

# Freedom of Information Request

**Details of Applicant**

Surname:

15<sup>th</sup> 2009

First Name:

Postal Address:

E-Mail Address:

Please find enclosed payment of €15.00 for my request.

FOI UNIT  
CAVAN  
  
15 SEP 2009  
  
DEPARTMENT OF COMMUNICATIONS,  
ENERGY & NATURAL RESOURCES  
ROINN COMARSAIDE, FUINNIMH  
AGUS ACMHAINNI NADURTHA

**Form of Access**

My preferred form of access is to receive copies by post

**Details of Request**

In accordance with section 7 of the FOI Act 1997 & 2003, I request access to records, which are:

*Details of all expenses incurred by Frank Fahey ( and any others in his travelling party ) in his capacity as Minister of Marine & Natural Resources from 27<sup>th</sup> January 2000 to June 2002.*

*This should included all travel expenses, flights, meals, accommodations etc.*

Department of Agriculture, Fisheries & Food  
Received  
8 SEP 2009  
FOI Unit



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

23/09/2009

FOI Request Reference: FOI/2009/34

Dear

I refer to your FOI request under Section 7 of the Freedom of Information Acts, 1997 and 2003, received in this office on 15/09/2009 requesting details of all expenses incurred by Frank Fahey in his capacity as Minister of Marine & Natural Resources from 27<sup>th</sup> January 2000 to June 2002. The application was received along with the associated fee.

The officer handling your request will be Mr Brian Walsh, Accounts - Corporate Finance and Planning Division, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Road, Cavan. Brian can be contacted on 01 6782423.

You can expect to receive your decision by the 13/10/2009.

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



13/10/2009

FOI Request Reference: FOI/2009/34

Dear

I refer to your FOI request under Section 7 of the Freedom of Information Acts, 1997 and 2003, received in this office on 15/09/2009 in relation to records regarding expenses incurred by Frank Fahey when serving as Minister for Marine and Natural Resources from 27th January 2000 to June 2002.

My search for relevant records to date has involved an examination of files stored in our Head Office as well as in warehouses used to store non-current documentation. I am currently examining records stored electronically. However, I have been unable to locate a definitive list of the Ministers functions and who attended them etc. This document is essential so that related costs can be determined. Before I formally respond to your request, I require more time to complete my search for relevant documents and compile a schedule of payments if appropriate. In the circumstances, I am writing to say that I will not be in a position to make a formal decision in this matter until the 28<sup>th</sup> October.

However, depending on the actual volume of documentation to be assessed, an earlier response time may prove possible. Please contact me if you have any questions or concerns about your request.

Yours sincerely,

Brian Walsh  
Department of Communications, Energy and Natural Resources  
Elm House,  
Earlsvale Rd  
Cavan  
Phone: 01 6782423



Reference No. FOI/2009/34

28<sup>th</sup> October 2009

Dear

I refer to the request which you made under the Freedom of Information Acts 1997 and 2003 for records held by this Department regarding expenses incurred by Frank Fahey when serving as Minister for Marine and Natural Resources from 27<sup>th</sup> January 2000 to June 2002.

I have made a final decision to part grant your request on 28<sup>th</sup> October 2009. If you have any queries regarding this correspondence you can contact me by telephone at 01 6782423.

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, its form and the fee required to be paid;
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/Body 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**

Access to the records is by means of photocopies and accordingly the records described as released in full are now enclosed.

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

As per my letter of the 13<sup>th</sup> October and our subsequent phone conversation you know we have difficulties in finding some of the records you are seeking. I am sorry to inform you that we cannot locate all the records requested and that I must therefore refuse your request. As is explained below, this decision is made under section 10(1)(a) of the Act (a copy of section 10 is enclosed for your reference).

Section 10(1)(a) of the Act states that an FOI request may be refused if:

'the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken.'

Listed below are the steps this Department has taken to locate the records. Also listed is the outcome of each of these steps.

Search steps undertaken:

1. detailed discussions with the records management staff of this Department and the subsequent retrieval of some documents stored off-site to ascertain if the boxes contained relevant records. However, the boxes did not contain relevant records.
2. phone conversations/emails with individual members of staff who may have dealt with such records. While the staff concerned could recall the existence of the records they were not able to advise me regarding their current location.
3. a search of the electronic databases and records held by the Department, both on mainframe computers and individual staff computers. Unfortunately, the relevant records could not be found.
4. a physical search of all relevant areas of the Department in which the records sought might possibly be held. The records required could not be found.

The above are the reasonable steps which we have taken to locate the records which you have sought. In choosing these steps, this Department has tried to maximise the chance that the records will be found, while not overly disrupting its operations. On this basis, this Department has identified and implemented the steps to locate the records that were reasonable to take in this case.

It should also be noted that the Department did not have an electronic system for recording travel and subsistence expenditure at that stage and the financial management system in use at that time has since been replaced.

