



29 January 2007

Our Reference Number: FOI/0003/2007

[REDACTED]

Dear [REDACTED]

I refer to the request which you made under the Freedom of Information Acts 1997 - 2003 for a list of names of those who submitted applications under the Biofuels Mineral Oil Tax Relief Scheme II and under which section they applied.

I have made a final decision to refuse your request of 2 January 2007 on the grounds that the information is held to be commercially sensitive. If you have any queries regarding this correspondence you can contact me by telephone at 01-6783215.

The purpose of this letter is to clarify that decision. This clarification has the following parts:

1. a schedule of all of the records covered by your request;
2. an explanation of the relevant findings concerning the records to which access is denied, and
3. a statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these three parts in turn.

1. Schedule of records

A schedule of the relevant record is attached to this letter. It shows the document that this Department considers relevant to your request. It describes the document and refers to the section of the FOI Act which applies to prevent release.

The schedule also provides brief reasons for the decision which are meant to supplement the fuller and more detailed explanation given under heading 2 below.

2. Findings, particulars and reasons for decisions to deny access

The sections of the Act which can apply to deny access to documents are known as its exemption provisions.

The record involved is a list of all the project promoters who submitted an application under the Biofuels Mineral Oil Tax Relief Scheme II and the category under which they applied, which was compiled for the assessment panel based on information provided in the applications submitted by the project promoters. The information in

the applications was provided by the applicants in response to a call for proposals process and it is considered that disclosure of any part of that information could prejudice the conduct or outcome of contractual or other negotiations of the applicants.

The relevant section of the FOI Act is as follows:

Section 27(1)(c) relates to information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.

Therefore it is considered that there is no benefit to the public interest by granting access to these records.

3. Rights of appeal

The Freedom of Information Act provides the right to appeal a decision taken under the Act within 4 weeks of the initial decision. Should you wish to make such an appeal, you can do so by writing to Mr Frank O'Brien, Freedom of Information Unit, Department of Communications, Marine and Natural Resources, Elm House, Earlsvale Rd, Cavan. Please note that there is a charge for all appeals of FOI requests which is currently €75 or €25 for medical card holders. The appeal will involve a complete reconsideration of the matter by a more senior member of staff of this Department.

Yours sincerely


Geraldine Luddy
Renewable and Alternative Energy Division

FOI Request Reference: FOI/0003/2007

Schedule of Records: Summary of Decision Making

Requesting a list of names of those who submitted applications under the Biofuels Mineral Oil Tax Relief Scheme II and under which section they applied.

Record Number	Brief Description and Date of Record	File Ref.	No. of Pages	Relevant Facts	Findings/ conclusions	Grant/refuse/ part-grant	Basis of Refusal: Section of Act	Record edited/ Identify deletions
1	List of names and contact details of all applicants who submitted applications to the Department of Communications, Marine and Natural Resources under the Biofuels MOT Relief Scheme II	CD		List of all applicants and the category under which they applied as provided on compact disc to all members of the assessment panel	Contains information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.	Refuse	Section 27(1)(c)	



02/01/2007

[Redacted]

FOI/0003/2007

Dear [Redacted]

I refer to the Freedom of Information request received in this office on 2nd January, 2007 along with the associated fee.

The officer handling your request will be Ms Geraldine Luddy, Renewable and Sustainable Energy Division, Department of Communications, Marine & Natural Resources, 29 – 31 Adelaide Rd., Dublin 2. He can be contacted at 01 6783215.


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 30th January, 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 Mr. Frank O'Brien, FOI Unit, Department of Communications, Marine & Natural Resources, Elm House, Earlsvale Rd., 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.

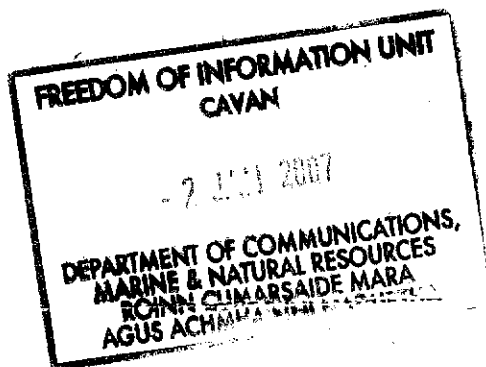
Yours sincerely,



Mary Rabbitte
FOI Unit
PH: 01 6782903

Mary Rabbitte,
Department Communications Marine and Natural Resources,
Eln House,
Earlsvale Road,
Cavan,

18 December 2006




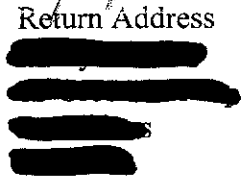
Re: Biofuels Mineral Oil Tax Relief Scheme II

Dear Mary,

I would like to request some data under the Freedom of Information Act.

I am conducting some research into the production of biofuels in Ireland. I am interested to receive a list of the names of those who submitted applications under the 'Biofuels Mineral Oil Tax Relief Scheme II' and under which section they applied.

Yours faithfully,


Return Address


Encl.; Cheque for fifteen euros