

[REDACTED]

28th September 2017

Re: FOI/2017/215

[REDACTED]

I refer to the appeal which you made under the Freedom of Information Acts 2014 on 7th September 2017.

I, Tom Deegan, Principal Officer am a more senior member of staff in the Parents, Learners and Database Unit of the Department of Education and Skills, than the original decision maker in this case. After conducting an internal review of the documents held by the Unit, I have decided today 28th September 2017 as follows:

Your request sought:

"Under the Freedom of Information Act, I wish to obtain the following information from the Department of Education (DOE).

1. *The number of complaints from any teacher, parent, guardian or relative in relation to any issue at St Patrick's Comprehensive School, Shannon from January 1, 2017 to May 31, 2017.*

By the time this request is acknowledged and examined this date will have been reached.

2. *A copy of any complaint made about the school during this period.*
3. *A copy of any minutes of meetings between any teacher, parent, guardian or relative and the DOE during this period.*
4. *A copy of any correspondence sent to and from the DOE between any teacher, parent, guardian or relative concerning any complaint during this period.*

This FOI request includes complaints sent to and from the inspector's office, the secretary general, the Minister for Education's private secretary and the department's Athlone office."

Remit of the FOI Act

In the original Decision Letter (DL) the provision of Section 42(m) of the FOI Act was invoked:

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Section 42 places a restriction on the Act specifically detailing material as not falling within the remit of the Act. Section 42 (m) make the following provision –

“(m) a record relating to information whose disclosure could reasonably be expected to reveal, or lead to the revelation of—

(i) the identity of a person who has provided information in confidence in relation to the enforcement or administration of the law to an FOI body, or where such information is otherwise in its possession, or

(ii) any other source of such information provided in confidence to an FOI body, or where such information is otherwise in its possession.”

In this case the complainant has indicated agreement to the release of data relating to their complaint in a suitably anonymized (redacted) format. Based on that fact I do **not** find that Section 42(m) has application in this case and therefore find that the material falls within the remit of the Act.

Statutory Restrictions

The material falling within the remit of the Act is subject to a number of statutory restrictions, namely. Section 32, Section 35.1 (a) & (b), and Section 37.1.

Section 32 addresses the issue of law enforcement and public safety. The child protection concern raised in complaints lodged potentially have law enforcement and public safety consequences. The Department does not pass judgement on allegations made, it passes the information to the relevant statutory body, the Child and Family Agency and/or An Garda Síochána for attention. In this case Section 32.1 has application:

32. (1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—

(a) prejudice or impair—

(i) the prevention, detection or investigation of offences, the apprehension or prosecution of offenders or the effectiveness of lawful methods, systems, plans or procedures employed for the purposes of the matters aforesaid,

(ii) the enforcement of, compliance with or administration of any law,

- (iii) lawful methods, systems, plans or procedures for ensuring the safety of the public and the safety or security of persons and property,
- (iv) the fairness of criminal proceedings in a court or of civil proceedings in a court or other tribunal,

Section 35 addresses the issue of confidentiality. I am of the view that the release of documents would be prejudicial to the expectation of confidentiality held by members of the public in dealing with the Department and as stated in Section 35.1 (a) - "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" and Section 35.1 (b) "disclosure of the information concerned would constitute a breach of a duty of confidence."

Section 37 addresses the issue of personal information - "..... 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). There are a number of parties named in the documents to whom an exemption by reference to Section 37.1 applies.

Document Schedule

Please find attached a Revised Schedule of Documents relevant to your request. There are 14 items of correspondence(s) all of which have been redacted to remove the identity of appropriate parties.

Appeal

You may appeal this decision by writing to the Information Commissioner. If you wish to make an 'application *for review*' of this decision, you must usually do so not later than 6 months from the date of this notification. Should you wish to make such an 'application for review' in writing, please use the details below:

The Office of the Information Commissioner
18 Lower Leeson Street,
Dublin 2,
D02 HE97

Alternatively you may appeal using the Office of the Information Commissioner on-line application form which can be located at:

<https://www.oic.gov.ie/en/apply-for-review/apply-for-review-online/>

If an appeal is made by you and accepted, the Information Commissioner will fully investigate and consider the matter and issue a fresh decision.

Yours sincerely,

Tom Deegan

Principal Officer