

August 2005

Mr. Enda Kenny, T.D.
Dail Eireann
Leinster House
Dublin 2

FOI/0052/2005

Dear Deputy Kenny

I refer to the request which you made under the Freedom of Information Acts 1997 and 2003 for records held by this Department:

“All documents, memos and correspondence relating to the provision by Dublin Port Company of a site to the Anna Livia Consortium.”

I have made a final decision to part grant your request on 31 August 2005. If you have any queries regarding this correspondence you can contact me by telephone at

The purpose of this letter is to explain that decision. This explanation has the following parts:

1. a schedule of all of the records covered by your request;
2. concerning records to which access is granted, an explanation and a statement of the arrangements for this access and its form;
3. concerning records to which access is denied, an explanation of the relevant findings; and
4. a statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these four parts in turn.

1. Schedule of records

A schedule is attached at the end of this letter. It shows the documents that this Department considers relevant to your request. It also 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. As to these documents, the schedule also provides brief reasons for the decision which are meant to supplement the fuller and more detailed explanation given under heading 3. below.

2. Access Arrangements

Records released in full

Please find enclosed the following records which have been released in full: record nos. 1,2,6-10,13,14, 17,19,27,36,46 and 48.

Please note that:

- Record no. 13 encloses record no. 9.
- Record no. 17 encloses a letter of 7 April 2005, which is in fact record no. 3.
- Record no. 27 encloses record nos. 20-24.
- Record no. 36 encloses record no. 35.

I should point out that I am refusing access to record nos. 3, 20-24 and 35 for reasons set out below.

Records released in part

Please also find enclosed the following records which have been released in part: record nos. 4,11,15,16 and 66. The deletions in these records consist of material relating to matters not relevant to your request.

3. Findings, particulars and reasons for decisions to deny access.

The sections of the Act which can apply to deny access to documents are known as its exemption provisions.

Parts of records no. 4 and 5 and record nos. 18,25,26,32-34,37-40,49 and 50.

I am refusing access to the above records under section 20(1) (copy attached) of the FOI Acts: Deliberations of Public Bodies, as I believe that these records contain matter relating to the deliberative processes of a public body (including opinions, advice, recommendations, and the results of consultations, considered by the body, the head of the body, or a member of the body or of the staff of the body for the purpose of those processes).

In relation to this section, FOI Central Policy Unit in the Department of Finance advises *inter alia* that:

(1) Experience has shown that this subsection is frequently considered by public bodies given the nature of their work and the type of the records held. Its essential thrust is towards protecting the deliberative process so that an ongoing activity of formulating, considering, weighing up, advising and deciding on issues is not interfered with. At the same time, the subsection seeks to uphold accountability by facilitating access to reasons for decisions and by requiring consideration of the public interest (please see below).

(2) Subsection (1) may be considered where a public body wishes to withhold a record relating to the “thinking processes” of a public body. In appropriate circumstances, this would constitute memoranda and other material concerning:

- policy formulation
- advice and recommendations

- results of consultations, including those with bodies outside Government
- submissions to management
- advice to ministers
- briefing for the purposes of deliberations and decision making
- certain correspondence within and between public bodies
- non scientific/technical material submitted by consultants.

Once material in a document falls into any of the foregoing areas, the record may be withheld under subsection (1), subject to consideration of the public interest (please see below).

(3) General application of subsection (1)

Subsection (1) broadly seeks:

- to protect against undue intrusion into the advisory and decision making processes of public bodies
- to create space for the undisturbed consideration of significant issues.
- to weigh the public interest factors for and against release.

Records relating to deliberative process broadly fall into two distinct phases – pre-decision stage and post decision stage.

Deliberative/pre-decisional stage

While the public interest must be considered during this phase, the balance may reasonably be considered to favour protection in the period leading to a decision. Records created during this period are, therefore, likely to enjoy the protection of subsection (1).

Post-decision stage

Records relating to the deliberative process may continue to be protected after a decision has been made provided the head is satisfied that the balance of public interest does not favour granting the request. The public interest arguments for and against the release of a record after a decision has been made should be carefully considered.

