



[REDACTED]
01 July 2016

RE: Freedom of Information request 2016/209

Dear [REDACTED]

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

'copies of all correspondence, memos and documents from 2016 concerning the Schools Admissions Bill. Can I also have minutes of all meetings in 2016 at which the bill was discussed.'

I have made a decision to part grant your request on 01 July 2016. I am releasing the documents to you as outlined on the schedule attached.

The purpose of this letter is to explain that decision. This explanation has the following parts:

- A. A schedule of the record covered by your request.
- B. Findings, particulars and reasons for decisions to deny access.
- C. A statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these parts in turn.

A. Schedule of records.

A schedule is enclosed with this letter listing 19 records that are relevant to your request.

The schedule also provides you with a summary and overview of the decision as a whole. It describes the document and indicates whether it is part-granted or refused and refers to the relevant section of the FOI Act which applies.

Part access has been granted to 6 documents on the attached schedule under sections 37 of the Freedom of Information Acts 2014.

I have refused to grant you access to the remaining documents on the attached schedule of documents under sections 29 and 30 of the Freedom of Information Acts 2014.

Under Section 5(1) of the FOI Acts 2014, a head to whom an FOI request is made may refuse to grant the request where- (d) the information is already in the public domain. In this regard some of the documents within the scope of your request are available on the Department's website at the following link:

<http://www.education.ie/en/Parents/Information/School-Enrolment/>

B. Findings, particulars and reasons for decisions to deny access.

Section 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,

and, without prejudice to the generality of paragraph (b), the head shall, in determining whether to grant or refuse to grant the request, consider whether the grant thereof would be contrary to the public interest by reason of the fact that the requested concerned would thereby become aware of a significant decision that the body proposes to make.

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,
- (b) have a significant, adverse effect on the performance by an FOI body of any of its functions relating to management (including industrial relations and management of its staff), or
- (c) disclose positions taken, or to be taken, or plans, procedures, criteria or instructions used or followed, or to be used or followed, for the purpose of any negotiations carried on or being, or to be, carried on by or on behalf of the Government or an FOI body.

Section 37. (1) Subject to 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).

- (7) Notwithstanding *paragraph (a) of subsection (2)*, a head shall, subject to *paragraphs (b) to (e) of that subsection and subsections (5) and (8)*, refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would, in addition to involving the disclosure of personal information relating to the requester, also involve the disclosure of personal information relating to an individual or individuals other than the requester.

Personal information has been redacted in the relevant documents provided to you.

C. Rights of appeal

In the event that you are unhappy with this decision you may appeal the 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 or by e-mail to foi@education.gov.ie. The fee for an internal review is €30 and for information on payment methods please email the Department's Freedom of Information Unit.

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 090 648 3773.

Yours sincerely,



Della Sammon
Higher Executive Officer/Decision Maker
School Governance Section

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