

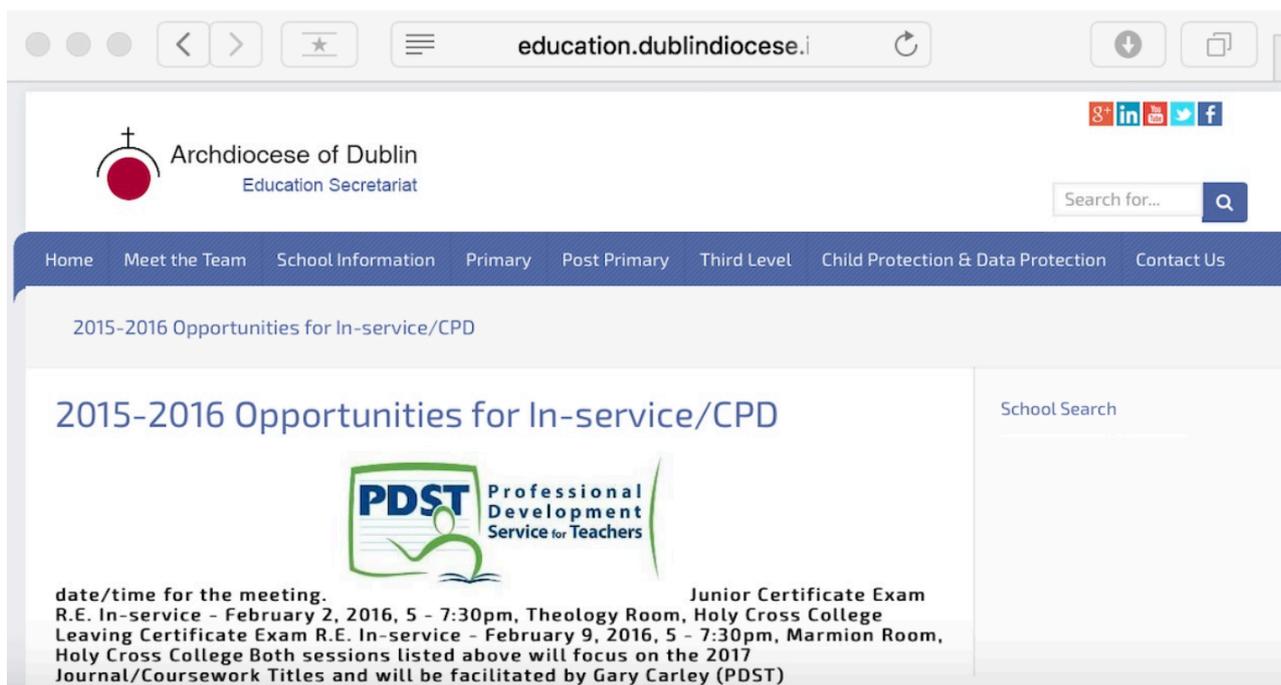
From: John Hamill [REDACTED] 
Subject: Re: Letter about discontinuing part of our review, Case Number: OIC-120832-Q8Y3K0
Date: 20 May 2022 at 07:36
To: OIC Applications Shared Mailbox applications@oic.ie



Hi Richard,

With respect to your correspondence of 19th May 2022 (your Reference: OIC-120832-Q8Y3K0; Department's Reference: DES-FOI-2022-0032) may I highlight one important issue that I think you must consider, which is whether or not to extend a charitable interpretation to the previous responses from the Department on this matter? Specifically, on very many occasions the Department has provided false responses to my formal FoI requests on this issue. A charitable interpretation of these responses is that there is just not a good memory of the communications from 2016 within the Department, and that they were simply mistaken on each one of these occasions. If however you take at face value the Department's current assurances that they recall with clarity how almost all their communications with the Catholic Church on these issues were conducted by phone (such that no more email records exist) then this is synonymous with stating that the previous responses from the Department were deliberate lies. In particular, I would ask that your final conclusion on this issue would detail specifically how your interpretation of the Department's current position relates to whether or not they should search for emails from a @dublindiocese.ie domain, as per my current FoI request. Please allow me to highlight the relevance of the @dublindiocese.ie domain, as an example that illustrates the importance of this issue.

Consider the event described in the image below from the Dublin Diocese web site. This is a joint event involving both the Catholic Church and the PDST, which would be within the scope of my FoI request, and yet no records whatsoever in relation to this event have been provided to date. There is absolutely no reason to suspect that the search terms used to date (such as "Religious Education" and "Catholic Diocese") would have found any and all emails that exist relating to this joint event. As such, the question before you now is whether it is reasonable for the Department to search their records for emails from the @dublindiocese.ie domain, or whether we should take at face value their assurances that the Department retains a clear memory of all such events being arranged by phone only.



