

The Sunday Independent,
Independent House,
Talbot Street,
Dublin 1
4/5/09

Dear Carmel,

Further to our email correspondence, I would like to make an application under the FOI act.

I would like access to details of corporate hospitality invitations received/and accepted by civil servants above assistant secretary grade over the last 12 months.

I enclose a postal order of €15

Regards

A handwritten signature in black ink, appearing to read 'Nick Webb'.

Nick Webb
Deputy Business Editor
Sunday Independent

Te: 01-7055687
Email: nwebb@independent.ie

Carmel Cosgrove

From: Nick Webb [nwebb@independent.ie]
Sent: 12 May 2009 16:04
To: FOI UNIT
Subject: ammended FOI

Dear Frank,

Further to our phone call, I wonder if I could amend my FOI request to read "by civil servants at assistant secretary and above" rather than "by civil servants above assistant secretary grade"

Regards

Nick Webb
Deputy Business Editor
The Sunday Independent
27-32 Talbot Street
Dublin 1
Tel: 01-7055687
Fax: 01-7055719

Please think of the Environment before printing this email.

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Dublin 1,
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13/05/2009

Mr Nick Webb
The Sunday Independent,
Independent House,
Talbot Street,
Dublin 1

FOI Request Reference: FOI/2009/17

Dear Mr Webb,

I refer to your FOI request under Section 7 of the Freedom of Information Acts, 1997 and 2003, received in this office on 12/05/2009 requesting access to details of corporate hospitality invitations received/and accepted by civil servants at assistant secretary grade and above over the last 12 months. The application was received along with the associated fee.

The officer handling your request will be Ms Susan Lowen, Secretary Generals Office, Department of Communications, Energy and Natural Resources, 29-31 Adelaide Road, Dublin 2. Susan can be contacted on 01 6782032.

You can expect to receive your decision by the 09/06/2009.

If you have not received a decision by that time, 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. A request for a review should be addressed to the undersigned at the address shown.

Please note the Department of Communications, Energy and Natural Resources has a policy of posting a summary of non-personal requests and decisions on the Departments website for reference purposes.

Yours sincerely,


Carmel Cosgrove

FOI Unit
Department of Communications,
Energy and Natural Resources
Elm House,
Earlsvale Rd
Cavan

Phone: 01 6782902

Oifig an Árd Runaí
An Roinn Cumarsáide
Fuinnimh agus Acmhainní Nádurtha
Baile Átha Cliath 2



Office of the Secretary General
Department of Communications
Energy and Natural Resources
Dublin 2

Website: www.dcenr.ie

Tel: + 353 1 678 2030

Fax: + 353 1 678 2079

9 June 2009

Mr Nick Webb
The Sunday Independent
Independent House
Talbot Street
Dublin 1

FOI Request Reference: FOI/2009/17

Dear Mr Webb,

I refer to the request you have made under the Freedom of Information Acts, 1997 and 2003, requesting access to details of corporate hospitality invitations received/and accepted by civil servants at/above Assistant Secretary grade over the last 12 months.

I have made a final decision to part grant your request and I attach all relevant information with this letter. If you have any queries regarding this correspondence you can contact me by telephone at the number below. A schedule of the records covered by your request is also attached. The schedule covers records for the Secretary General.

I am sorry to inform you that in relation to civil servants at Assistant Secretary level & Deputy Secretary General, I cannot locate the records and that I must therefore refuse your request in relation to that part of the request. As is explained below, this decision is made under section 10(1)(a) of the Act (a copy of section 10 is enclosed for your reference).

Section 10(1)(a) of the Act states that an FOI request may be refused if:

'the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken.'

After discussion with us, it was agreed on 12th May 2009 that the following come within the scope of your FOI request: [records of invitations received/accepted by Assistant Secretaries, Deputy Secretary General & Secretary General].

The following are the steps this Department has taken to locate the records. Also listed is the outcome of each of these steps.

I consulted the Deputy Secretary, Assistant Secretaries and the Secretariat who advised they do not retain records of invitations received. Only details of invitations accepted are recorded. No-such invitations were accepted.

In the case of one Assistant Secretary who retired during the period to which the request refers, Heads of Divisions (Principal Officers) who reported to him during that period were

consulted. No records are held by these Divisions. As mentioned above, the Secretariat does not hold records in relation to invitations.

