

27/04/2007

Mr Patrick McCarthy
Patrick McCarthy & Co Solicitors
23/24 Bridge Street
Skibbereen
Co.Cork
FOI/0033/2007

Dear Mr McCarthy,

I refer to the request you have made under the Freedom of Information Act for access to records held by this Department in connection with Pelagic History of vessels on behalf of Mr. Anthony Sheehy

Your request has been refused on the following grounds:

Question 1: The source of information on fishing activity is vessel log books. The Sea Fisheries Protection Authority (SFPA) is the organisation which receives this information, records it and supplies the necessary reports to the EU Commission. This Department has access to that information in respect of current and recent years but as it relates to history 2000 /2001 we do not have such access., In any case, in the normal course the Department would request reports on the activity of fishing vessels from the Authority rather than accessing this information directly itself.

Questions 2 & 3: As the information requested would be of a commercially sensitive nature, i.e. would contain information on quota allocation and uptake relating to various fishing vessels, I have to refuse this request under Section 27 of the Freedom of Information Act

I wish to advise you that, if for any reason you are not satisfied with the outcome of your request, you are entitled to seek a review of the case by appealing the decision to this Department's FOI Internal Review Board. To appeal, you need to write to [Mr. John Wynne], FOI Unit, Department of Communications, Marine and Natural Resources, Leeson Lane, Dublin 2, Co Dublin. You must make your appeal within 4 weeks of the date of this letter, but 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 Department.

Please note that an application fee for an appeal is currently €75.00 and a reduced fee of €25.00 applies if you are covered by a Medical Card.

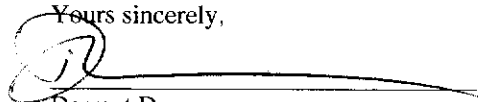
If claiming a reduced application fee, the request must also be accompanied by

- The Medical Card registration number
- The name of the issuing Health Board
- Your consent to the verification of these details with that Health Board.

Payment should be made by way of bank draft, money postal order, or personal cheque made payable to "The Department of Communications, Marine & Natural Resources".

On receipt of the fee, an acknowledgement letter will be sent to you outlining details of when you can expect a decision on your appeal, and the contact details of the person handling the appeal.

Yours sincerely,



Dermot Donegan
Sea Fisheries Administration Division
PH: 6782474



02/04/2007

Mr Patrick McCarthy
Patrick McCarthy & Co Solicitors
23/24 Bridge Street
Skibbereen
Co.Cork

FOI/0033/2007

Dear Mr McCarthy,

I refer to the Freedom of Information request received in this office on 02/04/2007 along with the associated fee.

The officer handling your request will be Mr Dermot Donegan, Sea Fisheries Administration Division Division, Department of Communications, Marine & Natural Resources, Leeson Lane, Dublin 2. He can be contacted at 01 6782474.

A final decision on your request will normally be sent to you within 4 weeks of receipt of your request. This means that you can expect to receive your decision by the 02/05/2007.

If you have not heard from us when the time allocated has expired, you are automatically entitled to appeal to the Department for a review of the matter. This review proceeds on the legal basis that the initial request is considered to be refused once the specified time for responding to it has expired.

You should also be aware that you are entitled to a review of the decision if your request is refused, or if you are for any reason dissatisfied with the outcome of your request. The review is a full and new examination of the matter carried out by a more senior member of staff of this Department. In the event that you need to make an appeal, you can do so by writing to Frank O'Brien, FOI Unit, Department of Communications, Marine & Natural Resources, Elm House, Earlsvale Road, Co. Cavan. Please note that there is a charge for all appeals of FOI requests. This charge is currently €75.00. A reduced fee of €25.00 applies if you are the holder of a Medical Card.

Please note that the Department of Communications, Marine & Natural Resources has a policy of posting a summary of your request, your name and address and the subsequent reply on the Department's website for reference purposes.

Yours sincerely,

Seana McGearty
FOI Unit
PH: 6782902

PATRICK MCCARTHY & CO



SOLICITORS

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Patrick McCarthy, B.C.L.
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Naomi McCarthy L.L.B.

Anita Pratt, Law Clerk

Seana McGearty,
Dept of Communications, Marine & Natural Resources,
FOI Unit,
Leeson Lane,
Dublin

Date: 28th March 2007
Your Ref:
Our Ref: PMCC/AP

RE: Anthony Sheehy, Ballylynch, Baltimore

Dear Madam,

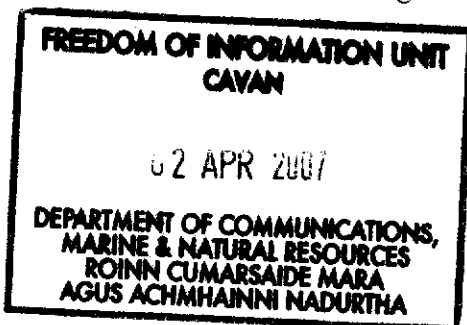
We act on behalf of the above named Anthony Sheehy of Ballylynch, Baltimore, County Cork.

At the request of Mr. Sheehy and under the Freedom of Information Act we now require the following information;-

1. The names of all Irish fishing vessels, to include their registration number and names of registered owners which the Department of Communications, Marine and Natural Resources would have considered to have actively participated in the pelagic sector for a period of sixteen weeks or in excess thereof per annum during the years 2000 and 2001.
2. The total of pelagic tonnage which is regarded by the Department of Communications, Marine & Natural Resources as being "active" together with the names of all Irish fishing vessels with such active pelagic tonnage.
3. Names of all fishing vessels, their registered numbers and names of owners which have deemed to have failed to show a history of actively participating in the pelagic sector for periods in excess of sixteen weeks per annum during the years 2000 and 2001.

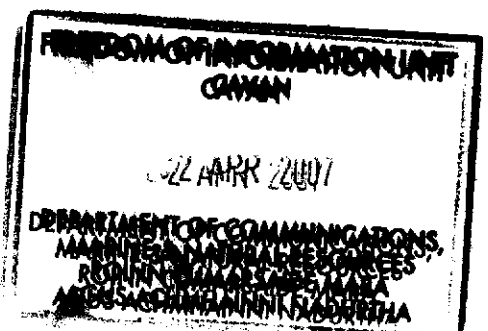
We enclose our cheque in the sum of €15.00 being the application fee.

We now await hearing.




S.M.C.

Dublin Office: 24/26 Upper Ormond Quay



Yours faithfully,


PATRICK McEATHY & COMPANY

Enc. Cl. A/c Chq. €15.00