

Ireland on Sunday

Rec'd 7/11/06

3rd Floor, Embassy House, Herbert Park Lane, Ballsbridge, Dublin 4
Tel: +353 1 6375800 Fax: +353 1 6375880 (News)

Wednesday, August 30

Freedom of Information Officer
Department of Communications

To whom it concerns

I wish to make an application under the Freedom of Information Act (1997) as amended (2003).

I request:

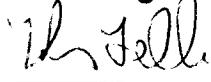
1. Copies of correspondence between the Department and the Office of the Ombudsman on the subject of the current investigation into the Fishing Vessels Lost at Sea Scheme, between June 1 and August 30.
2. A copy of the letter from the Ombudsman informing the Department that a Formal Investigation was being launched into the scheme, received I understand within the last two months.
3. A copy of any reply to the Ombudsman sent by the Department to this letter.
4. All Internal memos, notes, position papers and minutes of meetings held in the Department on the subject of the latest letter from the Ombudsman informing the Department that a formal investigation has been launched into this scheme.
5. Correspondence between the Minister and Department and Junior Minister Frank Fahey on this subject between January 1, 2005 and August 1, 2006, should such correspondence exist.
6. Correspondence between the Minister and the Department and any other person external to the Department on this issue between January 1, 2006 and August 30, 2006, should such correspondence exist.

Please find enclosed a cheque for €15, representing the statutory fee for this request.

If you have any queries, or need clarification on any point, I can be contacted on 087 251 3813.

I look forward to your response.

Kind regards,

A handwritten signature in black ink, appearing to read 'Tom Felle', written in a cursive style.

Tom Felle



11 October 2006

Mr. Tom Felle,
Ireland on Sunday,
3rd Floor, Embassy House,
Herbert Park Lane,
Ballsbridge,
Dublin 4



FOI/0072/2006

Dear Mr. Felle,

I refer to the request you have made under the Freedom of Information Act for access to records held by this Department in connection with the "Lost at Sea" Scheme.

Your request has been part-granted and I attach all relevant information with this letter. Please find included a Schedule of all records associated with your request, detailing the order in which they are filed here.

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 FOI Unit, Department of Communications, Marine and Natural Resources, Leeson Lane, Dublin 2. 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, 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,

Adrian Hosford
Sea Fisheries Administration Division
PH: 6782475

FOI Request Reference: FOI/0072/2006

Schedule of Records: Summary of Decision Making

Requesting copies of correspondence between the Department and the Office of the Ombudsman on the subject of the current investigation into the Fishing Vessels Lost at Sea Scheme, between June 1 and August 30 and correspondence between the Minister and...

Record No.	Brief Description & Date of Record	File Ref.	No. of Pages	Relevant facts	Findings/ conclusions (Public Interest Considerations, (If applicable))	Grant/refuse/ part-grant	Basis of Refusal: Section of Act	Record edited/Identity deletions
1-116	Papers Attaching To The "Lost At Sea" Scheme That Were Issued By The Department To Minister Fahey On 14 July 2006	S/11/1/45/1	116			Grant	Not Applicable	Unedited
117-119	Papers Attaching To The "Lost At Sea" Scheme That Were Issued By The Department To Minister Fahey On 14 July 2006. Office Of The Ombudsman Letter Dated 10 February 2005 To The Department Pertaining To The Examination In The Case Of Danny Byrne	S11/1/45/1	3		Record Is Exempt As It Forms Part Of A Deliberative Process Of A Public Body Under Section 20. The Record Is Excluded Under Section 46©(iii)	Refuse	Sections 20 & 46	

120	Papers Attaching To The " Lost At Sea" Scheme That Were Issued By The Department To Minister Fahey On 14 July 2006. Office Of The Ombudsman Letter Dated 11 May 2005 To The Department Pertaining To Furthering The Examination In The Case Of Danny Byrne	S11/1/45/1	1		Record Is Exempt As It Forms Part Of A Deliberative Process Of A Public Body Under Section 20. The Record Is Excluded Under Section 46©(iii)	Refuse	Sections 20 & 46	
121-123	Papers Attaching To The " Lost At Sea" Scheme That Were Issued By The Department To Minister Fahey On 14 July 2006. Department's Letter Of 4 May 2005 To The Office Of The Ombudsman Pertaining To The Examination In The Case Of Danny Byrne	S11/1/45/1	3		Record Is Exempt As It Forms Part Of A Deliberative Process Of A Public Body Under Section 20. The Records Are Excluded Under Section 46©(iii)	Refuse	Sections 20 & 46	
124-126	Papers Attaching To The " Lost At Sea" Scheme That Were Issued By The Department To Minister Fahey On 14 July 2006. The Department's Report Of 20 December 2005 To The Office Of The Ombudsman Pertaining To The Examination In The Case Of Danny Byrne	S11/1/45/1	3		Record Is Exempt As It Forms Part Of A Deliberative Process Of A Public Body Under Section 20. The Records Are Excluded Under Section 46©(iii)	Refuse	Sections 20 & 46	

