

[Headed]

17<sup>th</sup> January 2007

Mr. Gerard V. McCaughey,  
Kingspan Century,  
Clones Rd.,  
Monaghan

FOI/0083/2006

Dear Mr. McCaughey,

I refer to your request seeking an internal review under Section 14 of the Freedom of Information Act of the decision conveyed to you, on 6<sup>th</sup> December 2006, on the above application regarding the records you requested in relation to the claim made by Minister Dempsey on the RTÉ programme *Prime Time* on 17<sup>th</sup> October 2006.

Ms Maria Scully advised that there were no records pertaining to your request on file. As you know, the application of the Freedom of Information Acts relates only to providing access to physical documents or records that are held in Government Departments and other Public Bodies prescribed under this legislation.

I have contacted the original decision-maker and all other persons in the Department who appeared to me might have handled or held records in this case and I am satisfied that all reasonable steps were taken by the decision-maker to identify any records held in the Department that were encompassed by your FOI request. I am advised that there was no documentation in this case; and that there are no records on file in the Department that relate to your request.

You may appeal this decision by writing to the Information Commissioner at: 18 Lower Leeson St, Dublin 2.

If you wish to appeal, you must usually do so not later than 6 months after receiving this letter. Should you write to the Information Commissioner, making an appeal, please refer to this letter.

YPC 17  
2007

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If you make an appeal, the Information Commissioner will fully investigate and consider the matter and issue a fresh decision.

Please note that an application fee must accompany all appeals made to the Office of the Information Commissioner regarding FOI requests for non-personal records, and your appeal to them cannot be processed until the fee has been submitted. The application fee is currently €150.00 and a reduced fee of €50.00 will apply if you are covered by a Medical Card.

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

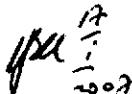
- The Medical Card registration number
- The name of the issuing Health Board
- Your consent to the verification of these details with that Health Board.

Payment should be made by way of bank draft, money postal order, or personal cheque made payable to "The Office of the Information Commissioner".

On receipt of the fee, an acknowledgement letter will be sent to you outlining details of when you can expect a decision on your request, and the contact details of the person handling the application.

Yours sincerely,

(signed) *Raphael J E Kelly*

Handwritten signature of Raphael J E Kelly, dated 17/1/2007.

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Raphael J E Kelly,  
Principal,  
Energy Efficiency Division.  
☎: (01) 678 22 80



8<sup>th</sup> January, 2007

Gerard V. McCaughey,  
Kingspan Century,  
Clones Rd.,  
Monaghan.

FOI/83/2006

Dear Mr. McCaughey,

I refer to the appeal you have made under the Freedom of Information Act on the decision taken regarding your recent FOI request concerning claims made by Minister Dempsey on Prime Time 17<sup>th</sup> October, 2006.

Your appeal was received in the FOI Unit on the 22<sup>nd</sup> December, 2006 along with the associated fee. A decision on your appeal will be made within three weeks of receipt of your request. This means that you can expect to receive the outcome of your appeal by the 17<sup>th</sup> January, 2007.

A full and new examination of the matter will now be carried out by Mr. Raphael Kelly, Energy Efficiency Division, **Department of Communications, Marine & Natural Resources**, 29 – 31 Adelaide Rd., Dublin 2. **He can be contacted at 01 6782280.**

If you are not satisfied with the outcome of the appeal, you are entitled to apply for a further review by the Office of the Information Commissioner, 18 Lr. Leeson Street, Dublin 2 within six months of receiving notice of decision on the appeal. Please note the FOI charges will apply if you wish to bring your case to the Office of the Information Commissioner.

Please note that an application fee for an appeal to the Commissioner is currently €150.00 and a reduced fee of €50.00 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 Office of the Information Commissioner".

Yours sincerely,

Mary Rabbitte  
FOI Unit  
PH: 01 6782903

Mr. John Wynne  
FOI Unit  
Department of Communications, Marine & Natural Resources  
Leeson Lane  
Dublin 2

20<sup>th</sup> December 2006

**Re: FOI Request - Appeal**

Dear Sir

I am writing in response to your letter of 6<sup>th</sup> December 2006, Reference FOI/0083/2006, which I received stating refusal to records re: Freedom of Information (FOI) Acts 1997 & 2003 in relation to the claims made by Minister Dempsey on Prime Time 17<sup>th</sup> October 2006.