(4) Subsection (1) may not be sought in respect of specified types of material, specifically:

- material appropriate for a section 16 (copy enclosed) publication i.e. material used, or proposed for use for the purpose of making decisions, recommendations etc.
- factual information and related analysis,
- reasons for decision by a public body,
- a report on the efficiency of effectiveness of a public body or of any of its functions,
- a report by a scientific or technical expert on his/her area of expertise providing it has not been commissioned for a decision under statute or scheme by a public body.

FOI Central Policy Unit advice regarding “factual information” is set out hereunder:

- Factual information is defined in section 2 of the FOI Acts as: “*including information of a statistical, econometric or empirical nature together with any analysis thereof*” and would generally comprehend matters that are known to have occurred in the sense of being tangible facts and figures.
- The separation of factual information and analyses thereof from other material, such as advice is not always readily achieved.
- Precedent suggests two areas of critical overlap:
 1. Summaries of factual information which are of such a character as to disclose a process of selection involving opinion, advice or recommendation for the purpose of deliberations,
 2. Statements of conclusions reached while apparently factually based, may sometimes involve opinions or advice.
- Experience also confirms that in some circumstances factual material is “inextricably intertwined” with exempt records. In such cases, where reasonable effort has been made by a public body to separate exempt from other material, exemption for information described at 1 and 2 above may be claimed.

(5) The Public Interest

The public interest has been described as a term “embracing matters, among others, of standards of human conduct and of the functions of government and government instrumentalities, tacitly accepted and acknowledged to be for the good order of society and for the well being of its members”. It cannot be equated with material the public or the media may find interesting. Matters which have, or might, in the daily affairs of a community attract(ed) public attention may not necessarily be ones which are for the benefit (or of serious concern) of the public.

In the context of the FOI Act, the public interest requires bodies handling requests to balance factors for and against disclosure in deciding whether a record should be disclosed. Identification of public interest factors for and against disclosure of a record, or part thereof, and properly weighing those interests is therefore essential.

Public interest claims both for and against disclosure of deliberative documents may include some or all of the following:-

Public interest claims for non-disclosure

- need to preserve confidentiality having regard to the subject matter and the circumstances of the communications,
- release of records would impair a future decision,
- premature release could contaminate the decision making process,

- premature release of records would impair the integrity and viability of the decision making process to a significant or substantial degree without countervailing benefit to the public,
- broader community interests must be considered, as distinct from those of the applicant and the subject of the record,
- disclosure of records which do not fairly disclose the reasons for a decision may be unfair to the public body and prejudice the integrity of the decision making process,
- the need to avoid serious damage to the proper working of government at the highest level.

Public interest claims for disclosure

- the right of the public to have access to information,
- disclosure will reveal reasons for decisions,
- the accountability of administrators and scrutiny of decision making processes,
- the need for the public to be better informed and more competent to comment on public affairs,
- the information will make a valuable contribution to the public debate on an issue,
- the need to ensure democratic control to the greatest extent possible over the increasing regulation by public bodies of the affairs of the ordinary citizen,
- accountability for the use of public funds.

Having reviewed the above records, I have concluded that

- In relation to (1) above, two deliberative processes apply in this matter:
 - (i) consideration of Dublin Port Company's request for ministerial approval to enter into an arrangement with a consortium in relation to the development of the national conference centre. This Department had a number of consultations with the Department of Finance regarding the application of the Code of Practice and the legislative provisions relevant to the particular case presented to it by Dublin Port Company. In this context, the two Departments agreed that it was necessary to seek the advice of the Attorney General on the matter, in particular regarding the process applicable to the proposal by Dublin Port Company to make available to the Anna Livia Consortium a site in order to facilitate the latter's bid in respect of the development of the National Conference Centre, together with further and complementary commercial development. This deliberative process is ongoing as a ministerial decision has yet to be made in this matter.
 - (ii) broader consideration of the expressions of interest received for the provision of such a centre. As you know, tenders were received by the Office of Public Works from two candidates, including the Anna Livia Consortium, and are currently being assessed.

