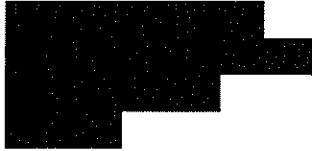


5 May, 2017



Re: FOI request 2017/107

Dear 

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

".....a copy of all written and electronic communications, notes, records, correspondences, emails, letters, minutes of meetings, notes of telephone calls and notes of conversations between the Minister for Education and Skills and his advisors with Department officials in relation to the DEIS programme from May 2016 to date.

All written and electronic communications, notes, records, correspondences, emails, letters, minutes of meetings, notes of telephone calls and notes of conversations applying the HP Deprivation index to schools to qualify them for the DEIS.

All representations made to the Minister or to the Department seeking to have schools included in DEIS.

All lists of schools whether in draft at any stage or final stage."

I, Declan Curley, Higher Executive Officer, have now made a final decision to part grant your request.

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 and sets out 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.

Please note that following a request to narrow the scope of your request, the list of representations made for schools regarding access to the DEIS scheme was limited to representations made by members of the Oireachtas.

2. Findings, particulars and reasons for decisions to deny access

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

Section 15(1)(i) refers to a record which has already been released to the same requester.

Records number 1, 4, 6, 7, 14, 15, 16, 28, 32 and 36 had already been released to Mark Canavan, Fianna Fáil and as discussed and agreed with you, these records do not need to be released again.

Sections 28(1)(a) and (c) apply where a record has been, or is proposed to be, submitted to the Government for its consideration by a Minister of the Government, or if the record contains information (including advice) for a member of the Government, the Attorney General, a Minister of State, the Secretary General to the Government for use by him or her solely for the purpose of the transaction of any business of the Government at a meeting of the Government.

Records number 5, 30 and 31 are examples where a record has been refused under this section of the Act. These records relate to papers provided for the Cabinet Committee on Social Policy and Public Sector Reform and a Memorandum for the Information of Government on the DEIS Review.

Section 29(1)(a) applies where a 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), and the granting of the request would, in the opinion of the head, be contrary to the public interest by reason of the fact that the requester concerned would thereby become aware of a significant decision that the body proposes to make.

Records number 12, 13, 17, 21, 43, 46, 71 and 73 are examples where a record or part of a record has been refused under this section of the Act. The material which has been refused relate to the ongoing formulation of policy in relation to elements of the DEIS Programme and the identification process where a final decision is yet to be

made. Records 71 and 73 relate to the Budget/estimates process and financial requirements.

Sections 30(1)(a),(b) and (c) apply where access to the record concerned could reasonably be expected to prejudice the effectiveness of tests, examinations, investigations, inquiries or audits conducted by or on behalf of an FOI body or the procedures or methods employed for the conduct thereof, have a significant, adverse effect on the performance by an FOI body of any of its functions relating to management or disclose positions taken or plans, procedures, criteria or instructions used or followed, for the purpose of any negotiations carried on or being carried on by or on behalf of the Government or an FOI body.

Part of record number 46 and records 71 and 73 are refused on this basis.

Sections 35(1)(a) and (b) apply where the record concerned contains information given to an FOI body, in confidence and on the understanding that it would be treated by it as confidential and its disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further similar information as aforesaid should continue to be given to the body or disclosure of the information concerned would constitute a breach of a duty of confidence provided for by a provision of an agreement or enactment or otherwise by law.

Record number 55 containing DEIS Review Report with School Support Programme draft attached is an example where a record has been redacted under this section of the Act.

Section 37(1) applies where the record concerned would involve disclosure of personal information.

Part of records number 18, 45, 57, 58, 59, 60, 70 and 79 have been redacted as they refer to individual people, schools or a person's telephone number.

Section 42(J) means that the FOI Act of 2014 does not apply to a record given by an FOI body to a member of the Government or a Minister of State for use by him or her for the purposes of any proceedings in either House of the Oireachtas.

Record number 39 is an example of where a records has been refused under this section of the Act.

3. Right of appeal

You may appeal this decision. In the event that you wish 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, or email foi@education.gov.ie. 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.

Should you have any concerns or questions regarding the above, please contact me on 090 6483764.

Yours sincerely,

Declan Curley
Higher Executive Officer