



13/04/07

Mr Pat Morrissey,
IAWS Group plc,
151 Thomas Street,
Dublin 8

FOI/0025/2007.

Dear Mr Morrissey,

I refer to the request you have made under the Freedom of Information Act for access to records held by this Department being the request for the names of individuals or companies who submitted tenders for the development sites at Killybegs Fishery Harbour Centre on 15th February 2006.

Your request has been granted and I attach all relevant information with this letter. Please find included a schedule of the record associated with your request.

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 of the case by appealing the decision to this Department's FOI Internal Review Board. To appeal you need to write to Mr Frank O'Brien, FOI Unit, Department of Communications, Marine and Natural Resources, Elm House, Earlsvale Road, 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 appropriate circumstances. The appeal 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.

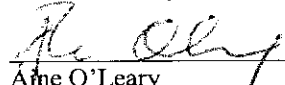
If claiming a reduced application fee, the request must also be accompanied by

- 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 "The Department of Communications, Marine & Natural Resources".

On receipt of the fee, an acknowledgement letter will be sent to you outlining details of when you can expect a decision on your appeal, and the contact details of the person handling the appeal.

Yours sincerely,


Aine O'Leary
Sea Fisheries Administration Division
PH: 01-6783305

Names of Tenderers for Killybegs Development sites submitted to
DCMNR on 15th February 2006

KW Protein Technologies Ltd.

Sinbad Marine Services Ltd

United Fish Industries



13/03/2007

Mr Pat Morrissey
IAWS Group plc
151 Thomas Street
Dublin 8

FOI/0025/2007

Dear Mr Morrissey,

I refer to the request you have made under the Freedom of Information Act for records held by this Department. I refer also to the acknowledgement of your request which was sent to you on 08/03/07.

I am now writing to you to advise that coming within the scope of your request is material which may, if access is granted to you affect the interests of third parties. At present, we are considering whether these records may be required to be disclosed to you in the public interest.

In these circumstances a requirement for Third Party Consultation has arisen under Section 29 of the Acts, a copy of which is enclosed. Third parties have 3 weeks from receipt of our notification to them (sent on today's date) to make submissions to this Department.

This Department has two weeks from receipt of submissions to make a decision in relation to the records at issue. Should we decide to release the records concerned, we must inform the third parties concerned who may appeal our decision directly to the Information Commissioner. We will contact you again should this occur.

Yours sincerely,

Aine O'Leary
Sea Fisheries Administration Division
PH: 01-6783305

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PART III : Exempt Records

29. Procedure in relation to certain requests under section 7 to which section 26, 27 or 28 applies

[SU29] 29. (1) In this section "a request to which this section applies" means a request under *section 7* to which *section 26 (3)* or *27 (3)* applies or to which *section 28 (5)* applies and which, apart from this section, would fall to be granted.

(2) Subject to *subsection (5)*, before deciding whether to grant a request to which this section applies, a head shall, not later than 2 weeks after the receipt of the request _

(a) if the request is one to which *section 26 (3)* applies, cause the person who gave the information concerned to the public body concerned and, if the head considers it appropriate, the person to whom the information relates, or

(b) if the request is one to which *section 27 (3)* or *28 (5)* applies, cause the person to whom the information relates,

to be notified, in writing or in such other form as may be determined _

(i) of the request and that, apart from this section, it falls, in the public interest, to be granted,

(ii) that the person may, not later than 3 weeks after the receipt of the notification, make submissions to the head in relation to the request, and

(iii) that the head will consider any such submissions before deciding whether to grant or refuse to grant the request.

(2A) (a) The head may, as respects a request to which this section applies received by him or her, extend the period specified in subsection (2) for compliance with that subsection by such period as he or she considers necessary but not exceeding a period of 2 weeks if in the opinion of the head –

(i) the request relates to such number of records, or

(ii) the number of persons required by subsection (2) to be notified of the matters referred to in paragraphs (i) to (iii) of that subsection is such,

that compliance with that subsection within the period specified therein is not reasonably possible.