A search of the electronic databases and records held by the Department in relation to diary appointments was conducted.

The above are the reasonable steps which we have taken to locate the records which you have sought. In choosing these steps, this Department/Body has tried to maximise the chance that the records will be found, while not overly disrupting its operations. On this basis, this Department/Body has identified and implemented the steps to locate the records that were reasonable to take in this case.

'Does not exist'

In its search for the records, this Department/Body has tried (as noted above) to use all practical, possible means for finding them. However, it has not found the records, or discovered any indication that they ever existed. Further, this Department/Body has not become aware of any reason or policy under which such records would have been created. In view of the comprehensive but unsuccessful searches described above, I find that, so far as I am able to determine, the records sought by you in respect of the Assistant Secretaries and the Deputy Secretary General of this Department do not exist.

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 by appealing the decision. To appeal, you need to write to the FOI Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Rd, Cavan, Co Cavan. 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 certain circumstances. The review 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 "Department of Communications, Energy and Natural Resources".

On receipt of the fee, you will be advised of when you can expect a decision on your appeal, and the contact details of the person handling the appeal.

Yours sincerely,



Susan Lowen
Private Secretary to the Secretary General

Phone: 016782032

(3) The reference in *section 8 (1)* to 4 weeks shall be construed in accordance with any extension under this section of that period. Pr.II S.9

10.—(1) A head to whom a request under *section 7* is made may refuse to grant the request if— Refusal on administrative grounds to grant requests under *section 7*.

(a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,

(b) the request does not comply with *section 7 (1) (b)*,

(c) in the opinion of the head, granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, require the retrieval and examination of such number of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of the other work of the public body concerned,

(d) publication of the record is required by law and is intended to be effected not later than 12 weeks after the receipt of the request by the head,

(e) the request is, in the opinion of the head, frivolous or vexatious, or

(f) a fee or deposit payable under *section 47* has not been paid.

(2) A head shall not refuse, pursuant to *paragraph (b)* or *(c)* of *subsection (1)*, to grant a request under *section 7* unless he or she has assisted, or offered to assist, the requester concerned in an endeavour so to amend the request that it no longer falls within that paragraph.

11.—(1) Where a request is made under *section 7*, and—

Deferral of access to records.

(a) the record concerned was prepared solely for the information of either or both of the Houses of the Oireachtas or a committee of either or both of such Houses and copies of the record are intended to be laid before either or both of such Houses or given to such a committee or otherwise published to members of either or both of such Houses or such a committee on a day falling within a reasonable period after the receipt by the head concerned of the request ("the specified day"), or

(b) information contained in the record concerned falls within *paragraph (b)*, *(d)* or *(e)* of *section 20 (2)* and the giving of access to the record on or before a particular day ("the specified day") would, in the opinion of the head concerned, be contrary to the public interest, or

(c) the record concerned is held by a public body, being a Department of State or the Office of the Tánaiste and the Minister of the Government in whom functions in relation to the public body are vested considers that the record or part thereof or any matter to which it relates is of such interest to the public generally that he or she intends to inform either or both of the Houses of the

Schedule of Records: Summary of Decision Making

Requesting access to details of corporate hospitality invitations received/and accepted by civil servants at/above assistant secretary grade over the last 12 months

Record No.	Brief Description & Date of Record	File Ref.	No. of Pages	Relevant facts	Findings/ conclusions (Public Interest Considerations, (If applicable))	Grant/refuse/ part-grant	Basis of Refusal: Section of Act	Record edited/Identify deletions
1	Report of Corporate Hospitality invitations received in 2008 from 12-05-08 to 31-12-08	1	1	Report is run from log of invitations received by the Secretary General - nil return		Grant		
2	Report of Corporate Hospitality invitations received in 2009 from 01-01-09 to 11-05-09.	2	1	Report is run from log of invitations received by the Secretary General		Grant		
3	20 Apr 09 - Invitation from Ericsson to Volvo Ocean Race Stop-over in Galway on 30 & 31 May 2009, direction from the Secretary General, response to the invitation on 21 Apr 09, acknowledgement of response, & diary entry.	3 - 13	11			Grant		
4	Invitation from '3' to Irish Open, VIP Links Pavilion, Raltray, Co Louth on 15 May 2009, email response on 28 Apr 09 & diary entry.	14 - 16	3			Grant		