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2015-2016 Opportunities for In-service/CPD

2015-2016 Opportunities for In-service/CPD

School Search

 Professional Development Service for Teachers

date/time for the meeting. Junior Certificate Exam R.E. In-service - February 2, 2016, 5 - 7:30pm, Theology Room, Holy Cross College
Leaving Certificate Exam R.E. In-service - February 9, 2016, 5 - 7:30pm, Marmion Room, Holy Cross College Both sessions listed above will focus on the 2017 Journal/Coursework Titles and will be facilitated by Gary Carley (PDST)

My suggestion is that you should allow for a principle of charity towards the Department, in assuming that they do not retain a good memory of these events and how they were arranged. It is worth being very specific about the implications of taking the alternative view, which would be that the Department retains a high-fidelity memory of all these events being arranged mostly by telephone, with only three relevant emails existing:

1. In response to my original FoI request on this issue, I was informed that there was no "correspondence or communication between PDST and representatives of the Catholic Church". In fact, I have been sent three such emails so far, which have been found using very limited search terms. If we are now to assume that the Department retains a good memory of how these events were arranged, then this FoI response was a deliberate lie. In contrast, I propose we should assume that this was an honest lapse in memory, such that the Department may also have forgotten emails arranging the Dublin Diocese event illustrated above. As

- such, the Department should now search for emails from @dublindiocese.ie.
2. In response to my original FOI request on this issue, I was informed that there *"have been no jointly arranged in-service days"* with the Catholic Church. In fact, the Department has since detailed 8 such events in the non-public annual report of the PDST. If we are now to assume that the Department has a clear memory of arranging these in-service days by phone only, then this FOI response was a deliberate lie. In contrast, I propose we should assume that this was an honest lapse in memory, such that the Department may also have forgotten emails arranging the Dublin Diocese event illustrated above. As such, the Department should now search for emails from @dublindiocese.ie.
 3. As part of a previous investigation by your Office, the Department informed you that *"the two records released are the only two relevant records held in relation to the request"*. These two records were emails between the PDST and the Diocese of Kerry. However, subsequent to this a third email was provided between the PDST and a different body within the Catholic Church (Le Chéile Schools Trust) arranging different joint in-service days. If we are now to assume that the Department retains a good memory of how these events were arranged, then this statement to your office was a deliberate lie. In contrast, I propose we should assume that this was an honest lapse in memory, such that the Department may also have forgotten emails arranging the Dublin event illustrated above. As such, they should now search for emails from @dublindiocese.ie.

I could detail many more cases in which the Department has provided demonstrably false information in response to FOI requests on this topic, both to me and to your Office. The searches conducted to date are clearly inadequate in order to determine whether or not any emails exist relating to the Dublin Diocese event, and so I propose that the Department should search for emails involving the domain @dublindiocese.ie (and the other search terms I provided should determine whether emails exist in relation to the other 6 events listed in the PDST annual report).

In the alternative, what possible justification could there be for your Office deciding that there is no need to conduct any further searches in relation to the Dublin Diocese event, of the other 6 events in the PDST annual report? How could you possibly conclude that any emails about the Dublin Diocese event must necessarily have contained the limited search terms used to date (such as *"Religious Education"* and *"Catholic Diocese"*)? Of course, it is perfectly possible that an email thread arranging the Dublin Diocese event did not use these exact phrases. How could you possibly conclude that no emails exist about the Dublin Diocese event because the Department has assured you that all arrangements were made by phone only? In the most generous possible interpretation of the Department's responses, their memory about how these events were arranged is demonstrably unreliable.

In your conclusion on this matter, please be sure to describe your interpretation of the Department's responses to date, and whether or not it is reasonable to ask that they might search for emails from @dublindiocese.ie. Please be sure to describe how much weight you give to their assurances that the 8 joint events in the PDST annual report were all arranged almost entirely by phone, when their memory of these arrangements is so demonstrably unreliable. Please be sure to describe whether you think that the search terms used to date must necessarily have found any and all emails with the Dublin Diocese, or whether it is conceivable that emails arranging the Dublin Diocese event may not have used those precise search terms.

Best Regards,
John.

On 19 May 2022, at 12:36, OIC Applications Shared Mailbox <applications@oic.ie> wrote:

Our reference: OIC-120832-Q8Y3K0

Dear Mr Hamill

I refer to your application to the Information Commissioner for a review of the decision of the Department of Education and Skills on your FOI request dated 31 January 2022 for (i) records of communications between the PDST and the Catholic Church during 2016 and (ii) details of expenses paid by the PDST during 2016, as set out in your request.

It appears that this Office previously dealt with the subject of access to those records sought in part 1 of your request. I attach a letter in this regard.

Yours sincerely

Richard Crowley
Office of the Information Commissioner
Telephone 

Tabhair freagra ar an ríomhphost seo ach an rogha 'tabhair freagra

do' a úsáid nó seol ríomhphost chuig applications@oic.ie, agus an Uimhir Thagartha á lua agat i líne ábhair an ríomhphoist.

Please respond to this email by using the reply to option or email applications@oic.ie with the Reference No. in the email Subject line.

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