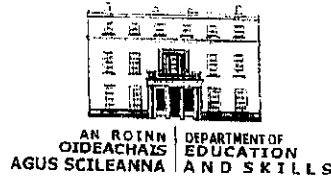


An Roinn Oideachais agus Scileanna
Bóthar Phort Laoise
An Tulach Mhór
Co. Uíbh Fhailí
R35 Y2N5



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

[REDACTED]

13th April, 2017

Re: FOI request 2017/106

Dear M [REDACTED]

I refer to your request for access to information under the terms of the Freedom of Information Act 2014 which was received by this Department on 13th March, 2017 and your subsequent clarifications which were received on 20th March, 2017:

All records/correspondence between the Department of Education and Skills and Scoil Mhuire na mBraithre (CBS Primary School), Tralee, Co. Kerry (Roll Number 18247K) during the period 1st January, 2016 to 14th March, 2017. Correspondence dealing with pupil/teacher numbers, demographic requirements and additional accommodation.

I, Adrian Healy, Higher Executive Officer, have now made a final decision to part grant your request in respect of records/correspondence relating to demographic requirements and additional accommodation on 13th April, 2017. On behalf of Statistics Section, I am also prepared to release a record held by them in relation to pupil/teacher numbers.

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

1. Schedules of all records covered by your request including records held by School Capital Appraisal Section, Devolved Projects Section and Statistics Section.
2. An explanation of the relevant findings concerning the records to which access is only partially granted or refused 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

Schedules are enclosed with this letter, which show 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 documents 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. In respect of your request, my decision to partially release certain records, falls under the provisions of section 36(1) c of the Freedom of Information Act 2014.

Section 36 - Commercially sensitive information

The Freedom of Information Act protects records containing information which could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates. This is outlined in Section 36(1) (c) of the Act. The relevant text is:

*36(1) (c) A head shall refuse to grant an FOI request if the record concerned contains-
(c) information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.*

I refer to record number 1 in the attached schedule relating to records held by School Capital Appraisal Section, where the grant amount cannot be released as it considered commercially sensitive information. This information has been redacted under the provisions of section 36(1) (c).

However under Section 36(3) of the FOI Act requires that the "public interest" be considered when deciding whether to grant or refuse access to records which contain information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations. I have considered those factors and on balance have decided not to release the redacted information at this time.

In respect of your request for records/correspondence dealing with demographic requirements, my decision to refuse your request falls under the provisions of section 15(1) a of the Freedom of Information Act 2014, as no records exist or could be found.

Section 15 - Refusal on administrative grounds to grant FOI requests

The Freedom of Information (FOI) Act 2014 makes provision for the refusal of a request on administrative grounds where the requested record does not exist. This is outlined in Section 15 (1) (a) of the Act. The relevant text is:

15. (1) 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,

3. Right of appeal

In the event that you are unhappy with this decision you may appeal it. 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, D01RC96 or by email to 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 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

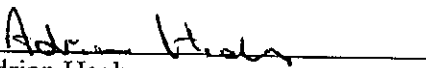
You should make your appeal within 4 weeks from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this Department.

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 regarding the above, please contact me by telephone on (057) 93 25378 or by email at adrian_healy@education.gov.ie.

Yours sincerely,


Adrian Healy
Schools Capital Appraisal Section
Building Unit