(b) Where a period is extended under this subsection, the head concerned shall cause notice in writing, or in such other form as may be determined, to be given to the requester concerned, before the expiration of the period, of the extension and the period thereof and reasons therefor.

(c) The reference in subsection (2) to 2 weeks shall be construed in accordance with any extension under this subsection of that period.

(3) A person who receives a notification under *subsection (2)* may, not later than 3 weeks after such receipt, make submissions to the head concerned in relation to the request to which this section applies referred to in the notification and the head _

(a) shall consider any such submissions so made before deciding whether to grant the request,

(b) shall cause the person to be notified in writing or in such other form as may be determined of the decision, and

(c) if the decision is to grant the request, shall cause to be included in the notification particulars of the right of review of the decision under *section 34*, the procedure governing the exercise of that right and the time limit governing such exercise.

(4) Subject to *subsection (5)*, a head shall make a decision whether to grant a request to which this section applies, and shall comply with *subsection (3)* in relation thereto, not later than 2 weeks after _

(a) the expiration of the time specified in *subsection (3)*, or


(b) the receipt of submissions under that subsection in relation to the request from those concerned,

whichever is the earlier, and *section 8 (1)* shall be construed and shall have effect accordingly.

(5) If, in relation to a request to which this section applies, the head concerned is unable to comply with *subsection (2)*, having taken all reasonable steps to do so, the head shall, if the Commissioner consents to the non-compliance, make a decision whether to grant or refuse the request not later than 7 weeks after the receipt of the request and in such a case *section 8 (1)* shall be construed and shall have effect accordingly.

(6) If, in relation to a request to which this section applies, the Commissioner does not consent, pursuant to *subsection (5)*, to non-compliance with *subsection (2)*, he or she shall direct the head concerned to take specified steps within a specified period for the purpose of complying with *subsection (2)* and if, having taken those steps within that period or such further period as the Commissioner may specify, the head is unable to comply with that subsection, he or she shall, as soon as may be, make a decision whether to grant or refuse the request.

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

08/03/2007

Mr Pat Morrissey
IAWS Group plc
151 Thomas Street
Dublin 8
Co.Dublin

FOI/0025/2007

Dear Mr. Morrissey,

I refer to the Freedom of Information request received in this office on 07/03/2007 along with the associated fee.

The officer handling your request will be Ms Aine O'Leary, Sea Fisheries Administration Division, Department of Communications, Marine & Natural Resources, Building C, West Park Technology, Clonakilty, Co. Cork. She can be contacted at 01 678 3305.

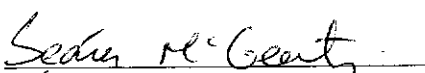
A final decision on your request will normally be sent to you within 4 weeks of receipt of your request. This means that you can expect to receive your decision by the 05/04/2007.

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 Road, Co. 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,


Seána McGearty
FOI Unit
PH: 01 6782902

6th March 2007

Ms Mary Rabbitte
Freedom of Information Unit
Department of Communications, Marine & Natural Resources
Elin House
Earlsvale Road
Cavan

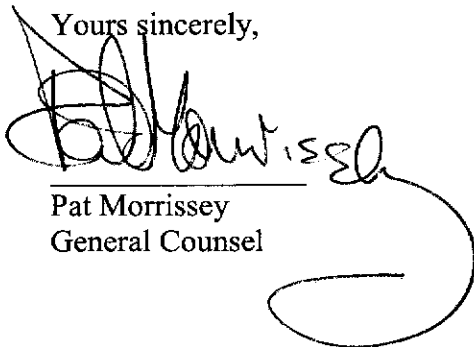
re: **Killybegs Fishery Harbour Centre**

Dear Madam,

I wish to apply under the Freedom of Information Act 1997/2003 for the following information:

the names of the individuals or companies who submitted tenders for the development sites at Killybegs Fishery Harbour Centre. These tenders were submitted to the Department of Communications, Marine & Natural Resources on 15th February 2006.

Yours sincerely,



Pat Morrissey
General Counsel

