

[REDACTED]

5th August 2016

Re: FOI request 2016/256

[REDACTED]

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

"all correspondence with the Minister since he took office on May 6th in relation to proposed school admissions legislation"

I, Derek Newcombe, have now made a final decision to refuse your request on 4th August 2016 under Section 29(1) of the Act.

Section 29(1) – The records concerned relate to the deliberative process

‘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)’.

This exemption has two requirements:

- (a) the record must contain matter relating to the deliberative process; and
- (b) disclosure must be contrary to the public interest.

I consider that the public interest would not be best served at this time by the release of these records on the basis that it could:

- premature release could contaminate the decision making process;
- disclosure of records may inhibit frankness and candor from participants in future pre-decisional communications

If you are not satisfied with the outcome of your request 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 to the accountant the Department of Education and Skills. Please note that from 19 September, 2014, the Department of Education and Skills will no longer accept cheque payments from business users in accordance with the Department of Finance Circular 01/2013. 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, however, the making of a late appeal may be permitted in appropriate circumstances. A week is defined in the Act to mean 5 consecutive weekdays, excluding Saturdays and public holidays (Sunday are also excluded, as they are not weekdays). The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this Department.

If you have any queries regarding this correspondence you can contact me by telephone at (01) 889 2335.

Yours sincerely

Derek Newcombe
Private Secretary