



18th March 2016

Re: FOI request 2016/42

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

I am seeking notes from meetings, minutes, correspondence and emails relating to any discussions the Department of Education has had with the Higher Education Authority Officials or with Waterford Institute of Technology with regard to Professor Kieran Byrne.

I, Carmel Coyle, HEO, have now made a final decision to part grant your request on 18 March 2016.

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. a 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 this body 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.

A number of documents have been withheld, or only partially released, as set out in the attached schedule. All material not released has been withheld under Section 31(1)(a)

of the Act as it relates to confidential communications with professional legal advisers for the purpose of obtaining and/or giving legal advice or for the preparation for contemplated/pending litigation.

Parliamentary, court and certain other matters

31. (1) A head shall refuse to grant an FOI request if the record concerned—
(a) would be exempt from production in proceedings in a court on the ground of legal professional privilege,

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. 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

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 9324322.

Yours sincerely,


Carmel Coyle
Higher Executive Officer

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