In its search for the records, this Department has tried (as noted above) to use all practical, possible means for finding them. In view of the comprehensive but

unsuccessful searches described above, I find that, so far as I am able to determine, the records sought by you do not exist or cannot be found. We genuinely regret this.

In accordance with the requirements of section 10(1) (a) I am satisfied that all reasonable steps have been taken to identify and locate the records requested. Unfortunately, I am unable to locate the records concerned and must therefore refuse your request on this basis.

#### **4. Rights of appeal**

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, Energy and Natural Resources, Elm House, Earlsvale Road, Co. 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 and a reduced fee of €25 applies if you are covered by a Medical Card.

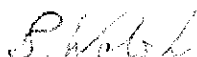
If claiming a reduced application fee, the request must also be accompanied by

- 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, Energy & 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



Brian Walsh  
Corporate Finance and Planning Division  
Department of Communications, Energy and Natural Resources  
Elm House  
Earlsvale Road  
Cavan

## 10. 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.

### Related content

- CPU Analysis 98077 : Mr. AAT and the Department of Social; Community and Family Affairs.



①

To: Tony Fitzpatrick, PO *1/13/02*  
From: Eamonn Confrey  
Minister's Office  
Re: Minister's Expenses *Dept. of Justice*  
Date: 12 March 2002  
Cc:

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Attached is a list of expenses incurred by the Minister for which he has requested to be re-imbursed by the Department. The Minister has stated that these expenses are in order for payment from the Department and copies of invoices / receipts are attached for information.

Much of these expenses arise as Official Entertainment. There are a number of claims which relate also to travel and subsistence and these are clearly marked.

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Eamonn Confrey  
Private Secretary

Date	Place	Item	Amount
08-May-01	Pasta, Milano Co. Tipperary	Dinner	£34.15
13-May-01	CityWest Hotel Dublin	Accommodation	£75.00
17-May-01	Ronnies Bistro. Co. Galway	Dinner	£60.10
29-May-01		Taxi	£10.00 - Charge to Travel Acc.
31-May-01	Galway	Taxis	£15.00 - Charge to Travel Acc.
12-June-01	Marine Hotel Dublin	Accommodation	£120.63
14-June-01	The Carraig Hotel Co. Tipperary	Hotel	£46.50
15-June-01	Carrick-on-Suir Co. Leitrim	Taxi	£30.00 - Charge to Travel Acc
18-June-01	Hilton Hotel London Gatwick	Accommodation	£199.75
19-June-01	Carraig Hotel Ltd Carraig-on-Suir	Hotel	£46.70
20-June-01	L'Ecrivain Restaurant Dublin 2.	2 Dinners	£128.95
21-June-01	Morans Oyster Cottage	2 Dinners	£47.80
22-June-01	Mount Errigal Co. Letterkenny	Accommodation	£81.40
23-June-01	Carraig Hotel Tipperary	Hotel	£35.35
24 June to 01 July 2001	Alexander The Great Hotel, Cyprus	Accommodation - Foreign Travel	£278.57
04-July-01	Jurys Hotel Dublin 4	Accommodation	£171.16
06-July-01	Dublin	Taxi	£6.00 - Charge to Travel Acc
07-July-01	Horkan's Taxi Service, Co. Mayo	Taxi	£50.00 - Charge to Travel Acc.
08-July-01	O'Grady's on the Pier, Barna, Co. Galway	Dinner	£220.70
10-July-01	Paddy Burke, Clarinbridge, Co. Galway		£100.00
21-July-01	Hotel Westport Co. Mayo	Hotel	£34.80
23-July-01	Spinnaker House Hotel, Co. Galway	Hotel	£110.00

Date	Place	Item	Amount
22-August-01	Evelyn Keane Claggan View Co. Mayo	Dinner x 3	£28.40
23-August-01	Down Hill Hotel Ballina Co. Mayo	Hotel & Dinner	£170.00
23-August-01	Sligo Park Hotel	Hotel	£115.00
03-September-01		Taxi Fare	£67.00 - Charge to Travel Acc
27-September-01	Silks Restaurant	Dinner	£86.00
29-September-01	City Cabs Edinburgh	Taxi	£13.60 - Charge to Travel Acc
	Direct Cabs Edinburge	Taxi	£10.00 - Charge to Travel Acc
28-September-01		Taxi	£13.00 - Charge to Travel Acc
29-September-01	Aberdeen Marriott Hotel. Scotland	Accommodation – Foreign Travel	£466.55
29-September-01		Rail tickets to Aberdeen x2	£56.00
01-October-01	Shallow Royal Scot Hotel Edinburgh	Accommodation – Foreign Travel	£301.30
30-October-01	McDonaghs Seafood House. Galway	Dinner	£92.70
<b>TOTAL</b>			<b>IRE 3,323.16</b>