I consider that these records contain material relating to the application of the Code of Practice and the legislative provisions relevant to the particular case presented to this Department by Dublin Port Company.

I have decided that it is necessary to refuse access to these records in order to protect both of the above related deliberative processes so that an ongoing activity of formulating, considering, weighing up, advising and deciding on the matter in question is not interfered with, having taken the public interest into account.

- In relation to (2) above, the records above contain material which fall into a number of the areas listed above, as set out hereunder:
 - advice and recommendations: record nos. 25,32-34,37,39,40 and 49
 - results of consultations, including those with bodies outside Government: record nos. 2,4,18,32-34,37-40, 49 and 50.
 - advice to ministers: record no. 5
 - briefing for the purposes of deliberations and decision making: record nos. 26,32-34,37,39,40,49 and 50.
 - certain correspondence within and between public bodies: record nos. 2,25,26,32-34,37-40. 49 and 50.

- In relation to (3) above, the matter to which these records relate is currently at the deliberative/pre-decisional stage (as regards both deliberative processes set out above) and I have decided that these records enjoy the protection of subsection 1, subject to the public interest.

- None of the specified types of material, as set out at (4) above apply to the records. In particular, I have considered these records insofar as factual information is concerned, taking into account the relevant FOI Central Policy Unit advice and have decided to claim exemption for the type of information described at (1) and (2) in (4) above. I consider that such information appears in record nos. 2,5,18,32,33,34,37,39,40,49 and 50.

- Having carefully considered the arguments both for and against release as set out above, I have decided that, on balance, the public interest, as outlined at (5) above, is better served by refusing than granting access to these records.

I am also refusing access to these records (i.e. parts of record nos. 4 and 5,18,25,26,32-34,37-40,49 and 50) under section 31(1)(b): Economic & Financial Interests of the State & Public Bodies (copy attached).

In accordance with that subsection, I am of the view that premature disclosure of these records could reasonably be expected to result in undue disturbance of the ordinary course of business generally, or a particular class of business, in the State and access to the record would involve disclosure of the information that would, in all the circumstances, be premature.

In relation to this section, FOI Central Policy Unit in the Department of Finance advises *inter alia* that:

(1) Section 31(1)(b): Premature access to records liable to disturb business

The provision authorises an FOI decision-maker to refuse to grant access to a record where its premature disclosure could reasonably be expected to cause undue disturbance of the ordinary course of business generally, or any particular class of business in the State.

There are two elements to this provision: premature disclosure of information, and undue disturbance of the ordinary course of business. It is only *premature* disclosure at which this subsection is designed to strike. Furthermore, the provision may only be invoked where potential disruption of the ordinary course of business generally, or any particular class of business in the State could result from such premature disclosure. Both elements must be satisfied before the subsection can apply.

(2) Subsection 31(2)

This subsection lists a wide range of records relating to the economic and financial activities/interests of the State and of public bodies to which this section may, subject to subsection (1), apply including the following:

(i) property held by or on behalf of the State or a public body and transactions or proposed or contemplated transactions involving such property. This provision applies not only to records relating to land/property of the State or a public body, or disposal of same, but also to any such acquisitions or disposals under contemplation.

(3) Subsection 31(3)

This provision requires decision makers, when considering this exemption, to give full consideration to public interest factors both for and against release of the material sought. Clearly, protection/avoidance of matters specified at subsection (1) is, of itself, a key public interest.

Having reviewed these records, I have concluded that:

In relation to (1) above, I consider that these records contain material relating to the application of the Code of Practice and the legislative provisions relevant to the particular case presented to this Department by Dublin Port Company.

Given that:

(a) A ministerial decision has yet to be made in relation to Dublin Port Company's request for ministerial approval to enter into an arrangement with a consortium in relation to the development of the national conference centre and

(b) expressions of interest received for the provision of such a centre are currently being assessed,

I consider that (i) disclosure of these records at this time would be premature and (ii) potential disruption of the ordinary course of business generally, or a particular class

of business in the State, could result from such premature disclosure. In particular, I believe that such disclosure could result in potential disruption to the ability of the Government to freely and fully consider, deliberate and make decisions in relation to the national conference centre.

