

10/05/2007

Mr John Michael Mulcahy,
Carrablagh House,
Portsalon,
Co.Donegal
Ireland

FOI/0040/2007


Dear Mr Mulcahy,,

I refer to my letter of 01/05/2007 in relation to the application of charges under section 47 the Freedom of Information Act in connection with your recent FOI request.

I now wish to acknowledge the receipt of €41.90 received in respect of your application. As I have now received the fees sought, I am now in a position to continue with the processing of your request. You can now expect to receive a final reply from me by the 21/06/2007.

If I can be of any additional help to you please do not hesitate to contact me at the above address.

Yours sincerely,



Carmel Daly
Coastal Zone Management Division
PH: 6782051

7 May 2007

Ms Carmel Daly
Coastal Zone Management Division
Department of Communications,
Marine & Natural Resources
Leeson Lane, Dublin 2



John M Mulcahy
Carrablagh House
Portsalon
Co. Donegal

Dear Ms Daly,

FREEDOM OF INFORMATION ACT, 1997 REQUEST – YOUR REF. FOI/0040/2007

I refer to your letter dated 1 May 2007 in response to my Freedom of Information request dated 27/04/07. I note that you have extended the period for consideration of my request by 4 weeks, which you are entitled to do according to Section 9 of the Freedom of Information Act, 1997. In this regard I note that you have chosen the maximum extension of time allowed under the Act.

With respect to the cost estimate associated with my request I am agreeing to the terms laid out in your letter – an estimated 'search & retrieval' fee of €209.50 + copying charges, as yet unquantified. In relation to the additional fees (I have already paid a fee of €15), I enclose a cheque in the amount of €41.90 as a deposit against the final fee computation.

I do not propose amending my request in any way, and I trust you will now proceed with the FOI request without further delay, such that the deadline for the final decision on request for access to documents is immediately reactivated upon receipt of this letter and the fee deposit. On the matter of the appeal against your decision to levy additional fees, I do not intend pursuing this route at this stage. However, I reserve the right to such appeal in the future, should I conclude that my request has not been adequately considered.

I look forward to the fulfillment of this request in a comprehensive and timely manner.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John M Mulcahy'.

John M Mulcahy

Tel 074 91 59113
Email jonmul@eircom.net

Enc. Cheque for €41.90 payable to Department of Communications, Marine & Natural Resources

Sent to FOI Unit
10/5/2007

01/05/2007

Mr John Michael Mulcahy,
Carrablagh House,
Portsalon,
Co. Donegal
Ireland

FOI/0040/2007

Dear Mr Mulcahy,

I refer to the request dated 27/04/2007 which you have made under the Freedom of Information Act for records held by this Department.

I am writing to advise you that it is necessary to extend the period for consideration of your request by 4 weeks due to the work involved in retrieving and copying the records and the carrying out of third party consultations in accordance with Section 9 of the Act, which permits an extension of up to four weeks if:

- (a) the request relates to such number of records, or
- (b) the number of other requests under section 7 relating either to the record or records to which the specified request relates or to information corresponding to that to which the specified request relates or to both that have been made to the public body concerned before the specified request was made to it and in relation to which a decision under section 8 has not been made is such, that compliance with that subsection within the period specified therein is not reasonably possible.

This means that you can now expect to receive your decision by 21 June 2007.

I am also to advise you regarding costs associated with your request. One such cost is that of locating and gathering together from within this Department the records you have sought. This process is called 'search and retrieval' in the Act (see Section 47 of the Act).

