



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

Department of Communications,
Energy and Natural Resources,
Dublin 2.

Ref: FOI/2009/14

Σ June 2009

Ms. Aine Kerr,
Irish Examiner,
Press Gallery,
Leinster House,
Kildare Street,
Dublin 2.

Dear Ms. Kerr,

I refer to the request, which you made under the Freedom of Information Acts 1997 and 2003, for access to records held by this Department. Your request is relating to the following;

"All briefing documents/notes/material provided to all Junior Ministers attached to the Department arising from the reshuffle of Ministers of State on April 22nd"

I have made a final decision to part grant your request. If you have any queries regarding this correspondence you can contact me by telephone at Ph.01-6782161 and I will seek to answer any questions or concerns you have on this matter. I am refusing you access to parts of certain documents as set out in detail in the Schedule of Records accompanying my reply under the provisions of Section 19, Section 20, Section 21, Section 24, Section 23, Section 27, Section 32 and Section 46, of the Freedom of Information Act.

This letter gives information on the reason for this decision. My response contains the following elements:

1. A schedule of all of the records covered by your request;
2. Access arrangements
3. A statement of how you can appeal this decision should you wish to do so.

1. Schedule of Records

There are two schedules attached at the end of this letter with the following details:

- Main Brief – 109 pages
- Schedule of Records -9 pages

The Schedules of Records gives you a summary and overview of the decision as a whole. The schedule describes each document, and indicates whether the document is released in full, released with deletions or not released. The schedule refers to the sections of the FOI Act which apply to prevent release.

2. Access Arrangements


You have sought access to the records by means of photocopies sent in the post, and I consider this an appropriate form of access in this case. Accordingly, the records described as released in full or released with deletion are now enclosed.

3. Rights of appeal

You may appeal this decision. In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Corporate Services Division Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Road, Cavan.

Your correspondence should include a fee of €75 for processing the appeal. Payment should be made by way of bank draft, money order, postal order or personal cheque made payable to Department of Communications, Energy and Natural Resources. You should make your appeal within 4 weeks from the date of this notification. However, 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/Body.

Yours sincerely,


Eamonn Molloy
Assistant Secretary

FOI Request

DRAFT Schedule of Records: Summary of Decision Making

Rec. No	Brief description and date of record MAIN BRIEF	File Ref Pages	No. of pages	Decision: Grant/Part Grant/Refuse	Basis of Refusal: Section of Act	Reason for Decision	Public Interest Considerations (for and against release)	Record Edited/Identify Deletions
1	Overview of Department	2-16	14	Grant				
2	Broadcasting Policy Division	18-26	8	Part Grant	Sec. 20 Sec. 20 Sec. 20 Sec. 20 Sec. 21	Deliberative Process Deliberative Process Deliberative Process Deliberative Process Functions and Negotiations of Public Bodies		P19, bullet point 3 P19, bullet point 4 P22, para. 6&7 P22-23, para. 8 P23, para. 1
3	Communications Development Division	27-31	4	Grant				
4	Communications (Regulatory and Postal) Division	32-40	8	Part Grant	Sec. 46(b) Sec. 27 Sec. 27	Record created by the Attorney General Commercially sensitive Commercially sensitive		P35, para. 6 P39, para. 1 P39, para. 6
5	Communications (Business and	41-43	3	Part Grant	Sec. 24	Matter of national security		P41, para. 3

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	Technology) Division							
6	Energy	44-51	7	Part Grant	Sec.20 Sec.20 Sec.21	Deliberative Process Deliberative Process Functions and Negotiations of Public Bodies Deliberative Process Functions and Negotiations of Public Bodies Deliberative Process Functions and Negotiations of Public Bodies		P. 46, para. 4 P. 49, para. 2 P49, para. 3&4 P49, para. 5
7	Electricity Corporate Division	52-54	2	Part Grant	Sec.27 Sec.27	Commercially sensitive Commercially sensitive		P52, para. 5 P53, para. 2
8	North-South Energy Division	54-55	1	Grant				
9	Electricity and Gas Regulation Division	56-63	7	Grant				
10	Oil Supply, Oil, Gas,	64-75	11	Part Grant	Sec. 27	Commercially		P65, para. 5

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	Grid and Petri Corporate Division				Sec.27	sensitive Commercially sensitive Functions and Negotiations of Public Bodies		P.65, para.7
					Sec.21	Commercially sensitive Functions and Negotiations of Public Bodies		P.65, para.8
					Sec.27	Commercially sensitive Functions and Negotiations of Public Bodies		P.66, para.3
					Sec.21	Commercially sensitive Functions and Negotiations of Public Bodies		P.68, para.4 P.68, para.7
					Sec.20 Sec.27	Deliberative process Commercially sensitive Functions and Negotiations of Public Bodies		P.69, para.1 P.69, para.2
					Sec.27	Commercially sensitive Functions and Negotiations of Public Bodies		
					Sec.27	Commercially sensitive Functions and Negotiations of Public Bodies		

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					Sec.21	sensitive Negotiations of Public Functions and Bodies		P70, para.3
					Sec.21	Negotiations of Public Bodies		P71, para.2
					Sec.20 Sec.21	Deliberative process Functions and Negotiations of Public Bodies		P71, para.4
					Sec.20 Sec.20 Sec.21	Deliberative process Deliberative process Functions and Negotiations of Public Bodies		P71, para.6
					Sec.20 Sec.21	Deliberative process Functions and Negotiations of Public Bodies		P72&73, para.7
					Sec.27 Sec.21	Commercially sensitive Functions and Negotiations of Public Bodies		P73, para. 1
					Sec.27	Commercially		

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					Sec.21	Commercially sensitive Functions and Negotiations of Public Bodies		P73,para.2
					Sec.27	Commercially sensitive Functions and Negotiations of Public Bodies		P73,para.4
					Sec.21	Commercially sensitive Functions and Negotiations of Public Bodies		P74,para.1
					Sec.20 Sec.27	Commercially sensitive Functions and Negotiations of Public Bodies Deliberative process		P74,para.3
					Sec.21	Commercially sensitive Functions and Negotiations of Public Bodies		P74,para.6

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					Sec.21	Functions and Negotiations of Public Bodies		
					Sec27	Commercially sensitive Functions and Negotiations of Public Bodies		P74, para.8
					Sec.21	Commercially sensitive Functions and Negotiations of Public Bodies		P74, para.10
11	Energy Efficiency & Affordability Division	76-78	2	Grant				
12	Renewable and Sustainable Energy Division	79-85	6	Grant				
13	Energy Planning and Coordination Division	86-88	2	Grant				

Schedule of Records: Summary of Decision Making

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14	Office of the Chief Technical Advisor	89	1	Grant				
15	Inland Fisheries	90-91	2	Grant				
16	Geological Survey of Ireland	93-95	3	Grant				
17	Petroleum Affairs Division	96-97	2	Grant				
18	Exploration and Mining Division	98-106	8	Part Grant	Sec.20 Sec.27 Sec.27 Sec.19	Deliberative process Commercially sensitive Commercially sensitive Matters submitted for consideration of Government Commercially sensitive Matters submitted for consideration of		P101, para.3 P102, para.5 P103, para.5 P103&P104, para.7 P105, para.2

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					Sec.27 Sec.32(2)(h)	Commercially sensitive Details of expenditure on by or on behalf of the State or public body Commercially sensitive		P.105,para.3 P.105,para.4 P.106,para.2