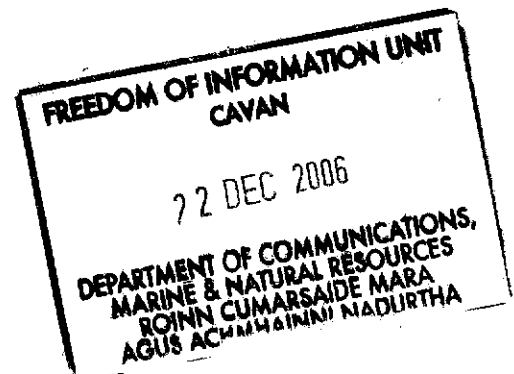
You have stated in your letter of 6<sup>th</sup> December 2006 that the records to back these claims up do not exist, however as Minister Demspey did in fact make these claims live on National Television there must be records somewhere to back him up.

I have attached the transcript from the Prime Time TV program for your consideration.

Please find enclosed appeal application fee of €75.00

Yours sincerely  
Kingspan Century Ltd.

*L. Keraghan*  
Gerard V. McCaughey  
Chief Executive



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Gary McCaughey  
Gerard McCaughey  
Paul McDonald  
Dermot Mulvihill  
Brendan Murtagh  
Gene Murtagh

Registered Office:  
Kingspan, Dublin Road,  
Kingscourt, Co. Cavan.

Company Reg No.: 152775

THE FOLLOWING IS A TRANSCRIPT OF EXTRACT FROM:

PROGRAMME prime time

STATION RTE TV1

DATE & TIME 17/10/06 9.35PM

SUBJECT TIMBER HOUSING

OUR REF. GG 17/10/06

DURATION 3 minutes 20 seconds

*\*Extract: Miriam interviews Minister Noel Dempsey, Minister for Enterprise Marine and Natural Resources re energy crisis etc where they comment on report from Century Homes...*

PRESENTER – MIRIAM O'CALLAGHAN

...Minister with respect the Power of One campaign was costing a lot of money about eight

million right, you are telling people you know cut down your heating bills, wear a sweater whatever. Meanwhile you were putting them all into these new homes, that are totally energy inefficient.

MINISTER NOEL DEMPSEY – MINISTER FOR ENTERPRISE MARINE & NATURAL RESOURCE

Well that's...I mean the piece on that, hardly an objective piece of information from Century Homes...

MIRIAM O'CALLAGHAN

... Yes but the memo in your own department accepted the fact that they were inefficient...

MINISTER NOEL DEMPSEY

...That they were more energy inefficient yes and I was in the department at the time and I happen to know very much about this. What happened subsequent to that memo being put out, was that there were two stages of improvement to the insulation of houses that were due in, one in 2001 I think, one in 2005. And in 2002, we brought the 2005 regulations in. We actually, three years before we were supposed to do it, brought the building regulations in and from next January, the building regulations under the building directive, the European Building Directive will make it even more...

MIRIAM O'CALLAGHAN

....But it there are still exemptions up until the end you know of this year, but also in '98 whatever the reasons you decided that the government policy was, that these homes would not be made more efficient.

MINISTER BRIAN LENIHAN

The reasons were very, very simple, we didn't say that they wouldn't be made more efficient, what we did...

MIRIAM O'CALLAGHAN

...The hollow concrete structure remains.

MINISTER NOEL DEMPSEY

~~Yes, it was a very difficult decision because the way they were made, they were made in a way that was going to cost about eight hundred euros more, which was a significant amount of money, which was significant at that time. We needed to build the houses and the houses were going to cost about eight hundred euros more, which was a significant amount of money, which was significant at that time. What we did was, brought forward the date of the building regulations and brought the 2005 standards back...~~

MIRIAM O'CALLAGHAN

...But is a joined up thing, when you think about it at the moment, I mean Dick Roche Minister for the Environment, that energy stamp that the EU is now bringing out, he's not postponed that, given exemption's to the end of next year for new houses. So what's in one hand you are bringing out the green paper and saying this is a new beginning, at the same time government departments are saying, actually no need to take it seriously, we will give you many exemptions.

