

Adelaide Mulrooney, Senior Policy Officer
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At: Teresa Maher
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Department of Education
Paradise Road
Tullamore
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07 November, 2016

[REDACTED]

Re: FOI request 2016/324

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

"...records set out in the appendix to this letter and listed on page 3 (unnumbered) of your 12 September letter, provided that you also confirm that no submission was made to Dún Laoghaire Rathdown County Council in relation to the designation of our client's site for educational purposes in the draft Sandyford Urban Framework Plan 2011 – 2016.

Appendix

1. *Memo on Goatstown-Stillorgan site selection process dated 23 February 2016, prepared and submitted to this Department by Dun Laoghaire Rathdown County Council in response to our letter of 29 October 2015.*
2. *Technical assessment reports prepared by Department personnel dated 9 March 2016 and 17 June 2016.*
3. *A valuation of the site procured by Dun Laoghaire Rathdown County Council dated 11 July 2016.*
4. *Internal correspondence and correspondence with Dun Laoghaire Rathdown County Council regarding site suitability, valuation and engagement with the landowner, all dated after 23 February 2016."*

I, Adelaide Mulrooney, have now made a final decision to refuse your request on 07 November, 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.

I consider that the exemptions provided for in Sections 29 (Deliberations of Public Bodies), 30 (Functions and Negotiations of Public Bodies) and Section 36 (Commercially Sensitive Information) of the FOI Act 2014 apply in relation to all of the records referred to on the schedule. These exemptions are discussed further below.

Section 29: Deliberations of Public Bodies

A head may refuse to grant an FOI 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) under Section 29(1)(a)

Section 30(1)(c): Functions and Negotiations of Public Bodies

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 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 36(1)(c): Commercially Sensitive Information

A head shall refuse to grant an FOI request if the record concerned contains information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.

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.

Publication

All non-personal FOI requests will be recorded on an FOI disclosure log which will be published on the Department of Education and Skills website in due course.

Should you wish to discuss the above, please contact me by telephone at 057 9325430.

Yours sincerely,


Adelaide Mulrooney.
Acting Executive Officer.