



An Roinn Cumarsáide,
Fuilinn agus Ámhainní Nádartha
Baile Átha Cliath 2.

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

4 March 2009

FOI Request Reference: FOI/2009/5

Dear Mr.

I refer to the request you have made under the Freedom of Information Acts, 1997 and 2003 concerning details of any payment being made or proposed under the Salmon Hardship Fund to any individual resident on Cape Clear Island, West Cork.

I wish to advise you that your request has been refused under section 28 of the Freedom of Information Act 1997 given that the release of this information would involve the disclosure of personal information. In reaching my decision I have taken into account the provisions of section 28 of the Act and in particular the points you have made relating to sections 28(2)(c) and 28(5)(a) of the Act and would advise as follows:-

- The hardship scheme does not involve the payment of State subsidies, rather it provides once off payments to individuals in respect of hardship experienced due to the closure of the mixed stock salmon fishery. It was never proposed by the Department that details of the grants paid under the scheme would be published nor is there any obligation on the Department to publish the details. Accordingly, it is not considered that section 28(2)(c) applies in this instance.
- With regard to the public interest aspect to this request, it is not considered that the public interest is best served by the release of this material and that, in this instance, the right to privacy of the individuals concerned outweighs the public interest.

However, the Department is concerned that there may be abuse of this Scheme and is anxious that this is fully investigated as a matter of urgency. Accordingly, it would be appreciated if you would provide the information you possess to the South Western Regional Fisheries Board who, as the Agency responsible for the management of the wild salmon fishery and having administered the Salmon Hardship Scheme with Bord Iascaigh Mhara, will be in a position to investigate the matter and verify its relevance or accuracy. The contact details for the CEO of the Board are as follows:-

Mr. Aidan Barry
CEO
South Western Regional Fisheries Board
Sunnyside House
Macroon
Co Cork
Ph: - 026 41221

I have written to Mr. Barry notifying him that you may have information relevant to any investigation.

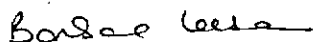
I wish to advise you that, if for any reason you are not satisfied with the outcome of your request, you are entitled to seek a review by appealing the decision. To appeal, you should write to the FOI Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Rd, Cavan, Co 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,



Barbara Leeson
Inland Fisheries Division

Phone: 01 - 6782276



18/02/2009

FOI Request Reference: FOI/2009/5

Dear Mr O'Drisceoil,

I refer to your FOI request under Section 7 of the Freedom of Information Acts, 1997 and 2003, received in this office on 12/02/2009 requesting details of any payment made or proposed under the Salmon Hardship Fund to any individual resident on Cape Clear Island, West Cork. The application was received along with the associated fee.

The officer handling your request will be Ms Barbara Leeson, Inland Fisheries Division, Department of Communications, Energy and Natural Resources, 29-31 Adelaide Road. Barbara can be contacted on 016782276

You can expect to receive your decision by the 12/03/2009.

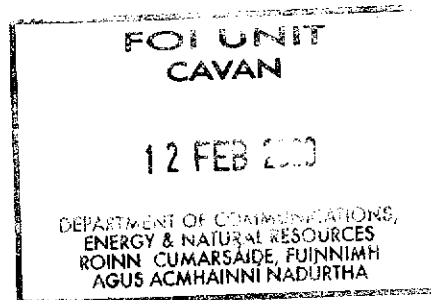
If you have not received a decision by that time, you are automatically entitled to appeal to the Department for a review of the matter. This review proceeds on the legal basis that the initial request is considered to be refused once the specified time for responding to it has expired. A request for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



9th February 2009

To Whom It May Concern:

I wish to apply under the Freedom of Information Act 1997 for details of any payment being made or proposed under the Salmon Hardship Fund to any individual resident on Cape Clear Island (Oileán Chleire), West Cork.
I have enclosed the required fee of €15.00.

I note that Ms Kathleen Regan has already determined that this information should not be released under Section 28 of the Act.

However I do not consider that Section 28 applies in this case for the following reasons:

Section 28(2)(c)- This information, ie payments of the State subsidies to individuals is of a kind that is generally available to the public in all other cases and I would remind you that even subsidies paid to farmers are now published as to my knowledge are details of grants paid under most if not all other schemes.

Section 28(5)(a)- That the public interest that the request should be granted outweighs the right to privacy of the individual to whom the information relates. I would remind you that the State depends on information provided by members of the public to identify possible abuses of State Funded Schemes and to this end transparency in relation to payments made or proposed is required for the public to exercise this important function. To this end I am in possession of what may be relevant information, but I am unable to verify its relevance or accuracy without sufficient confirmation and would feel precluded from taking further action unless this was forthcoming.

Yours sincerely: