



Department of Communications, Energy and Natural Resources
Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádirtha

18 June 2010

Your Ref: EMcG
Our Ref: FOI/201/01

McGarr Solicitors
12 City Gate
Lower Bridge Street
Dublin 8

Dear Sir,

I refer to your letter of 8th January 2010 requesting discovery of records under Section 7 of the Freedom of Information Act 1997-2003 with regard to Shell E&P Ireland Limited. This Department subsequently wrote to you on 26 January 2010 requesting that, as your request was considered too broad in scope and was likely to be refused as provided for under Section 10(1)(C) of the Freedom of Information Act, that you provide a more specific description of the records involved to enable the Department accede to your request.

To date we have not received a response to the request above and accordingly, your request of 8 January 2010 is hereby refused in accordance with Section 10(1)(C) of the Freedom of Information Act (A copy of the relevant section of the FOI Act is attached for your convenience).

You may appeal this decision and you should note that a fee applies for an appeal, the level of which has been set at €75. In the event that you wish to make such an appeal, you can do so by writing to the Freedom of Information Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Road, Cavan, enclosing the appropriate fee. Payment should be made by way of bank draft, money order, postal order or personal cheque made payable to the Department of Communications, Energy and Natural Resources. You should make your appeal within 4 weeks (20 working days) 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.

Yours sincerely,


Róisín Garland
Petroleum Affairs Division

Petroleum Affairs Division
29 - 31 Adelaide Road
Dublin 2 Ireland

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An Rannóg Gnóthaí Peitriúil
29 - 31 Bóthar Adelaide
Baile Átha Cliath 2 Éire

Freedom of Information Act, 1997

Refusal on administrative grounds to grant requests under *section 7*.

10.—(1) A head to whom a request under *section 7* is made may refuse to grant the request if—

- (a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,
- (b) the request does not comply with *section 7 (1) (b)*,
- (c) in the opinion of the head, granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, require the retrieval and examination of such number of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of the other work of the public body concerned,
- (d) publication of the record is required by law and is intended to be effected not later than 12 weeks after the receipt of the request by the head,
- (e) the request is, in the opinion of the head, frivolous or vexatious, or
- (f) a fee or deposit payable under *section 47* has not been paid.

(2) A head shall not refuse, pursuant to *paragraph (b) or (c) of subsection (1)*, to grant a request under *section 7* unless he or she has assisted, or offered to assist, the requester concerned in an endeavour so to amend the request that it no longer falls within that paragraph.

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Department of Communications, Energy and Natural Resources
Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádirtha

Your Ref: EMcG
Our Ref: FOI/2010/01

26 January 2010

McGarr Solicitors,
12 City Gate
Lower Bridge Street
Dublin 8.

Dear Sirs,

I refer to your letter of 8th January 2010 requesting discovery of records under Section 7 of the Freedom of Information Act 1997-2003 with specific regard to Shell E&P Ireland Limited under the headings No.1 to 6 in your letter, (copy attached for your convenience). In order to progress this request, further clarification is required at this point to enable a comprehensive decision to be made on the consideration of your request.

The request, as currently formatted, is considered to be too broad in scope and having regard to the volume and range of information sought, is likely to be refused on the basis that the retrieval and examination of such number of records would cause a substantial interference with the work of the Department as provided for under Section 10(1) (C) of the FOI Act.

However, in compliance with Section 10(2) of the FOI Acts 1999 and in advance of a decision being reached, I would like to offer to assist you to try and amend the request so that it no longer comes within the provisions cited above.

Towards this end, with regard to Paragraphs 1 and 2 of your letter, could you please confirm if what is required is correspondence (emails, memoranda minutes etc) between Shell E&P Ireland Limited and the Department specifically in relation to the Planning and Development (Strategic Infrastructure) Act 2006 during the dates specified?

You might also clarify if with respect to Paragraph 3 and 4, as no subject matter is specified, if what you are requesting are the details of meetings held between this Department and Shell E&P Ireland Limited in relation to the Planning and Development (Strategic Infrastructure) Act 2006?

It would also be helpful, with regard to Paragraph 4, as no dates are specified, that you provide the dates to which the documents you refer relate, as set out in other elements of your request.

Finally, with regard to Paragraph 6, this request is considered, in its current format, to be manifestly unreasonable having regard to the volume and range of information sought. What is required is a more specific description of the records involved to enable identification of the records relating to your request.

I would appreciate if you could advise me of your wishes in this matter and should you have any queries with regard to the above, please contact me at 01 6782694

Yours sincerely,



Roisin Garland
Petroleum Affairs Division



21/01/2010

McGarr, Solicitors,
12 City Gate,
Lower Bridge St.
Dublin 8.

FOI Request Reference: FOI/2010/1

Dear Sir/Madam

I refer to your FOI request under Section 7 of the Freedom of Information Acts, 1997 and 2003, received in this office on 12/01/2010 requesting records between Shell E & P Ireland and the Department. The application was received along with the associated fee.

The officer handling your request will be Ms Roisin Garland,, Petroleum Affairs Division, Department of Communications, Energy and Natural Resources, 29-31 Adelaide Road, Dublin 2. Roisin can be contacted on 01 6782694.

You can expect to receive your decision by the 09/02/2010.

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

Our Ref: EMcG

Your Ref:

8th January 2010

Information Officer
FOI Unit,
Department of Communications
Elm House,
Earlsvale Road,
Cavan



Dear Sir/Madam,

In accordance with section 7 of the Freedom of Information Acts 1997-2003 I wish to request access to the following records which I believe to be held by the Department of Communications, Marine and Natural Resources:

- 1) *All documentation including minutes, records, documents, memoranda, correspondence (including emails) related to any contacts and/or interactions between Shell E&P Ireland Limited or any natural/legal person acting on their behalf and the Minister for Communications, Marine and Natural Resources (and his predecessors in title) and the Department of Communications, Marine and Natural Resources prior to the publication of, during the passage of and prior to the enactment of the Planning and Development (Strategic Infrastructure) Act, 2006*
- 2) *All documentation including correspondence, emails, memoranda and representations made by Shell E&P Ireland Limited or any natural/legal person acting on their behalf to the Minister for Communications, Marine and Natural Resources (and his predecessors in title) and the Department of Communications, Marine and Natural Resources prior to the publication of, during the passage of and prior to the enactment of the Planning and Development (Strategic Infrastructure) Act, 2006*
- 3) *All scheduling requests between the Department and Shell E&P Ireland Limited or its representatives between January 1, 2005 and 31st January 2007 inclusive. This should include the date, time and purpose of the request, as well as the names and positions of people due to meet.*
- 4) *A schedule of all meetings between Shell E&P Ireland Limited or its representatives and the Department, its staff or representatives, the Minister, or his representatives.*
- 5) *The Department's visitor sign-in book entries containing details of visitors from Shell E&P Ireland Limited, or its representatives. This should cover the period 1 January, 2005 to 31 January 2007.*

- 6) *All emails sent between the Department and Shell E&P Ireland Limited or its representatives containing any of the following words.... "Planning", "Development" "Strategic", "Infrastructure", "Act", "gas" undertaker", "corrib" "gas" "pipeline", "strategic gas upstream pipeline". This should cover the period 1 January 2005 to 31 January 2007.*

I enclose herewith the prescribed fee. I do not anticipate that any exemptions will be required nor that any further costs other than the standard €15 charge will be incurred. If you decide to request further payment I would like to be provided with an itemised fees receipt outlining precisely why an additional cost is required.

Yours Faithfully,



McGarr Solicitors