



16<sup>th</sup> June 2017



**Re: FOI request 2017/210**

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

***“Copies of all correspondence between universities, the third level sector more generally and the Department regarding Brexit between 1 October 2016 and 19 May 2017”.***

I, Kieran Ormond, Executive Officer, have now made a final decision to part grant your request on 16<sup>th</sup> June 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 record(s) 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(s) 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.

Correspondence between universities and the third level sector more generally and the Department is being refused under Section 29(1)(a) of the Act – The records concerned relate to the deliberative process:

‘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

ly, the head of the body, or a member of the body or of the staff of the body for the purpose of those processes)'.

This exemption has two requirements:

- (a) the record must contain matter relating to the deliberative process; and
- (b) disclosure must be contrary to the public interest.

I consider that the public interest would not be best served at this time by the release of these records on the basis that it could:

- reveal details regarding ongoing deliberations on Brexit-related matters and that such release could prejudice this Department's ability to properly conclude those deliberations;
- premature release could contaminate the decision making process;

For your information, the Higher Education Authority (HEA) is accountable to the Minister for Education and Skills, through his Department, for the achievement of national outcomes for the higher education sector. The HEA exercises a central oversight role in the higher education system and is the lead agency in the creation of a co-ordinated system of higher education institutions with clear and diverse roles appropriate to their strengths and national needs. The HEA has been examining the possible effects of the UK Brexit vote for Irish higher education and research. Therefore, correspondence between the HEA (an agency of the Department) and the Department on the subject matter falls outside the scope of this FOI query.

### 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 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.

Yours sincerely,



Kieran Ormond  
Executive Officer