

An Páinn Cumarsáide,
Fuilinníth agus Acmhainní Náúúrtha
Baile Átha Cliath 2.

Department of Communications,
Energy and Natural Resources,
Dublin 2.

Mr. John Collins,
Assistant Business Editor,
The Irish Times,
24-28 Tara Street,
Dublin.2.

Your reference: FOI 2008/60

23rd December 2008

Dear Mr. Collins

I am writing to you in response to your letter of 1st of December 2008, in which you make a request under Section 7 of the Freedom of Information Act 1997 as amended in 2003, for release of all documents containing reference to the establishment of a Computer Emergency Response Team (CERT) or similar initiative regarding internet security. I have made a final decision on your request.

The record consists of seventy one documents in electronic and / or paper format stored in the Business, Communications & Technology Division within the Department of Communications Energy and Natural Resources (DCENR). Forty two documents (stored in electronic format) from the record are within the deliberative processes in the DCENR and include results of consultations, opinions and advice, for the purpose of those process. The process of consideration for a CERT is at present under review and no final decision as yet has been made about the use of the record. Therefore under Section 20, subsection (1), of the above mentioned Act I am refusing your request to release these documents that are within the deliberative processes.

20. (1) A head may refuse to grant a request under section 7 if the record concerned contains 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).

Further, from the record that you seek, one business plan document was submitted in confidence to the DCENR (confirmed confidential to the DCENR by author), while another two are deemed confidential by default because of mathematical analysis relating to figures from that business plan. A total of three documents of paper and identical electronic format.

Accordingly, I am satisfied that these documents you seek from the record, are being withheld under Section 26 (1) (a), (b), and, Section 27 (1), (a), (b) & (c) of the FOI Act:

26.(1) Subject to the provisions of this section, a head shall refuse to grant a request under section 7 if

(a) the record concerned contains information given to the public body concerned in confidence and on the understanding that it would be treated by it

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as confidential (including such information as aforesaid that a person was required by law, or could have been required by the body pursuant to law, to give to the body) and, in the opinion of the head, its disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further similar information as aforesaid should continue to be given to the body, or

(b) disclosure of the information concerned would constitute a breach of a duty of confidence provided for by a provision of an agreement or enactment (other than a provision specified in *column (3)* of the *Third Schedule* of an enactment specified in that Schedule) or otherwise by law.

27. (1) Subject to subsection (2), a head shall refuse to grant a request under section 7 if the record concerned contains _

(a) trade secrets of a person other than the requester concerned,

(b) financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation, or

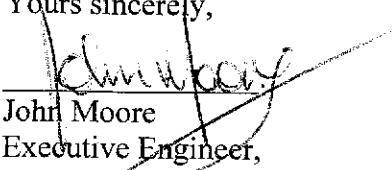
(c) information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.

The record also contains another twenty six documents that are freely available in the public domain. Eleven are in PDF format and are supplied on a CD R, and, fifteen are supplied in paper format. I am releasing this portion of the record.

Finally, there was a search carried out of records relating to CERT held in other communication Divisions within the Department, and, there was found one copy of a record document already deemed to be withheld under Section 20 (1)

Should you wish to contact me, please do so by first reference through the Departmental Press Office at 678 2000.

Yours sincerely,


John Moore
Executive Engineer,
Business Communications and Technology Division
Department Of Communications Energy & Natural Resources,
29 - 31 Adelaide Road
Dublin 2.



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

03/12/2008

Mr John Collins
The Irish Times Ltd.
P.O. Box 74,
24 - 28 Tara St.
Dublin 2.

FOI Request Reference: FOI/2008/60

Dear Mr Collins,

I refer to your FOI request under Section 7 of the Freedom of Information Acts, 1997 and 2003, received in this office on 02/12/2008 in relation to Requesting records regarding the establishment of a computer emergency response team.. The application was received along with the associated fee.

The officer handling your request will be Mr John Moore, Communications (Business & Technology) Division, Department of Communications, Energy and Natural Resources, 29-31 Adelaide Road, Dublin 2. John can be contacted on 01 6783107

You can expect to receive your decision by the 02/01/2009.

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.

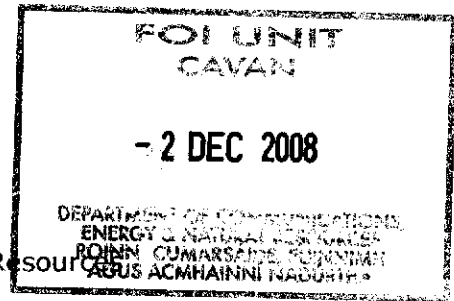
Yours sincerely,

Carmel Cosgrove
Carmel Cosgrove

FOI Unit
Department of Communications, Energy and Natural Resources
Elm House,
Earlsvale Rd
Cavan

Phone: 01 6782902

THE IRISH TIMES



Freedom of Information Unit,
Department of Communications, Energy and Natural Resources
Elm House,
Earlsvale Road,
Cavan

1/12/08

Dear Sir/Madam

In accordance with the Freedom of Information Act I would like to apply for a copy of the following records which I believe to be held by your Department:

All documents - including letters, e-mails, briefing notes - held by the Department containing references to the establishment of a computer emergency response team (Cert) or similar initiative regarding internet security.

I am happy to receive these documents by email or other electronic means.

I enclose a cheque for €15 to cover the cost of this application.

Best regards

A handwritten signature in black ink, appearing to be 'John Collins', written over a horizontal line.

John Collins
Assistant Business Editor
The Irish Times
087 242 6734
icollins@irish-times.ie