MINISTER NOEL DEMPSEY

No the building directive for new houses starts on January 1<sup>st</sup>, which is the date, it's for the 2<sup>nd</sup> hand houses, it's will be January 1<sup>st</sup> 2009, that's in accordance with the directive itself. But there is joined up thinking in government. What the report seems to indicate is that the energy policy, the green paper is the only policy document that the government have. But you have a National Climate strategy, you have the building directives and you have a variety of other policies.

MIRIAM O'CALLAGHAN

But it is meant to be the new energy policy for the future, this green paper.

MINISTER NOEL DEMPSEY

It is and the reference is in it, to the National Climate Change Policy, but it doesn't go into that in great detail.

MIRIAM O'CALLAGHAN

Okay Minister we have got to leave it there, thank you very much for coming in tonight.

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copy

6 December 2006

Mr Gerard V. McCaughey  
Kingspan Century  
Clones Road  
Monaghan  
Co. Monaghan  
Ireland

FOI/0083/2006

Dear Mr McCaughey,

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 all claims made by Minister Dempsey on Prime Time 17<sup>th</sup> October 2005.

Your request has been refused as the records do not exist.

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 Tom [redacted]], 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 €75.00 and a reduced fee of €25.00 applies if you are covered by a Medical Card.

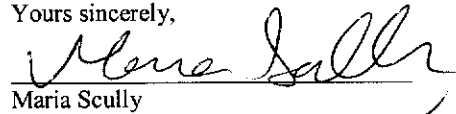
If claiming a reduced application fee, the request must also be accompanied by

- 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,



Maria Scully  
Energy Efficiency Division  
PH:01- 6783205

## SEARCH

- There were no documents held by Minister Dempsey's Office, checked with Carina O'Donoghue (Private Secretary and followed up a check with Ms. Donna Comer.
- There were no documents held in the Press Office despite a search by the Press Officer.
- There were no relevant documents in this Division

08/11/2006

Mr Gerard V. McCaughey,  
Kingspan Century,  
Clones Road,  
Monaghan,  
Co. Monaghan.

FOI/0083/2006

Dear Mr. McCaughey,

I refer to the Freedom of Information request received in this office on 08/11/2006 along with the associated fee.

The officer handling your request will be Ms. Maria Scully, Energy Efficiency Division, Department of Communications, Marine & Natural Resources, 29 - 31 Adelaide Road, Dublin 2, Co. Dublin. She can be contacted at 01 678 3205.

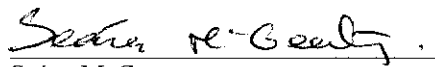
A final decision on your request will normally be sent to you within 4 weeks of receipt of your request. This means that you can expect to receive your decision by the 06/12/2006.

If you have not heard from us when the time allocated has expired, 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.

You should also be aware that you are entitled to a review of the decision if your request is refused, or if you are for any reason dissatisfied with the outcome of your request. The review is a full and new examination of the matter carried out by a more senior member of staff of this Department. In the event that you need to make an appeal, you can do so by writing to Mr. Frank O'Brien, FOI Unit, Department of Communications, Marine & Natural Resources, Elm House, Earlsvale Road, Co. Cavan. Please note that there is a charge for all appeals of FOI requests. This charge is currently €75.00. A reduced fee of €25.00 applies if you are the holder of a Medical Card.

Please note that the Department of Communications, Marine & Natural Resources has a policy of posting a summary of your request, your name and address and the subsequent reply on the Department's website for reference purposes.

Yours sincerely,



Seána McGearty  
FOI Unit  
PH: 6782902

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

8<sup>th</sup> November 2006

**Re: FOI Request**

Dear Sir / Madam

I wish to formally request under the Freedom of Information Acts (FOI) 1997 and 2003 all information, including but not limited to correspondence, submissions, reports, calculations, briefing notes, notes, minutes of meetings, documents, e-mails, faxes etc., relating to the claim made by Minister Noel Dempsey on Prime Time last Tuesday 17<sup>th</sup> October 2006 that by building more Energy Efficient Houses was going to cost £800 more.

Yours sincerely  
Kingspan Century Ltd.

Gerard V. McCaughey  
Chief Executive

Encl: Application fee cheque €15 has already been sent in the post