

Re: FOI request 2016/202

Dear [REDACTED]

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

"I hereby submit freedom of information request under the 2014 Freedom of Information Act for copies of all records and documents in the department concerning the appointment of Carol Hanney as Chief Executive of the City of Dublin Vocational Board (CDETb)"

I, Frank Fox, Assistant Principal Officer, have now made a final decision to part grant your request on 27 June 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.

Document 3 listed on the schedule is an attachment to a letter dated 20 June 2012. (Document 2 on the schedule to which access has been granted) It contains the names, dates of appointment and order of seniority of a number of other individuals who are eligible to participate in the redeployment scheme. It also contains information on the date of appointment to a different position than the one which is the subject of your request and the order or seniority of Ms Hanney.

Document 10 is Ms Hanney's completed Order of Preference Form. It sets out her order of preferences for positions on List X.

Document 11 is a letter to Ms Hanney advising her of Ms Stewart's retirement as chief executive of CDETB and offering her assignment to that position in accordance with the redeployment scheme. Part of the letter indicates the order of preference in which Ms Hanney nominated the chief executive post at City of Dublin ETB.

I am satisfied that part of these documents is personal information within the meaning of Section 37(1) of the Freedom of Information Act and accordingly have refused access to this information. For information, a copy of the text of Section 37(1) the Act is set out below.

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).

Public interest considerations which favour the release of this information include the public's right to know, and the operation of public affairs in an open and transparent manner. Public interest considerations which favour the refusal of this information relate to the need to protect and respect personal information provided to a government department by officials of State bodies, the potential to prejudice the creation of databases containing such personal information for the purposes of developing a redeployment scheme, the need to protect the efficient and effective management of the education sector and the importance in delivering a fundamental pillar of public service reform.

In the circumstances, I am satisfied that the public interest would not, on balance, be better served by granting than by refusing to grant the request and, consequently that access to the records concerned should be refused for the reasons and under the section of the FOI Acts suggested above.

Document 7 is a letter from Ms Hanney which indicates her wish to be considered for assignment to a position on List X.

Document 9 is a letter from Ms Hanney enclosed with her completed Order of Preference Form.

I am satisfied that part of these documents consists of information given to the Department in confidence within the meaning of Section 35(1)(a) of the Freedom of Information Act and accordingly have refused access to this information. For information, a copy of the text of Section 35(1)(a) of the Act is set out below:

*35. (1) Subject to 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,*

Public interest considerations which favour the release of this information include the public's right to know, and the operation of public affairs in an open and transparent manner. Public interest considerations which favour the refusal of this information relate to the need to protect and respect personal information provided to a government department by officials of State bodies as well as members of the public, the need to protect the efficient and effective management of the education sector and the importance in delivering a fundamental pillar of public service reform.

In the circumstances, I am satisfied that the public interest would not, on balance, be better served by granting than by refusing to grant the request and, consequently that access to the record concerned should be partially refused for the reasons and under the section of the FOI Acts suggested above.

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.

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 076 110 8698.

Yours sincerely,

Frank Fox
Assistant Principal Officer
ETB/SOLAS Project Management Office