, its disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further similar information as aforesaid should continue to be given to the body, or*
- (b) *Disclosure of the information concerned would constitute a breach of a duty of confidence provided for by a provision of an agreement or enactment (other than a provision specified in column (3) in Part 1 or 2 of Schedule 3 of an enactment specified in that Schedule) or otherwise by law.*

Section 37(1) Personal Information

Subject to the provisions of this section, 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).

Right of appeal

In the event that you are unhappy with this decision you may appeal this, you can do so by writing to the Freedom of Information Unit, Department of Education and Skills, Marlborough Street, Dublin 1 or by email to 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.

Should you have any questions or concerns regarding the above, please contact me by telephone on 057 9324479.

Yours sincerely,



John Hughes
Executive Officer

Site Acquisitions & Property Management section