

[REDACTED]

I refer to your attached request for access to information made under the Freedom of Information Act 2014 which was received by this office on 5<sup>th</sup> March 2018. I have been assigned as the decision maker in relation to your request.

Your Request:

*A list of all Department files (including file names and dates) which are 30 years or older, which have not been released for public view under the provisions of the National Archives Act, along with stated reason (eg. public interest, cause distress or danger to living persons, etc.) for their being withheld from public*

I have made a final decision to part-grant your request on 02 May 2018, 2018.

The purpose of this e-mail is to explain the decision. The explanation has the following parts:

1. Reason for the decision taken
2. A schedule of all of the records covered by your request
3. A statement of how you can appeal this decision should you wish to do so.

This e-mail addresses each of these parts in turn.

#### **1. Reason for the decision taken**

I have made the decision to withhold certain information under section 37(1) on the grounds that the information would be considered personal in nature.

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)

This exemption is subject to a number of exceptions which include:

- where the public interest in disclosure outweighs the individual's right to privacy,
- where the person to whom the information relates has consented to the release,
- release in certain circumstances of personal information relating to a deceased person and
- where disclosure would benefit the person to whom the information relates.

I have considered whether access to this information should be granted taking account of public interest factors in favour of release including the right of access under the FOI Act generally and the need for there to be accountability in decision-making by ensuring equity of treatment between the requester and other people. The public interest factors against release which I have considered are considerations in favour of protecting privacy generally, maintaining privacy of third parties and the legitimate expectation members of the public have to have personal information held by public bodies protected. I have concluded that the public interest to granting access to these records is outweighed by the right to privacy of the individuals to whom the information relates.

## 2. Schedule of records

A schedule is attached with this e-mail which shows the documents that the Department of Education & Skills considers relevant to your request. It describes each document and refers to sections of the FOI Act which apply to prevent its release.

You have sought access to the records by electronic means and I consider this as an appropriate form of access in this case. Accordingly, five excel documents are now attached with this email which contains a list of all Departmental files which have not been released for public view under the provision of the National Archives Act. There is no breakdown available in respect of the stated reason for each file listed.

## 3. Right of Appeal

In the event that you are unhappy with this decision you may appeal it. 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 & Skills, Marlborough Street, D01 RC96 or by e-mail to [foi@education.gov.ie](mailto:foi@education.gov.ie) Your correspondence should include a fee of €30 for processing the appeal. Payment should be made by way of postal order or personal cheque made payable to the Accountant, Department of Education & Skills. Please note the Department of Education & 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.

## Publication

All non-personal requests will be recorded on an FOI Disclosure Log which will be published on the Department of Education & Skills website in due course

Should you wish to discuss the above, please contact me at (01) 8892385.

Yours sincerely,

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Paul Daly  
Freedom of Information Unit