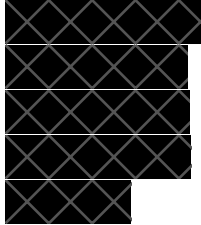


14 March 2022

Mr. John Hamill



**Re: Freedom of Information Request – DES-FOI-2022-0032**

Dear Mr. Hamill.

I refer to the appeal which you made under the Freedom of Information Act 2014 in relation to FOI request 2022 - 0032.

I am a more senior member of staff in the ITE & Professional Development Section of the Department of Education, than the original decision maker in this case. I have decided today 14 March 2022, to affirm the original decision made in relation to your request. This review of your request is an entirely new and separate decision, and is explained as such below.

Your original request sought access to the following records

1. All emails during calendar year 2016 between the PDST and any email address from the following email domains: @catholicbishops.ie, @aracoeli.com, @raphoediocese.ie, @clogherdiocese.ie, @kilmorediocese.ie, @killaladiocese.org, @achonrydiocese.org, @elphindiocese.ie, @tuamarchdiocese.org, @clonfertdiocese.ie, @galwaydiocese.ie, @ardaghdiocese.org, @dioceseofmeath.ie, @dublindiocese.ie, @kandle.ie, @ossory.ie, @ferns.ie, @killaloediocese.ie, @cashel-emly.ie, @limerickdiocese.org, @waterfordlismore.ie, @cloynediocese.ie, @corkandross.org, @dioceseofkerry.ie, @lecheiletrust.ie, @ceist.ie, @erst.ie

The email accounts within the PDST that should be searched should include:



**Corr na Madadh, Baile Átha Luain, Co. na hIarmhí, N37 X659**

Cornamaddy, Athlone, Co. Westmeath, N37 X659

T +353 1 889 xxxx | name@department.gov.ie

[www.education.ie](http://www.education.ie)



[REDACTED]

2. Details of any expenses paid by the PDST in relation to attendance of PDST representatives at Catholic Church premises during calendar year 2016. This should include travel, subsistence and accommodation costs. Specifically, [REDACTED] and [REDACTED] have attended events on Catholic Church premises during this period, and I'm interested to know the details of expenditures from public funds required to facilitate this. In relation to calendar year 2016, the National Director of the PDST has previously told me that there had been *"no correspondence or communication between the PDST and representatives of the Catholic Church"* during this period. Moreover, in relation to the same period the Department of Education and Skills has told the Office of the Information Commissioner that *"the PDST does not correspond with Catholic Church Diocesan Advisors except when responding on an occasional basis to requests for curricular inputs"* and that most such events *"are arranged by telephone"*. As such, according to the previously expressed position of the Department of Education and Skills there should be few if any records returned in relation to these searches.

My decision is as follows;

1. In relation to your request I am applying the following section of the FOI Act in relation to part 1 of the request

*Section 15(1)(i) A head to whom an FOI request is made may refuse to grant the request where—*

*(1) the request relates to records already released, either to the same or a previous requester where—*

*(i) the records are available to the requester concerned*

and,

*Section 15 (1) (a) of the FOI Act provides for the refusal of a request where the records sought do not exist or cannot be found after all reasonable steps to a certain their whereabouts has been taken.*



In applying this section of the Act, I am refusing your request as I am satisfied that the searches already carried out for the purposes of your previous FOI requests to this Department would have identified the records that you are seeking under this FOI request 2022 - 0032 and that any records identified have already been released to you.

I also note the decision of Senior Investigator, Deirdre Mc Goldrick of the Information Commissioner - Case Number: OIC-107608-M5G7B6 - "Having regard to all of the above, I see no reason to question the Department further in relation to its submission or to direct that further searches be carried out. In particular, I am satisfied that the searches described in the decisions and the Department's submission, including the key words chosen for electronic searches, are reasonable steps for the purposes of section 15(1)(a) in this case. As to the various further searches suggested by the applicant, it seems to me that this and the other suggested searches are exhaustive steps, rather than the reasonable steps that are contemplated by section 15(1)(a) of the FOI Act. Accordingly, I do not think it reasonable to direct the Department to carry out these further searches."

2. In relation to part 2 of your request, Section 37 of the FOI Act recognises a very strong public interest in protecting privacy rights and this is reflected both in the language of section 37 and in the Long Title to the Act (which makes clear that the release of records under FOI must be consistent with "the right to privacy"). Privacy rights will therefore be set aside only where the public interest served by granting the request (and breaching those rights) is sufficiently strong to outweigh the public interest in protecting privacy.

I also note the decision of Senior Investigator, Deirdre Mc Goldrick of the Information Commissioner - Case Number: OIC-107608-M5G7B6 - where she states that she does not believe it is appropriate to direct the release in the public interest of third party personal information, effectively to the world at large, on the basis of the applicant's dissatisfaction with the Department and/or PDST, or because of a policy whereby a PDST presenter's mileage/travel and subsistence expenses are paid from public monies.

Therefore, in accordance with the provisions of section 37, I have weighed the public interest in the right of the public to access information against the right of



the individuals to not have their personal information shared without their consent, or without a legitimate exemption which would supersede this right. It is reasonable for the people involved to expect that the records that you have sought in relation to their financial affairs would be treated as confidential and would not routinely be disclosed to third parties. Having carefully considered the public interest under section S.37(5) and the right to privacy under S.37(1) of the FOI Act, I have decided to refuse access to any records that may exist under to part 2 of your request.

Having regard to the aforementioned I have decided to affirm the decision made by the original decision maker in relation to your request.

### **Appeal**

You may make an 'application for review' of this decision to the Information Commissioner no later than 6 months from the date of this notification. There is a fee of €50. Payment should be made by way of postal order or personal cheque, crossed and made payable to the 'Office of the Information Commissioner'.

Alternatively you can make payment on-line which can be located at:

<https://www.oic.ie/apply-for-a-review/fees-for-a-review/>

Should you wish to make such an 'application for review' in writing, please use the details below:

Office of the Information Commissioner,  
18 Lower Leeson Street,  
Dublin, 2.  
DO2 HE97

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

<https://www.oic.ie/apply-for-a-review/start-application/>

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



Details of 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.

Yours sincerely,

Noel Farrell

Assistant Principal Officer

ITE & Professional Development Section