127-131	Papers Attaching To The " Lost At Sea" Scheme That Were Issued By The Department To Minister Fahey On 14 July 2006.	S11/1/45/1	5			Grant	Not Applicable	Unedited
132	Papers Attaching To The "Lost At Sea" Scheme That Were Issued By The Department To Minister Fahey On 14 July 2006. Office Of The Ombudsman Letter Dated 17 February 2006 Advising The Department That A Formal Investigation Is To Proceed	S11/1/45/1	1		Record Is Exempt As It Forms Part Of A Deliberative Process Of A Public Body Under Section 20. The Record Is Excluded Under Section 46@(iii)	Refuse	Sections 20 & 46	
133	Papers Attaching To The " Lost At Sea" Scheme That Were Issued By The Department To Minister Fahey On 14 July 2006. The Department's Letter Dated 10 March 2006 Submitting Certain Files To The Office Of The Ombudsman	S11/1/45/1	1		Record Is Exempt As It Forms Part Of A Deliberative Process Of A Public Body Under Section 20. The Record Is Excluded Under Section 46@(iii)	Refuse	Sections 20 & 46	
134-141	Papers Attaching To "Lost At Sea" Scheme That Were Issued By The Department To Minister Fahey On 14 July 2006. Office Of The Ombudsman Letter Dated 11 May 2005 (Based On Department's Report) To Mr. Byrne Concerning His Complaint	S11/1/45/1	8		Record Is Exempt As It Forms Part Of A Deliberative Process Of A Public Body Under Section 20. The Record Is Excluded Under Section 46@(iii)	Refuse	Sections 20 & 46	

142	Papers Attaching To The "Lost At Sea" Scheme That Were Issued By The Department To Minister Fahey On 14 July 2006. E-Mail Dated 8 March 2006 From The Office Of The Ombudsman Advising The Department That A Formal Investigation Is To Proceed	S11/1/45/1	1		Record Is Exempt As It Forms Part Of A Deliberative Process Of A Public Body Under Section 20. The Record Is Excluded Under Section 46©(fii)	Refuse	Sections 20 & 46	
143-149	Papers Attaching To Lost At Sea Scheme That Were Issued By The Department To Minister Fahey On 14 July 2006. Letter Dated 14 March 2006 From Senator Jim Higgins MEP To An Taoiseach Bertie Ahern T.D. And Follow Up Reply From Minister Browne's Office Dated 4 May 2006 To The Assistant Private Secretary To The Taoiseach. <i>Kindly see 134 -141 Concerning The Ombudsman's Report Attached To Senator Higgins's Letter.</i> Approval Letters Of 31 October 2001 Issued By Minister Fahey Under The Scheme To Mullen And Faherty	S11/1/45/1	7			Grant	Not Applicable	Unedited
150	Letter Date 14 July 2006 To Minister Fahey With The Records Listed 1-149	S11/1/45/1	1			Grant	Not Applicable	Unedited
151	Letter Dated 5 July 2006 From Minister Fahey's Private Secretary Requesting Documentation On Three Items, One Being The "Lost At Sea" Scheme	S11/1/45/1	1			Grant	Not Applicable	Unedited

152-153	E-Mails Between Minister Dempsey's Office And The Department Of The Marine	S11/1/45/1	2				Grant	Not Applicable	Unedited
154-156	Lost At Sea Scheme Information Note	S11/1/45/1	3				Grant	Not Applicable	Unedited
157-160	Criteria For Considering "Lost At Sea" Applications	S11/1/45/1	4				Grant	Not Applicable	Unedited
161-169	Information Notes That Issued To Minister Fahey On 6 July 2006	S11/1/45/1	9				Grant	Not Applicable	Unedited
170	Letter Dated 6 July 2006 To Minister Fahey With Information Notes	S11/1/45/1	1				Grant	Not Applicable	Unedited
171-172	Departmental E-Mail Dated 9 February 2006 Concerning "Lost At Sea" Issues Raised By Senator Jim Higgins MEP With The EU Commission	S11/1/45/1	2				Grant	Not Applicable	Unedited
173-176	Media Publications	S11/1/45/1	4				Grant	Not Applicable	Unedited
177-182	Parliamentary Question Nominated By Thomas P. Broughan T.D. Incorporating Minister Dempsey's Oral Reply	S11/1/45/1	6				Grant	Not Applicable	Unedited

