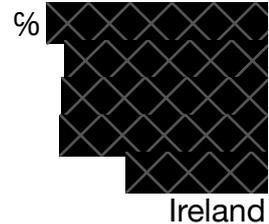


THE FREE THOUGHT PROPHET PODCAST



www.thefreethoughtprophet.com

21st April 2021

Attn: Mr Stephen Rafferty
Senior Investigator
Office of the Information Commissioner,
6 Earlsfort Terrace,
Dublin 2,
D02 W773.

Re: Policy Regarding Inadequate Fol Responses

Dear Mr Rafferty,

I refer to my letter to you dated 1st March 2021, to which I have not yet received a response. That correspondence related to Case Number OIC-97611-K4F1J2 and how the issues that have arisen within that case have been addressed by your Office. Based on the most recent information that I have received from the Department of Education and Skills concerning this Fol request, I would now like to repeat my question relating to how your Office deals with false statements made by public bodies within their responses to Fol requests. As I asked in my previous correspondence:

“... where a public body provides a false statement in response to a Fol request, instead of a truthful response that may be embarrassing to that public body, what is the policy of your Office in dealing with such situations?”

The Department of Education and Skills has repeatedly promised Irish parents that the RE course delivered to their children is “*suitable for students of all faith backgrounds and none*”. However, I have today received from the DoES copies of PDST Annual Reports that describe eight separate in-service days within the limited period specified by my Fol request, which were delivered by the PDST in collaboration with the Catholic Church. These PDST Annual Reports are not publicly available. In the knowledge that PDST Annual Reports have listed these eight in-service days that were jointly delivered in collaboration with the Catholic Church, I would be grateful if you could consider again how my Fol request seeking this information has been managed.

1.

In response to my initial FoI request, the National Director of the PDST informed me that *“there have been no jointly arranged in service days and representatives of the Catholic Church have not attended our in service days”*. We now know that the same National Director of the PDST had listed eight such in service days within the PDST Annual Report, and that the same National Director of the PDST had been in personal communications with representatives of the Catholic Church in relation to these events.

2.

I subsequently submitted the same FoI request to the DoES, and the Department told me that all relevant records were *“held by the PDST and not under the control of the Department”*. It is absolutely impossible to believe that the Department did not then have access to PDST Annual Reports listing the eight relevant events. These are electronic documents that are easily searchable. Moreover, it is difficult to understand how the Department could have given your Office to conclude that my request should have been *“transferred to the DWEC for processing”*, if in fact the DoES had been dealing with your Office in a forthright manner.

3.

In your most recent Decision on this matter you reported representations to your Office from the DoES to the effect that *“the two records released are the only two relevant records held in relation to this request”*. We now know that the records describing only two events were not the only documents held, but rather there were multiple additional relevant documents that described eight events in total.

I have now been pursuing this information for well over three years. Every single one of the formal FoI responses that I have received from the DoES and the PDST over this period, have been consistent in communicating false information to me. Every single one of the formal FoI responses from the DoES and PDST, has denied the existence of records that those public bodies had access to, which contradict the public commitments that the DoES has made to Irish parents. Moreover, the DoES has demonstrated no more candour towards your Office than it has towards me. Such situations appear to be exactly those that the FoI Act is intended to address, and the value of the Act is immediately set at zero if public bodies can offer false responses with impunity.

I will be seeking further related records from the DoES and this context, I would be grateful if you could answer the simple question that I asked in my correspondence to you of 1st March 2021. Specifically, where a public body repeatedly makes false statements in response to a FoI request, instead of providing a truthful response that may be embarrassing to that public body, what is the policy of your Office in dealing with such situations?

Yours Sincerely,

John Hamill.