

11th October 2016

Re: FOI request 2016/339

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

"A copy of the contract between Rhatigan Construction and the Department of Education in relation to Kishoge College in Lucan."

I, Regina Gannon, Executive Officer have now made a final decision to refuse your request on 11th October 2016.

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

1. an explanation of the relevant findings concerning the records to which access is denied, and
2. a statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these two parts in turn.

1. 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.

In this case, refusal to grant the FOI request is being on administrative grounds in accordance with Section 15.1 of the Freedom of Information Act 2014 which states that:

"A head to whom an FOI request is made may refuse to grant the request where –

- (a) The record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken."*

More explicitly, the refusal in question is being made because the records requested do not exist as the contract was not between Rhatigan Construction and the Department of Education. The contract was between Rhatigan Construction and Dublin and Dun Laoghaire Education & Training Board. The contact person in relation to this project is Jennifer Talbot, Assistant Principal Officer, Corporate Services Department, Dublin and Dun Laoghaire Education and Training Board, No. 1 Tuansgate, Belgard Square East, Tallaght, Dublin 24 (contact number 01-4529615).

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 057-9324429.

Yours sincerely,

Regina Gannon
Executive Officer