183-188	Seannad Debate Of 1 March 2006 Between Senator Jim Higgins MEP and Mr. John Browne T.D. , Minister of State at the Department Of Communications, Marine and Natural Resources	S11/1/45/1	6				Grant	Not Applicable	Unedited
189-197	Letter Dated 14 March 2006 From Senator Jim Higgins MEP To An Taoiseach Bertie Ahern T.D. And Follow Up Reply From Minister Browne's Office Dated 4 May 2006 To The Assistant Private Secretary To The Taoiseach. <i>Kindly see 134 -141 Concerning The Ombudsman's Report Attached To Senator Higgins's Letter</i>	S11/1/45/1	9				Grant	Not Applicable	Unedited
198	Parliamentary Question Raised By Mary Upton T.D. Incorporating Minister Browne's Oral Reply	S11/1/45/1	1				Grant	Not Applicable	Unedited
199-202	Departmental E-Mails Concerning Requests Made By Tom Lyons Of The Irish Independent And The Article Written By Mr. Lyons	S11/1/45/1	4				Grant	Not Applicable	Unedited
203-204	E-Mail From Sean Clancy Concerning A General Query About The "Lost At Sea" Scheme.	S11/1/45/1	2				Grant	Not Applicable	Unedited
205-209	Briefing Note Dated 26 March For An Taoiseach Bertie Ahern Concerning The "Lost At Sea Scheme"	S11/1/45/1	5				Grant	Not Applicable	Unedited

210-211	Departmental E-Mails Concerning The "Lost At Sea Scheme"	S11/1/45/1	2				Grant	Not Applicable	Unedited
212-213	E-Mails Dated 29 & 30 June 2006 Concerning Information Given To The Irish Independent On The "Lost At Sea" Scheme	S11/1/45/1	2				Grant	Not Applicable	Unedited
214-216	Departmental E-Mails Dated 5 & 6 July 2006 Concerning The "Lost At Sea" Scheme	S11/1/45/1	3				Grant	Not Applicable	Unedited
217-223	Media Publications	S11/1/45/1	7				Grant	Not Applicable	Unedited
224-227	Departmental E-Mails Dated 6, & 12 July 2006 Concerning The "Lost At Sea Scheme"	S11/1/45/1	4				Grant	Not Applicable	Unedited
228-229	E-Mail Dated 14 July 2006 From Tom Felle Of The Ireland On Sunday	S11/1/45/1	2				Grant	Not Applicable	Unedited
230	E-Mail Dated 20 July 2006 From The Press office Concerning A Query Received From TG4	S11/1/45/1	1				Grant	Not Applicable	Unedited
231-232	Departmental E-Mails Dated 14 July 2006, 19 July 2006 And 24 July 2006 Concerning FOI Requests	S11/1/45/1	2				Grant	Not Applicable	Unedited
233-234	Departmental E-Mail To RTE Dated 20 July 2006 And Internal Departmental E-Mails Dated 3 August 2006 Concerning The Investigation By The Office Of The Ombudsman	S11/1/45/1	2				Grant	Not Applicable	Unedited

235-238	Statement Of Complaint To The Office Of The Ombudsman By Mr. Danny Byrne	S11/1/45/2	4		Record Is Exempt As It Forms Part Of A Deliberative Process Of A Public Body Under Section 20. The Record Is Excluded Under Section 46©(fii)	Refuse	Sections 20 & 46	
239	Covering Letter Dated 13 July 2006 From The Office Of The Ombudsman To The Department Concerning The Statement Of Complaint	S11/1/45/2	1		Record Is Exempt As It Forms Part Of A Deliberative Process Of A Public Body Under Section 20. The Record Is Excluded Under Section 46©(fii)	Refuse	Sections 20 & 46	
240	Departmental E-Mail Dated 21 July 2006 Concerning The Preparation By The Department Of A Draft Reply To The Office Of The Ombudsman	S11/1/45/2	1		Record Is Exempt As It Forms Part Of A Deliberative Process Of A Public Body Under Section 20. The Record Is Excluded Under Section 46©(fii)	Refuse	Sections 20 & 46	
241-242	Copy Of Department's Proposed Draft Reply To The Office Of The Ombudsman				Record Is Exempt As It Forms Part Of A Deliberative	Refuse	Sections 20 & 46	

					<p>Process Of A Public Body Under Section 20. The Record Is Excluded Under Section 46©(iii)</p>	Refuse	Sections 20 & 46	
243-244	<p>Departmental E-Mail Dated 31 July 2006 Attaching Draft Reply</p>				<p>Record Is Exempt As It Forms Part Of A Deliberative Process Of A Public Body Under Section 20. The Record Is Excluded Under Section 46©(iii)</p>	Refuse	Sections 20 & 46	
245	<p>Departmental E-Mail Confirming Issue Of The Department's Reply To The Ombudsman</p>				<p>Record Is Exempt As It Forms Part Of A Deliberative Process Of A Public Body Under Section 20. The Record Is Excluded Under Section 46©(iii)</p>	Refuse	Sections 20 & 46	

246-247	Copy Of Department's Reply Dated 31 July 2006 To The Office Of The Ombudsman				Record Is Exempt As It Forms Part Of A Deliberative Process Of A Public Body Under Section 20. The Record Is Excluded Under Section 46(iii)	Refuse	Sections 20 & 46	
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