



20 April 2017

[REDACTED]

Re: FOI request 2017/122

[REDACTED]

I refer to the request for access to information under the provisions of the Freedom of Information Act 2014 (the "FOI Act"). In your request you sought the following:

I am looking for records relating to the contributions from religious congregations under the 2002 indemnity agreement and the offers made since 2009.

Specifically, I am looking for all records held and correspondence on this issue for all of 2016 and so far in 2017 in relation to two orders in particular:

1. *Christian Brothers*
2. *Sisters of Mercy*

I, Aongus Ó hAonghusa, Assistant Principal Officer, have now made a final decision in relation to your request

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

- (a) a schedule of all of the records covered by your request;
- (b) an explanation of the relevant findings concerning the records to which access is denied, and
- (c) 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, where relevant, 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 in accordance with your request the scope has been confined to correspondence from the two named religious congregations in relation to the specific issue of contributions offered or made under the 2002 Indemnity Agreement and the 2009 voluntary offers in the period from 1 January 2016 to the date of your request, 22 March 2017. Accordingly correspondence from these two congregations in relation to other matters do not come under the scope of your request. Furthermore, I consider that correspondence from agents of these congregations, e.g. legal advisors, does not come under the scope of your request.

Please note that in the period 1 January 2016 to 22 March 2017 no correspondence was received from or issued to the Congregation of the Sisters of Mercy in relation to the matters referred to in your request.

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

It is my decision to release all of the records coming under the scope of your request with the exception of parts of some of those records that I consider to be exempt in part under the provisions of the FOI Act and which are marked on the schedule as "part-grant".

One exemption provided for in the FOI Act applies in the case of the records that are the subject of your request.

Under Section 36 of the FOI Act a Head shall refuse to grant an FOI request if the record concerned contains 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, etc. This provision is subject to a public interest test (see below).

Two of the records coming under the scope of your request include details of a bank account (IBAN and BIC number, etc.) into which contributions may be paid by way of electronic funds transfer. It is my view that the release of the details of this bank account could reasonably be expected to result in material financial loss and I therefore regard it as commercially sensitive information and that the information is exempt from release at this point in accordance with section 36.

As noted above section 36 of the FOI Act includes a public interest test. As Decision Maker I have considered the public interest factors in favour of the release of those parts of the records for which the section 36 exemptions is being claimed and those against. I am required to consider if the public interest would, on balance, be better served by granting than refusing to grant your request in so far as it applies to the particular parts of those records to which the exemption apply.

I believe that the public interest grounds in support of the release of the relevant extract from the records in question that are relevant in this case include that of requesters exercising their rights under the FOI Act to the maximum possible extent and the desirability of openness, accountability and transparency on the part of public bodies in the exercise of their functions.

I consider that the public interest considerations suggesting that the relevant parts of the records should not be released at this point in time are the reasonable risk that disclosure of the bank details could lead to an attempt to access the bank account in question and possibly

lead to fraudulent activity on the account. However, I believe that withholding the bank details does not negatively impact on your ability to consider the contents of the records.

I am required to balance the competing public interests as set out above and having considered the matter I am satisfied that the public interest is best served in this case by the withholding of parts of certain records on the basis of the exemption provided for in section 36 of the FOI Act.

3. Right of appeal

You may appeal this decision within 4 weeks of receiving this letter which will involve a complete reconsideration of the matter by a more senior member of the staff of this Department. 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 for processing the appeal. Payment should be made by way of personal cheque or postal money order made payable to the Accountant 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

Should you have any questions or concerns regarding any of the matters in this letter please contact me by telephone on 01-8892014 or by email at

angus.o'hAonghusa@education.gov.ie

Yours sincerely,


Aongus O hAonghusa
Assistant Principal Officer
Redress Unit