**FOI 17-09 Corporate Hospitality Invitations to the Secretary General
2008**

DATE RECEIVED	FROM	INVITATION DETAILS	RSVP BY	ACCEPT/DECLINE DETAILS
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FOI 17-09 Corporate Hospitality Invitations to the Secretary General 2009

<i>RECEIVED FROM</i>	<i>INVITATION DETAILS</i>	<i>RSVP BY</i>	<i>ACCEPT/DECLINE DETAILS</i>
21/04/2009 John Hennessy, MD, LM Ericsson Ltd	Volvo Ocean Race Stop Over Galway 30th & 31st May		regrets by email
27/04/2009 3	Irish Open, VIP Links Pavilion, Baltray, Co Louth, 15 May.		Regrets by eml

Susan Lowen

From: VOR Galway [vor.galway@ericsson.com]
Sent: 20 April 2009 20:12
To: Aidan Dunning
Subject: Volvo Ocean Race Stop Over Galway 30th & 31st May 2009

Dear Aidan

The Volvo Ocean Race is considered the world's most challenging and technologically advanced ocean sailing race, covering 39,000 nautical miles and taking over nine months to complete. The race began on the 11th October 2008 in Alicante, Spain and will include 11 stopovers before finishing in St Petersburg in late June 2009. There are 8 participating boats in the race and Ericsson has entered the race with two custom built boats crewed by world class teams.

For the first time in the history of the race there will be a stop over in Ireland at Galway between 23rd May and 6th June. The highlight of the Galway stop over is the in-port race on 30th of May and the pro-am on 31st May. These are expected to be very popular events in Ireland.

Ericsson is pleased to invite you and your partner to join in a special social event and a dinner hosted by Ericsson on the evening of the 30th May.

If you would like to and are available please join us to view the In-port racing on Saturday the 30th as we plan to have a boat available to take you into the bay to view the action close up.

The Ericsson plans on the day:**30th May 2009**

- *Meet at the Radisson SAS Hotel in Galway 10:00 am*
- *Welcome & Orientation*
- *Breakfast / Refreshments*
- *Transfer to Race Village & Spectator boat (weather permitting) 11:00*
- *Lunch on board*
- *Transfer to Ericsson Pavilion in Race Village*
- *Drinks reception with experiences and insight from the Ericsson Race Team in the Ericsson Pavilion*
- *Pre-Dinner Drinks 19:30 hrs*
- *Gala Event Hotel Meyrick, Eyre Square, Galway 20:00 hrs*
- *Explore Racing Village & Social Activities*

31st May 2009

- *Breakfast*
- *Transfer to Race Village*
- *Pro-Am race*
- *Farewell Message in the Ericsson Pavillion*

Over the 2 days you could also visit The Ericsson Experience Centre in the Hotel where we will have seminars on technology, regulation and also demonstrations and next generation devices

Ireland and in particular Galway will be the Global showcase for this major sporting event at this week-end. We want to do Ireland and Ericsson proud this week-end. Ericsson is one of the longest established foreign Multi-national companies in Ireland with a major operation in Ireland since 1957 and over 1600 people employed.

For security and accommodation purposes, please register your attendance by the 14th April, please follow the URL provided below;

<http://www.eventelephant.com/30th31stmay2009>

Please direct any further queries to vor.galway@ericsson.com.

I look forward to the Volvo Ocean Race coming to Ireland and Galway in May and welcoming you both to joining us at the event.

Welcome on Board!

John Hennessy
Managing Director
LM Ericsson Ltd.

Susan Lowen

From: Aidan Dunning
Sent: 21 April 2009 09:56
To: Susan Lowen
Subject: FW: Volvo Ocean Race Stop Over Galway 30th & 31st May 2009

Susan

Could you send regrets on my behalf pl. Aidan

From: VOR Galway [mailto:vor.galway@ericsson.com]
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Welcome on Board!

John Hennessy
Managing Director
LM Ericsson Ltd.

Susan Lowen

From: Susan Lowen
Sent: 21 April 2009 12:22
To: 'vor.galway@ericsson.com'
Subject: FW: Volvo Ocean Race Stop Over Galway 30th & 31st May 2009

Dear Sir/Madam,

On behalf of Aidan Dunning, I acknowledge receipt of your email, the contents of which have been brought to the Secretary General's attention. Unfortunately, Mr Dunning is unavailable to attend and asked me to pass on his regrets.

