

19th May 2017



Re: FOI request 2017/117

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

"Access to all records held by the Department regarding the merger between University College Cork and the Irish Management Institute (IMI), to include (but not limited to) correspondence in all forms to and from the Department in that regard, including representations made to the Department with regard to the pension scheme of the IMI or benefits of members of that scheme. The foregoing request is for records created, or received, by the Department in the period 1 January 2015 to date."

I, Olive O'Neill, Executive Officer, have now made a final decision to part grant your request on 19th May 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 withheld as set out in the attached schedule. All material not released has been withheld under the following sections:

Records have been withheld under Section 15(1)(d) of the Act as they relate to Parliamentary Questions which is information that is already a matter of public record.

Refusal on administrative grounds to grant FOI requests

15. (1)(d) the information is already in the public domain.

Records have been partially withheld under Section 29(1)(a) of the Act as they relate to opinions expressed and deliberations made which are not relevant to the outcome of the merger process.

Deliberations of FOI Bodies

29. (1) A head may refuse to grant an FOI request –

- (a) if the 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
- (b) the granting of the request would, in the opinion of the head, be contrary to the public interest.

Records have been partially withheld and fully withheld under Section 31(1)(a) of the Act as they relate to legal deliberations which are not relevant to the outcome of the merger process.

Parliamentary, court and certain other matters

31. (1) A head shall refuse to grant an FOI request if the record concerned -

- (a) would be exempt from production in proceedings in a court on the grounds of legal professional privilege.

Records have been partially withheld under Sections 36(1)(b) and (c) 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—

- (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.

Records have been partially withheld under Section 37(1) of the Act as they relate to a private individual's personal information.

Personal Information

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)(delete as applicable) 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

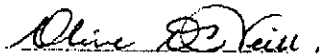
You should make your appeal within 4 weeks from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of 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 9325406.

Yours sincerely,



Olive O'Neill
Executive Officer
Higher Education – Governance & Financial