

28<sup>th</sup> March 2017

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Re: FOI request 2017/17

Dear [REDACTED]

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

*"I would like to make a request of the Department of Education for the release of information under the Freedom of Information Act 2014.*

*I seek:*

- *A copy of all reports, memos or briefs which dealt with or discussed the merger between UCC and IMI. This should cover a period from January 1, 2016 to the present day.*
- *The minutes of any meeting, including the Min-Mac meetings, where the issues of the UCC-IMI merger were discussed, since January 1, 2016.*
- *Any correspondence between the Department and either UCC or the HEA in relation to the proposed merger. This should cover a period from January 1, 2016 to the present day.*
- *Any correspondence involving the Department and either UCC or the HEA regarding the terms and uses for the loan drawn down by UCC from the European Investment Bank in the latter half of 2016."*

I, Olive O'Neill, Executive Officer, have now made a final decision to part grant your request on 27<sup>th</sup> March 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**

The sections of the Act which can apply to deny access to documents are known as its exemption provisions.

A number of documents have been redacted as set out in the attached schedule. All material not released has been withheld under Section 36(1)(c) and 37(1) of the Act as they relate to information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.

### **Commercially sensitive information**

36. (1) Subject to subsection (2), a head shall refuse to grant an FOI request if the record concerned contains—
- (a) trade secrets of a person other than the requester 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.

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).

## **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 (€10 for medical card holders) 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](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.

Should you have any questions or concerns regarding the above, please contact me by telephone on 057 9324322.

Yours sincerely,



Olive O'Neill  
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Higher Education – Governance & Financial  
Department of Education and Skills  
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