



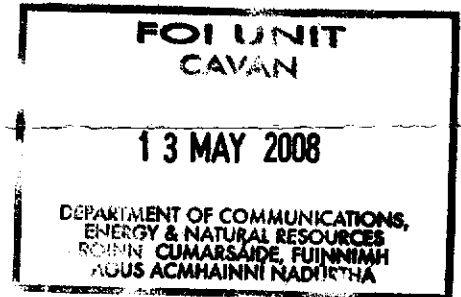
# William Fry

Our Ref 019794.0001.JH

9 May 2008

**By Post**

FOI Unit  
Department of Communications, Energy & National Resources  
Elm House  
Earlsvale Road  
Co. Cavan



FOI 27/2008 FOI/2008/28

Dear Sirs

We refer to a letter dated 6 May 2008 from Mr. G. Purcell in which he states that he is withholding certain documents requested by Claire Waterson of this office.

Mr. Purcell has relied on two exemptions under the 1997 and 2003 Acts.

We fail to understand how the view can be taken that all the documents requested in parts 1, 2 and 3 of the request, and the withheld documents in part 4, relate to the deliberative processes of the Department and, even were this the case, how it would be contrary to the public interest to grant the request (whether wholly or in part). Likewise, we cannot see how granting the request "could possibly" interfere with current court proceedings or could lead to contempt of court.

We hereby appeal Mr. Purcell's decision and enclose a cheque for €75 for processing the appeal.

Yours sincerely

John Handoll

Direct Dial: +353 -1- 639 5111  
E-Mail: john.handoll@williamfry.ie

WF-925217-v1



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

20<sup>th</sup> May, 2008

Ms Claire Waterson  
William Fry Solicitors  
Fitzwilton House,  
Wilton Place,  
Dublin 2.

**FOI Request Reference: FOI/2008/28**

Dear Ms. Waterson,

I refer to the appeal you have made under the Freedom of Information Acts, 1997 and 2003 on the decision taken regarding your recent FOI request, concerning the National Broadband Scheme.

Your appeal was received in the FOI Unit on the 13<sup>th</sup> May, 2008 along with the associated fee. You can expect a decision on your appeal by the 4<sup>th</sup> June, 2008.

A full and new examination of the matter will be carried out by Mr. Brendan Buckley, Communications (Development) & Electronic Commerce Division, Department of Communications, Energy and Natural Resources, 29 – 31 Adelaide Rd., Dublin 2. The Internal Reviewer can be contacted at 01 6782955.

If you are not satisfied with the outcome or if you have not received a reply within the designated timeframe, you are entitled to apply for a further review by the Information Commissioner.

**Please note that due to the introduction of a new FOI tracking system within this Department the reference number of your request has changed from FOI/0027/2008 to FOI/2008/28, this new number should be quoted in all future correspondence relating to this request.**

Any further queries please contact the FOI Unit.

Yours sincerely,

Mary Rabbitte  
FOI Unit  
Elm House,  
Earlsvale Rd  
Cavan

Phone: 01 6782903

**Brendan Buckley**

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**From:** Waterson, Claire [Claire.Waterson@williamfry.ie]  
**Sent:** 03 June 2008 16:44  
**To:** Brendan Buckley  
**Cc:** Handoll, John  
**Subject:** RE: FOI Request 27/2008

Dear Mr Buckley

I refer to our conversation earlier this afternoon.

I confirm that we are not prepared to reduce the extent of our request for access.

I look forward to receiving your decision in relation to this and to FOI 26/2008 in due course.

Yours sincerely

Claire Waterson

-----Original Message-----

**From:** Brendan Buckley [mailto:Brendan.Buckley@dcenr.gov.ie]  
**Sent:** 03 June 2008 10:24  
**To:** Handoll, John  
**Subject:** FOI Request 27/2008

Mr Handoll

I refer to your appeal in respect of the decision taken in relation to FOI Request 27/2008, your ref. 019794.0001.JH.

As you may be aware I have been assigned to review the decision.

My initial view is that the information being sought under items 1 to 6 of Ms Claire Waterson's letter of 6 May 2008, notwithstanding the decision taken not to release certain of the documents and the reasons for same, are very extensive.

I would appreciate if you would consider narrowing down the request.

Sincerely

Brendan Buckley  
Communications (Development) & Electronic Commerce Division

01-6782955

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Thank you for your co-operation.

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