In relation to (2) above, I believe that these records relate to the type of property and transactions as outlined in indent (i) (above) of section 31(2).

In relation to (3) above, I consider that the public interest claims for both disclosure and non-disclosure set out above in relation to section 20: Deliberations of Public Bodies are also relevant in the context of this section, as are the general points made regarding the public interest.

Having carefully considered these arguments both for and against release, I have decided that, on balance, the public interest is better served by refusing than granting access to these records.

Records nos. 3, part of 5 20-24,28-31, 35, 41-45, 47 and 51-65

I am refusing access to the above records under section 46(1)(b) of the FOI Acts (copy enclosed). This subsection provides *inter alia* that these Acts do not apply to a record held or created by the Office of the Attorney General (other than a record concerning the general administration of that Office).

Records nos. 31, 41, 47 and 65 were created by this Department and sent to that Office, as was record no. 35 which was created by the Office of Public Works (OPW).

All other records to which I am refusing access under this section were forwarded by Dublin Port Company to this Department and subsequently sent to the Office of the Attorney General.

All of the above records are therefore held by that Office, do not relate to its general administration and consequently I am refusing access to these records on this basis.

4. 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, Department of Communications, Marine and Natural Resources, Leeson Lane, Dublin 2. 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 the Department of Communications, Marine 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. *A week is defined in the Act to mean 5 consecutive weekdays, excluding Saturdays and public holidays (Sundays are also excluded, as they are not weekdays).* The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this Department.

Yours sincerely

Donal King
Maritime Transport Division

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Schedule of Records: Summary of Decision Making

Please note:

- **DCMNR: Department of Communications, Marine and Natural Resources**
- **DPC: Dublin Port Company**
- **AG's: Office of the Attorney General**

Rec. No	Brief description and date of record	File Ref	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	DCMNR Email to DPC 01/04/05	PC 3/12	3	Grant	N/a	No basis for refusal in Acts	N/a	none
2	Internal DCMNR email 07/04/05	PC 3/12	3	Grant	N/a	No basis for refusal in Acts	N/a	none
3	DPC letter to DCMNR 07/04/05	PC 3/12	1	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
4	DPC letter to DCMNR 07/04/05	PC 3/12	2	Part Grant	20(1) 31(1)(b)	<ul style="list-style-type: none"> - Material in record not relevant to request deleted. - s20: record contains matter relating to deliberative processes. - s31: premature disclosure of part of record could reasonably be expected to cause undue disturbance of the ordinary course of business generally, or any particular class of business in the State. - No basis in Acts for refusal of remaining material. 	<p>Section 20(3): Subsection (1) of section 20 applies as the public interest would not be better served by granting the request.</p> <p>Section 31(3): Subsection (1) of section 31 applies as the public interest would not be better served by granting the request.</p>	<ul style="list-style-type: none"> - Material in record not relevant to request deleted. - Material re NCC refused under sections 20 and 31. - No basis for refusal in Acts of remaining material.
5	Note to Minister (and attachments) 07/04/05	PC 3/12	7	Refuse	20(1) 31(1)(b)	<ul style="list-style-type: none"> -Note to Min.: s20 s20: record contains matter relating to deliberative 	Section 20(3): Subsection (1) of section 20 applies as the public interest would not be	

Rec. No	Brief description and date of record	File Ref	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
					46(1)(b)	<p>processes.</p> <p>s31: premature disclosure of record could reasonably be expected to cause undue disturbance of the ordinary course of business generally, or any particular class of business in the State.</p> <p>-Refuse page sent to AGs(s46(1)(b))</p> <p>- Remainder of record not relevant to request</p>	<p>better served by granting the request.</p> <p>Section 31(3): Subsection (1) of section 31 applies as the public interest would not be better served by granting the request.</p>	

