

[REDACTED]

29th June 2017

Re: FOI request 2017 / 183

Dear [REDACTED]

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

"Copies of all of the audits and reports completed in relation to school buses - including privately run ones plus Bus Éireann buses as well as all other schoolbuses - since 2012, and to include any audits compiled by the Freight Transport Association".

I, Elizabeth Dunican, have now made a final decision to refuse your request on 29th June 2017

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

1. An explanation of the relevant findings concerning the records to which access is denied, and
2. A statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these parts in turn.

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

The records are not held by this Department but are held by Bus Éireann. Whilst Bus Éireann is listed as an exempt agency in Schedule 1 Part 2 of the Act, records held by Bus Éireann in relation to school transport scheme operated by Bus Éireann (on behalf of the Department) fall under the provisions of FOI legislation.

Bus Éireann has advised that the records sought by you are exempted under the provisions of section 36 (1) Commercially sensitive information.

Section 36. (1) Subject to subsection (2), a head shall refuse to grant an FOI request if the record concerned contains –

- (a) trade secrets of a person other than the requester concerned,*
- (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.*

It is considered that the public interest would not be best served on the basis that it could disclose information which is believed commercially sensitive at this time.

2. 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 D01 RC96 or email 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 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 9325464.

Yours sincerely,

Elizabeth Dunican
School Transport Section