

An Roinn Oideachais agus Scileanna  
Bóthar Phort Laoise  
An Tulach Mhór  
Co. Uíbh Fhailí  
R35 Y2N5



Department of Education and Skills  
Portlaoise Road  
Tullamore  
Co. Offaly  
R35 Y2N5

[REDACTED]

**Our Ref: FOI/2017/385**

4<sup>th</sup> September 2017

**Re: FOI request 2017/385**

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

*"An initial request for sight of the contract details for the contract/agreement made between the Department of Education or other relevant Department and the Trustees of Notre Dame School, Churchtown, Dublin, for the sale of the school and any adjoining lands to the Department of Education or other relevant Department, made between 2014 and 2016."*

I, Valerie Healion, EO have now made a final decision to refuse your request on 4<sup>th</sup> September 2017.

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

### **Section 36: Commercially sensitive information**

A head shall refuse to grant an FOI request if the record concerned “ *(b)financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation, or (c)information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates*”.

Having considered section 36(1) (b) and 36(1) (c) I must also consider section 36(3) which provides that a head may decide to release records if, in his or her opinion, “*the public interest would, on balance, be better served by granting than by refusing to grant the request*”. Having considered where the balance of the public interest lies in these cases, I have decided to withhold such information at this time.

## 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  
D01 RC96  
Or by email to: [foi@education.gov.ie](mailto:foi@education.gov.ie)

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 & Skills. Please note the Department of Education and Skills no longer accepts cheque payments from business users. For further information regarding payment methods for business users, please email [foi@education.gov.ie](mailto:foi@education.gov.ie)

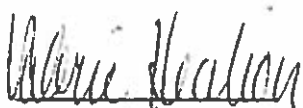
You should make your appeal within 4 weeks from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of 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 have any questions or concerns regarding the above, please contact me by telephone on 057-9325424.

Yours sincerely,

A handwritten signature in black ink that reads "Valerie Healion". The signature is written in a cursive style with a horizontal line underneath the name.

Valerie Healion  
Executive Officer  
Site Acquisition & Property Management Section