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6	Press cutting 08/04/05	PC 3/12	1	Grant	N/a	In public domain	N/a	none
7	Internal DCMNR email 08/04/05	PC 3/12	1	Grant	N/a	No basis for refusal in Acts	N/a	none
8	Internal DCMNR email and attachment 08/04/05	PC 3/12	5	Grant	N/a	Responses in record in/intended to be in public domain.	N/a	none
9	Draft press release (undated)	PC 3/12	1	Grant	N/a	No basis for refusal in Acts	N/a	none
10	DCMNR Letter to DPC 18/04/05	PC 3/12	1	Grant	N/a	No basis for refusal in Acts	N/a	none

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11	DCMNR Letter to DPC 18/04/05	PC 3/12	1	Part Grant	N/a	Record released but material in record not relevant to request deleted.	N/a	Material in record not relevant to request deleted.
12	Submission note encl. Records 9, 10 and 11. 18/04/05	PC 3/12	1	Grant	N/a	No basis for refusal in Acis	N/a	N/a
13	Internal DCMNR email encl record 9 21/04/05	PC 3/12	1	Grant	N/a	No basis for refusal in Acis	N/a	none
14	DPC letter to DCMNR 28/04/05	PC 3/12	1	Grant	N/a	No basis for refusal in Acis	N/a	none
15	DPC letter to DCMNR 28/04/05	PC 3/12	1	Part Grant	N/a	Record released but material in record not relevant to request deleted.	N/a	Material in record not relevant to request deleted.

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16	DCMNR Letter to DPC 06/05/05	PC 3/12	1	Part Grant	N/a	Record released but material in record not relevant to request deleted.	N/a	Material in record not relevant to request deleted.
17	Emails between DPC and DCMNR 13/05/05 (encl. Record 3)	PC 3/12	2	Part Grant	N/a	Record released but record no. 3 exempt under s46(1)(b) (see above)	N/a	Record no. 3 exempt under s46(1)(b) (see above)
18	Internal DCMNR email 13/05/05	PC 3/12	1	Refuse	20(1) 31(1)(b)	s20: record contains matter relating to deliberative processes. s31: premature disclosure of record could reasonably be expected to cause undue disturbance of the ordinary course of business generally, or any particular class of business in the State.	Section 20(3): Subsection (1) of section 20 applies as the public interest would not be better served by granting the request. Section 31(3): Subsection (1) of section 31 applies as the public interest would not be better served by granting the request.	
19	Press cutting	PC 3/12	1	Grant	N/a	In public domain	N/a	none
20	Letter of 18/05/05 forwarded by DPC to DCMNR	PC 3/12	4	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a

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Rec. No	Brief description and date of record	File Ref	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
21	DPC legal advice dated 02/02/05 forwarded to DCMNR	PC 3/12	8	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
22	Letter of 13/05/05 forwarded by DPC to DCMNR	PC 3/12	3	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
23	Draft Heads of Terms dated 13/05/05 forwarded by DPC to DCMNR	PC 3/12	9	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
24	DPC letter to Minister encl. Records 20 – 23 18/05/05	PC 3/12	1	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
25	Internal DCMNR note re Records 20-24	PC 3/12	1	Refuse	20(1) 31(1)(b)	s20: record contains matter relating to deliberative processes. s31: premature disclosure of record could reasonably be expected to cause undue disturbance of the ordinary course of business generally, or any particular class of business in the State.	Section 20(3): Subsection (1) of section 20 applies as the public interest would not be better served by granting the request. Section 31(3): Subsection (1) of section 31 applies as the public interest would not be better served by granting the request.	N/a