Kind Regards,
Susan

Susan Lowen
Private Secretary to Secretary General
Department of Communications, Energy & Natural Resources
29-31 Adelaide Road
Dublin 2
Tel. +353-1-6782032
Fax. +353-1-6782079
Mobile. +353-87-6781591
Email. Susan.Lowen@dcenr.ie
Web. www.dcenr.ie

From: VOR Galway [<mailto:vor.galway@ericsson.com>]
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09/06/2009

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31st May 2009

- Breakfast
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I look forward to the Volvo Ocean Race coming to Ireland and Galway in May and welcoming you both to joining us at the event.



Welcome on Board!

John Hennessy
Managing Director
LM Ericsson Ltd.

Susan Lowen

From: VOR Galway [vor.galway@ericsson.com]
Sent: 22 April 2009 09:40
To: Susan Lowen
Subject: RE: Volvo Ocean Race Stop Over Galway 30th & 31st May 2009

Hi Susan

Thank you for your reply. Sorry The Secretary General is unable to attend.

With best regards Lorraine


e

Lorraine Campbell
Ericsson Events Team

LM Ericsson, Market Unit NWE
Beech Hill, Clonskeagh, Dublin 4
LM Ericsson Limited, Registered Office: Beech Hill, Clonskeagh, Dublin 4
Registered Number in Ireland : 21679

Telephone: + 353 1 2077019 (ECN: 830 77019)

Mobile: + 353 86 8590620

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From: Susan Lowen [mailto:Susan.Lowen@dcenr.gov.ie]
Sent: 21 April 2009 12:22
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Subject: FW: Volvo Ocean Race Stop Over Galway 30th & 31st May 2009

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Kind Regards,
Susan

Susan Lowen
Private Secretary to Secretary General
Department of Communications, Energy & Natural Resources
29-31 Adelaide Road
Dublin 2
Tel. +353-1-6782032
Fax. +353-1-6782079
Mobile. +353-87-6781591

09/06/2009

Email: Susan.Lowen@dcenr.ie
Web: www.dcenr.ie

From: VOR Galway [mailto:vor.galway@ericsson.com]
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31st May 2009

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Please direct any further queries to vor.galway@ericsson.com.

I look forward to the Volvo Ocean Race coming to Ireland and Galway in May and welcoming you both to joining us at the event.

Welcome on Board!

John Hennessy
Managing Director
LM Ericsson Ltd.

Susan Lowen

Subject: Volvo Ocean Race Stop Over Galway 30th & 31st May 2009 - regrets
Location: Galway

Start: Sat 30/05/2009 00:00
End: Sun 31/05/2009 00:00
Show Time As: Free

Recurrence: (none)



FW: Volvo Ocean
Race Stop Ove...



3 Irish Open Pink Day

Be cancer aware through
the pink you wear.



Marie Keating
FOUNDATION

Replies by email 28/4
Dorcc

3, proud sponsors of the 3 Irish Open, invite
Aidan Dunning

to savour the excitement with us as some of the biggest names in the world
shoot it out for the 3 Irish Open.

Join us in the VIP Links Pavilion, Baltray overlooking the 18th hole on
Friday 15th May 2009.

RSVP Contact Avril O'Rourke
3vip@cslhospitalty.ie or call 01 6766650
3irishopen.ie



Dorothy McCauley

From: Dorothy McCauley
Sent: 28 April 2009 15:05
To: '3vip@cslhospitality.ie'
Subject: RSVP: 15th May - Aidan Dunning

I am replying on behalf of Aidan Dunning, Secretary General, to the invitation from 3 to attend the Irish Golf Open on 15th May.

Mr. Dunning has asked me to pass on his regrets that he is unable to attend.

Regards,

Dorothy McCauley
Secretary General's Office
Department of Communications, Energy & Natural Resources
29-31 Adelaide Road, Dublin 2
Tel: 6782034

Susan Lowen

Subject: Irish Open - Regrets
Location: Baltray, Co Louth

Start: Fri 15/05/2009 00:00
End: Sat 16/05/2009 00:00
Show Time As: Free

Recurrence: (none)

RSVP Avril O'Rourke
3vip@cslhospitality.ie or 01-6766650

www.3irishopen.ie

Regrets by email 28/4 DMcC