After careful consideration and consultations, I estimate that the services of staff member for 10 hours will be the minimum efficiently required to efficiently complete the 'search and retrieval' work on your request. The prescribed amount chargeable for each such hour is currently €20.95, resulting in an overall fee of €209.50. Please note also the current rate for copying charges which are as follows –

Photocopy per sheet: €0.04
Floppy Disk: €0.51
CD Rom: €10.16
Radiograph: €6.35

Where the 'search and retrieval' fee exceeds €50.79, the Acts require that I send this formal estimate to you. I am also required to seek from you the payment of a deposit. Therefore, you are required to pay such a deposit in the amount of €41.90 at this stage. A Bank Draft, Money Order, cheque or postal order in this amount made payable to the Department of Communications, Marine & Natural Resources should be forwarded to the Coastal Zone Management Division, Department of Communications, Marine & Natural Resources, Leeson Lane, Dublin 2.

The actual 'search and retrieval' work to be carried out will not commence until the deposit is paid. You should also note that this notice suspends the deadline for our final decision on your request for access to the documents. The suspension of the deadline will be lifted only if and when the deposit is paid.

Please note that a refund will be provided if the actual ' Search and retrieval' costs are less than the estimate provided but you will be asked for any balance that occurs between the actual cost and the estimate if there is one applicable.

If I do not hear from you within 8 weeks of the date of this letter, I will assume that you are no longer interested in pursuing this request and, for statistical purposes within the Department, your request will be deemed to be withdrawn.

Please note that this does not affect your rights under the FOI Acts to pursue your request after that time.

Please let me know if you wish to explore possible amendments to your request which might reduce or eliminate the deposit and/or fee in this matter. A separate course open to you now is to appeal this decision to impose the stated deposit and fee. This appeal can be made in writing to Mr John Wynne, FOI Unit, Department of Communications, Marine & Natural Resources, Leeson Lane, Dublin 2, Co Dublin. It would assist if your letter of appeal referred to the present letter and stated the reasons for your appeal.

Should you have any questions or concerns in relation to this matter, please contact me by telephone at the number below.

Yours sincerely,



Carmel Daly
Coastal Zone Management Division
PH: 6782051



Department of Communications, Marine and Natural Resources
Roinn Cumarsáide, Mara agus Acmhainní Nádirtha

27/04/2007

Mr John Michael Mulcahy,
Carrablagh House,
Portsalon,
Co. Donegal

FOI/0040/2007

Dear Mr Mulcahy,,

I refer to the Freedom of Information request received in this office on 25th April, 2007 along with the associated fee.

The officer handling your request will be Ms Carmel Daly, Coastal Zone Management Division, Department of Communications, Marine & Natural Resources, Leeson Lane, Dublin 2. She can be contacted at 01 6782051.

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 24th May, 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

John M Mulcahy
Carrablagh House
Portsalon, Co. Donegal

21 April 2007

Department of Communications, Marine & Natural Resources
FOI Unit,
Elm House,
Earlsvale Road,
Cavan

Attention: Mary Rabbitte, Freedom of Information Officer, and Seána McGearry, Department of Communications, Marine and Natural Resources

Dear Sir/Madam,

In accordance with section 7 of the Freedom of Information Acts 1997 and 2003, I wish to request access to the following records which I believe to be held by your body:

All documents, including internal memos, emails, meetings minutes as well as any other records, including external correspondence, relating to salmon farming in particular and finfish farming in general in Lough Swilly, County Donegal. Documents relating to any proposals for renewal of existing licences, for new licences or for an expansion/amendment to salmon-farming activities in Lough Swilly, Co. Donegal are of particular interest. Also of interest is the record of inspections by the Department of Marine and related evidence of compliance with licence conditions attached to salmon-farming operations in Lough Swilly, and/or evidence of action taken in the event of any breaches of licence conditions. The period to be covered is September 2004 to date, i.e. April 2007.

I understand that I will not normally be given access to the personal information of another person unless I have obtained the written consent of that person.

My preferred form of access to these records is to receive copies by post.

Name: John Michael Mulcahy
Signature: 
Date: 21st April 2007
Telephone: 074-91 59113

Included with the hard copy of this application is a cheque for €15, the standard fee for this type of Freedom of Information request.

Thank you for your assistance.

Yours sincerely,

John Michael Mulcahy