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Rec. No	Brief description and date of record	File Ref	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
26	Internal DCMNR note encl. Records 20-24 19/05/05	PC 3/12	1	Refuse	20(1) 31(1)(b)	s20: record contains matter relating to deliberative processes. s31: premature disclosure of record could reasonably be expected to cause undue disturbance of the ordinary course of business generally, or any particular class of business in the State.	Section 20(3): Subsection (1) of section 20 applies as the public interest would not be better served by granting the request. Section 31(3): Subsection (1) of section 31 applies as the public interest would not be better served by granting the request.	N/a
27	DCMNR letter to D/Finance encl. Records 20-24 19/05/05	PC 3/12	1	Grant	N/a	No basis for refusal in Acts	N/a	none
28	DPC board minute 19/05/05	PC 3/12	1	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
29	DPC letter to Minister encl record 28 19/05/05	PC 3/12	1	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
30	DPC note to DCMNR 30/05/05	PC 3/12	2	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
31	Emails between DPC and DCMNR 30/05/05 (enclosing record 30)	PC 3/12	2	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
32	Internal DCMNR	PC	2	Refuse	20(1)	s20: record contains matter	Section 20(3): Subsection (1) of section 20 applies as the	N/a

Rec. No	Brief description and date of record	File Ref	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
	email 31/05/05	3/12			31(1)(b)	relating to deliberative processes. s31: premature disclosure of record could reasonably be expected to cause undue disturbance of the ordinary course of business generally, or any particular class of business in the State.	public interest would not be better served by granting the request. Section 31(3): Subsection (1) of section 31 applies as the public interest would not be better served by granting the request.	
33	Internal DCMNR email 31/05/05	PC 3/12	2	Refuse	20(1) 31(1)(b)	s20: record contains matter relating to deliberative processes. s31: premature disclosure of record could reasonably be expected to cause undue disturbance of the ordinary course of business generally, or any particular class of business in the State.	Section 20(3): Subsection (1) of section 20 applies as the public interest would not be better served by granting the request. Section 31(3): Subsection (1) of section 31 applies as the public interest would not be better served by granting the request.	N/a
34	Emails between DCMNR and D/Finance 02/06/05	PC 3/12	3	Refuse	20(1) 31(1)(b)	s20: record contains matter relating to deliberative processes. s31: premature disclosure of record could reasonably be expected to cause undue disturbance of the ordinary course of business generally, or any particular class of business in the State	Section 20(3): Subsection (1) of section 20 applies as the public interest would not be better served by granting the request. Section 31(3): Subsection (1) of section 31 applies as the public interest would not be better served by granting the request.	N/a

Rec. No	Brief description and date of record	File Ref	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
35	Email between DCMNR and OPW 03/06/05	PC 3/12	3	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
36	OPW email to DCMNR encl. Record no. 35	PC 3/12	1	Grant	N/a	No basis for refusal in Acts	N/a	none
37	Emails between DCMNR and D/Finance 09/06/05	PC 3/12	4	Refuse	20(1) 31(1)(b)	s20: record contains matter relating to deliberative processes. s31: premature disclosure of record could reasonably be expected to cause undue disturbance of the ordinary course of business generally, or any particular class of business in the State.	Section 20(3): Subsection (1) of section 20 applies as the public interest would not be better served by granting the request. Section 31(3): Subsection (1) of section 31 applies as the public interest would not be better served by granting the request.	N/a
38	Email between DCMNR and D/Finance 15/06/05	PC 3/12	1	Refuse	20(1) 31(1)(b)	s20: record contains matter relating to deliberative processes. s31: premature disclosure of record could reasonably be expected to cause undue disturbance of the ordinary course of business generally, or any particular class of business in the State.	Section 20(3): Subsection (1) of section 20 applies as the public interest would not be better served by granting the request. Section 31(3): Subsection (1) of section 31 applies as the public interest would not be better served by granting the request.	N/a
39	Internal DCMNR emails 15/06/05	PC 3/12	2	Refuse	20(1) 31(1)(b)	s20: record contains matter relating to deliberative processes. s31: premature disclosure of	Section 20(3): Subsection (1) of section 20 applies as the public interest would not be better served by granting the	N/a

