

An Roinn Cumarsáide,  
Mara agus Acmhainní Nádurtha  
Baile Átha Cliath 2.

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Department of Communications,  
Marine and Natural Resources  
Dublin 2.

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Our Ref. No. FOI/56/2005

15 August 2005

Mr. Dick Grant  
Lahinch  
Co. Clare

Dear Mr. Grant

I refer to your appeal under the Freedom of Information Acts 1997 and 2003 regarding the decision made in respect of FOI request number FOI/56/2005.

In accordance with the FOI provisions I have reviewed your request for information and Mr. Hogan's decisions of 29 July 2005 on the matters. I consider that Mr. Hogan's decision to withhold certain information for the reasons stated was the appropriate response.

If you are unhappy with the outcome of this decision, you are entitled to apply for a further review by the Office of the Information Commissioner, 18 Lower Leeson Street, Dublin 2 within six months of receiving this notice.

Yours sincerely

Maurice Mullen  
Assistant Secretary  
Department of Communications, Marine and Natural Resources

Our Ref. No.: FOI/56/2005

9th August 2005

Mr Dick Grant  
Lahinch,  
Co. Clare.

Dear Mr Grant,

I refer to the appeal you have made under the Freedom of Information Acts, 1997 & 2003 received in this Unit on the 5<sup>th</sup> August 2005 along with the associated fee. Your appeal refers to the decision taken on your recent FOI request numbered FOI/56/2005.

**A full and new examination of the matter will now be carried out by Mr. Maurice Mullen, Department of Communications, Marine and Natural Resources, Maritime Safety and Environment Division, Leeson Lane, Dublin 2. He can be contacted at**

The decision on your appeal will be made within three weeks of receipt of your request. This means that you can expect to receive the outcome of your appeal by the **26<sup>th</sup> August 2005.**

If you are unhappy with the outcome of the appeal, you are entitled to apply for a further review by the Office of the Information Commissioner, 18 Lower Leeson Street, Dublin 2 within six months of receiving notice of decision on the appeal. Please note that the FOI charges which come into effect on Monday 7<sup>th</sup> July 2003 will apply if you wish to bring your case to the Office of the Information Commissioner.

Yours sincerely,

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Liam Murphy  
FOI Unit

Ch No 001375.

Dick Grant

Lahmich Co. Clerk

03.08.05.

KAO MR John Wynne, Corporate Services Div.

Your Ref FOI/56/05.

a check,

the decision

I wish to appeal, to withhold

certain information relating to above  
application.

to Mess.

Dick Grant

Seol aon fhreagra chun:- An Phríomh Shuirbhéir

(Address any reply to:- The Chief Surveyor)



An Roinn Cumarsáide, Mara agus  
Acmhainní Nádurtha

Department of Communications, Marine and  
Natural Resources



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[www.dcmnr.gov.ie/mso](http://www.dcmnr.gov.ie/mso)

Oifig an tSuirbhéara Mhuirí  
(Marine Surveyors' Office)  
Lána Chill Mochargan,  
(Leeson Lane)  
Baile Átha Cliath, 2  
(Dublin 2)

*COPIES OF SECTION 23 &  
SECTION 26 OF FOI ACT  
ALSO FORWARDED WITH THIS  
LETTER DATED 29/07/05.*

*LS*

29<sup>th</sup> July 2005

Our Ref: FOI/56/2005

Mr. Dick Grant  
Lahinch,  
Co. Clare.

Dear Mr. Grant,

I refer to the request you made under the Freedom of Information (FOI) Acts 1997 and 2003.

There were three categories of records that you sought under the FOI Acts 1997 and 2003 in your letter dated 24/06/05. They all refer to a complaint received by the Marine Survey Office, regarding the passenger vessel "St Sorney". In relation to category one you requested **"Name of public servant in receipt of benchmarking who received complaint"**. The answer is Mr Kieran Goulding and Capt. Neil Forde

In relation to the second category you requested **"Details of nature, time and date of complaint"**.

In relation to the third category you requested **"Names of person(s) making the complaint(s)"**.

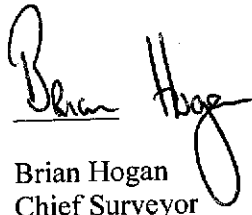
A final decision was made on your request by the undersigned Officer on 29th July 2005. It has been decided not to grant your request for categories 2 & 3. As is explained below this decision is made under, Section 23-(1)(a)(i)(ii)(iii)(vii), (b), & Section 26-(1)(a), of the Freedom of Information Act.

In accordance with these sections of the Freedom of Information Acts 1997 and 2003 the information requested is not being released for the following reasons:

- Disclosure could prejudice or impair the enforcement of, compliance with or administration of any law.
- The records not released under Section 26 were submitted to this Department in confidence as they are to be used for maritime safety purposes.

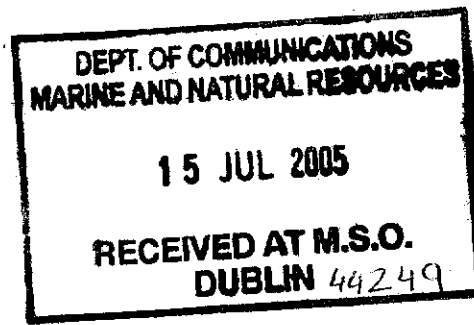
### **Rights of Appeal**

You may appeal this decision by writing to Mr. John Wynne, Corporate Services Division, Department of Communications, Marine and Natural Resources, Leeson Lane, Dublin 2. Tel: +353 - (0) 1-6782900. If you wish to appeal you must do so not later than 4 weeks after receiving this letter. The appeal will involve an internal review by a more senior Officer.

  
Brian Hogan  
Chief Surveyor

13/07/2005

Mr Dick Grant  
Aran Island Fast Ferry  
Lahinch  
Clare  
Co. Clare  
Ireland



FOI/0056/2005

Dear Mr Grant,

I refer to the Freedom of Information request received in this office on 13/07/2005 along with the associated fee.

The officer handling your request will be Mr Brian Hogan, Maritime Safety Division, Department of Communications, Marine & Natural Resources, Leeson Lane, Dublin 2, Co Dublin. He can be contacted

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 11/08/2005.

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. John Wynne, FOI Unit, Department of Communications, Marine & Natural Resources, Leeson Lane, Dublin 2, Co Dublin. 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,

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Liam Murphy  
FOI Unit

Received in FOI  
on 13 July.

Alan Island East Jersey  
c/o Dick Grant.

Lahinch. Co. Clare.

24.06.05.

To FOI officer DCMNR.

a Clara.

Under FOI acts will you please  
supply following documents - Information: -

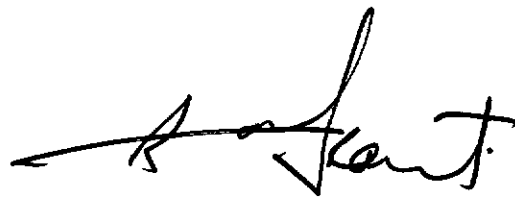
Regarding complaints received by Chief Surveyor  
MSO to effect that Passenger vessel St Sweeney  
had carried passengers with only one engine,  
and subsequent investigation by Capt Neil Ford,  
on 24/06/05, Supply -

- (a) Name of public servant in receipt of  
benchmarking who received complaint.
- (b) Details of nature, time and date of  
complaint

2

(c) Names of Person(s) making the  
Complaint(s).

In Meas.

A handwritten signature in cursive script, appearing to read 'A. Kant'.