

[REDACTED]

6th April 2018

Re: FOI Request 2018/100

[REDACTED]

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

"I am seeking copies of the following records:

- *All correspondence between the Department of Education, school officials and teacher's unions in relation to Storm Emma and related adverse conditions.*
- *All internal records relating to the issue of school closures due to Storm Emma and related adverse conditions - to include minister's briefing notes, internal memos and minutes of meetings."*

I, Paul Haynes, Higher Executive Officer have now made a final decision to grant your request in respect of 35 documents, and to partially grant so in respect of 9 documents, on 6th April 2018. The redactions are minor in extent and relate to 1. Mobile phone and phone numbers believed to be private, 2. A private email address and 3. Internal organisation code.

In the context of this correspondence a document includes an email or a string of such emails.

The purpose of this letter is to address your request and consists of:

1. A schedule of all 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 reply is in respect of the Parents Learners and Database Section of the Schools Division of the Department of Education and Skills. You will or will have received responses by other sections of the Department under separate cover.

This letter addresses each of these three parts in turn.

1. Schedule of records

A schedule is enclosed with this letter, it shows all of the 44 documents that this body considers relevant to your request. It describes each document.

2. Reasons for redaction of data - Freedom of Information Act 2014:

35. (1) Subject to this section, a head shall refuse to grant an FOI request if—

(a) the record concerned contains information given to an FOI body, in confidence and on the understanding that it would be treated by it as confidential (including such information as aforesaid that a person was required by law, or could have been required by the body pursuant to law, to give to the body) and, in the opinion of the head, its 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,

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,

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).

In making my decision I have considered Section 37(1) which provides that, subject to the other provisions of the section, an FOI body shall refuse a request if access to the record would involve the disclosure of personal information. It is noted that when a record is released under the FOI Act, this, in effect, amounts to disclosure to "the world at large", as the Act places no restrictions on the subsequent uses to which the record may be put. The documents scheduled contain, in part, data covered by this legislative provision.

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

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 090 6483959.

Yours sincerely

Paul Haynes
Higher Executive Officer
FOI Decision Maker