Rec. No	Brief description and date of record	File Ref	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
40	Emails between DCMNR and D/Finance 16/05/05	PC 3/12	2	Refuse	20(1) 31(1)(b)	s20: record contains matter relating to deliberative processes. s31: premature disclosure of record could reasonably be expected to cause undue disturbance of the ordinary course of business generally, or any particular class of business in the State.	Section 20(3): Subsection (1) of section 20 applies as the public interest would not be better served by granting the request. Section 31(3): Subsection (1) of section 31 applies as the public interest would not be better served by granting the request.	N/a
41	Speech for Min. of State for adjournment debate 28/06/05	PC 3/12	6	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
42	Enclosure from DPC 20/06/05	PC 3/12	2	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
43	Enclosure from DPC 21/06/05	PC 3/12	1	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
44	Enclosure from DPC Not dated	PC 3/12	1	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
45	Letter from DPC to Minister 21/06/05	PC 3/12	1	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
46	Internal DCMNR email	PC	8	Grant	N/a	No basis for refusal in Acts	N/a	none

Rec. No	Brief description and date of record	File Ref	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
	(with attachment of adjournment debate) 29/06/05	3/12						
47	Letter from DCMNR to AG's Office (enclosing records 3, part of 5, 20-24, 28, 29, 35, 41-45). 29/06/05	PC 3/12	3	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
48	PQ Answered by M/Public Enterprise 21/04/98	PC 3/12	2	Grant	N/a	In public domain	N/a	N/a
49	Internal DCMNR email (record 48 attached) 30/06/05	PC 3/12	1	Refuse	20(1) 31(1)(b)	s20: record contains matter relating to deliberative processes. s31: premature disclosure of record could reasonably be expected to cause undue disturbance of the ordinary course of business generally, or any particular class of business in the State.	Section 20(3): Subsection (1) of section 20 applies as the public interest would not be better served by granting the request. Section 31(3): Subsection (1) of section 31 applies as the public interest would not be better served by granting the request.	N/a
50	Internal DCMNR email 01/07/05	PC 3/12	1	Refuse	20(1) 31(1)(b)	s20: record contains matter relating to deliberative processes. s31: premature disclosure of record could reasonably be expected to cause undue disturbance of the ordinary course of business generally, or any particular class of	Section 20(3): Subsection (1) of section 20 applies as the public interest would not be better served by granting the request. Section 31(3): Subsection (1) of section 31 applies as the public interest would not be better served by granting the request.	N/a

Rec. No	Brief description and date of record	File Ref	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
51	Enclosure from DPC 03/05/05	PC 3/12	1	Refuse	46(1)(b)	business in the State. Sent to and held by AGs	N/a	N/a
52	Enclosure from DPC 19/04/05	PC 3/12	1	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
53	Enclosure from DPC 30/06/05	PC 3/12	1	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
54	Enclosure from DPC 28/06/05	PC 3/12	1	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
55	Enclosure from DPC 14/06/05	PC 3/12	1	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
56	Enclosure from DPC 07/06/05	PC 3/12	2	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
57	Enclosure from DPC (with attachment) 01/06/05	PC 3/12	2	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
58	Enclosure from DPC 03/06/05	PC 3/12	1	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
59	Enclosure from DPC (with attachment) 31/05/05	PC 3/12	4	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
60	Enclosure from DPC 01/03/05	PC 3/12	1	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
61	Enclosure from DPC 18/02/05	PC 3/12	1	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
62	Enclosure from DPC 27/01/05	PC 3/12	1	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
63	Enclosure from DPC 21/01/05	PC 3/12	1	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
64	Letter from DPC to DCMNR (enclosing	PC 3/12	2	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a

Rec. No	Brief description and date of record	File Ref	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
	records 51-63) 30/06/05							
65	Letter from DCMNR to AG's Office (enclosing records 51-64) 01/07/05	PC 3/12	1	Refuse	46(1)(b)	Sent to and held by AGs	N/a	N/a
66	Email from DCMNR to Taoiseach's Office (with attachment) 01/07/05	PC 3/12	3	Part Grant	N/a	Record released but material in record not relevant to request deleted.	N/a	Material in record not relevant to request deleted.