

Received
13/11/06 MR.

Irish Independent,
27- 32 Talbot St,
Dublin 1

8th Nov 2006

Dear Sir/Madam,

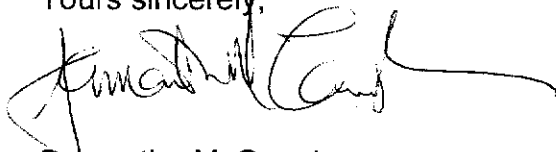
I am writing to you to request some information under the Freedom of Information Act.

Could I please have a copy of any correspondence between the Department and RTE regarding the roll out of DTT and Ireland's readiness for the switch off of analogue? This need only relate to the past 12 months.

Could I also have a copy of any memos or briefing notes from the past 12 months regarding DTT and Ireland's readiness for the analogue switch off. Could you also give me an estimates held by the Department on the cost of the current DTT trial and eventual roll out.

Please find a cheque for €15 to cover this initial request. You can contact me on 01 7055585 if you have any queries regarding this request.

Yours sincerely,



Samantha McCaughren

Media Editor

14th November, 2006

Ms. Samantha McCaughren,
Irish Independent,
27 – 32 Talbot St.,
Dublin 1.

foi | 85 | 2006.

Dear Ms McCaughren,

I refer to the Freedom of Information request received in this office on 13th November, 2006 along with the associated fee.

The officer handling your request will be Ms. Eve Francis, Broadcasting Policy Division, Department of Communications, Marine & Natural Resources, 29 – 31 Adelaide Rd., Dublin 2. She can be contacted at 01 6782123.

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 11th December, 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 Rd., 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,

MR

Mary Rabbitte
FOI Unit



08/12/2006

Ms Samantha McCaughren
Irish Independent,
27 - 32 Talbot St.,
Dublin 1.
Co.Dublin
Ireland

FOI/0085/2006

Dear Ms McCaughren,

I refer to the request, which you have made under the Freedom of Information Act for records held by this Department.

This Department has decided to extend the time limit for the decision on your request by 4 working days. The decision is based on Section 9 of the Act, a copy of which is enclosed.

This extension means that you can now expect to receive your decision by 15/12/2006. However, depending on the actual volume of documentation to be assessed, an earlier response time may prove possible. The undersigned Officer may be contacted by telephone at 01-6782123 should you have any questions or concerns about your request.

Right of Appeal

You may appeal this decision by writing to the Office of the Information Commissioner, Leeson Street, Dublin 2, Co Dublin.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Eve Francis', is written above a horizontal line.

Eve Francis
Broadcasting Policy Division

Ref: FOI/85/2006

14 December 2006

Ms. Samantha McCaughren
Irish Independent
27-32 Talbot Street
Dublin 1

Dear Ms. Caughren,

I refer to the requests which you recently made to this Department under the Freedom of Information Act in which you requested (a) a copy of any correspondence in the past 12 months between the Department and RTE regarding the roll out of DTT and Ireland's readiness for the switch off of analogue; (b) a copy of any memos or briefing notes from the past 12 months regarding DTT and Ireland's readiness for analogue switch off; and (c) estimates held by the Department on the cost of the current DTT trial and eventual roll out.

I enclose a schedule of all records held on file which are relevant to the requests. I am withholding access to a number of records as set out in the schedule on the following grounds:

Record No.1 - part refusal:

Page 1 - Paragraphs 1-3 - refused:

- under section 20 (1) of the Freedom of Information Act on the grounds that this record contains matter relating to the ongoing deliberative processes of the Department;

Page 1 - Paragraphs 4-5 – granted

Page 1 - Paragraph 6 – refused:

- under section 20 (1) of the Freedom of Information Act on the grounds that this record contains matter relating to the ongoing deliberative processes of the Department;
- also refused under section 27(1) (b) of the Freedom of Information Act on the grounds that this record contains commercially sensitive material;

Page 1 - Paragraphs 7 – granted

Page 2 – granted

Page 3 – Paragraph 1-2 granted

Page 3 – Paragraph 3 part refused:

- under section 20 (1) of the Freedom of Information Act on the grounds that this record contains matter relating to the ongoing deliberative processes of the Department;

Page 3 - Paragraphs 4-6 – Not relevant to this request

Page 4 – Paragraphs 1 -2 - Not relevant to this request

Page 4 - Paragraph 3 - part granted – part refused:

- under section 20 (1) of the Freedom of Information Act on the grounds that this record contains matter relating to the ongoing deliberative processes of the Department;

Page 4 – Paragraph 4 – refused:

- Under section 20 (1) of the Freedom of Information Act on the grounds that this record contains matter relating to the ongoing deliberative processes of the Department;

Page 4 – Paragraph 5 to end – Not relevant to this request.

Record No. 2 – Refused:

- under section 46 (2)(b): a record a copy of which is available for purchase or removal free of charge by members of the public.

Record No. 3 - Part-granted. Sections not granted are not relevant to this request.

Record No. 4 – Refused:

- under section 20 (1) of the Freedom of Information Act on the grounds that this record contains matter relating to the ongoing deliberative processes of the Department;
- under section 27(1) (b) of the Freedom of Information Act on the grounds that this record contains commercially sensitive material.

Record No. 5 – Refused:

- under section 20(1) of the Freedom of Information Act on the grounds that this record contains matter relating to the ongoing deliberative processes of the Department;
- under section 27(1) (b) of the Freedom of Information Act on the grounds that this record contains commercially sensitive material;
- under section 26(1) (a) of the Freedom of Information Act on the grounds that this record contains information given to the public body concerned in confidence and on the understanding that it would be treated by it as confidential.

Record No. 6 – Refused:

- under section 19 (1) (a) of the Freedom of Information Act on the grounds that this record has been, or is proposed to be submitted to Government for their consideration by a Minister of the Government or the Attorney General and was created for that purpose;
- under section 20 (1) of the Freedom of Information Act on the grounds that this record contains matter relating to the ongoing deliberative processes of the Department.

Records No. 7 and 8 – Refused:

- under section 19 (1) (c) of the Freedom of Information Act on the grounds that this record contains information for a Member of the Government for the purpose of the transaction of any business of the Government at a meeting of the Government;
- under section 20 (1) of the Freedom of Information Act on the grounds that this record contains matter relating to the ongoing deliberative processes of the Department.

Record No. 9 – Refused:

- under section 20 (1) of the Freedom of Information Act on the grounds that this record contains matter relating to the ongoing deliberative processes of the Department;
- under section 26(1) (a) of the Freedom of Information Act on the grounds that this record contains information given to the public body concern in confidence and on the understanding that it would be treated by it as confidential;
- under section 27(1) (b) of the Freedom of Information Act on the grounds that this record contains commercially sensitive material.

Record No. 10 – Refused

- under section 20 (1) of the Freedom of Information Act on the grounds that this record contains matter relating to the ongoing deliberative processes of the Department;
- under section 27(1) (b) of the Freedom of Information Act on the grounds that this record contains commercially sensitive material.

Records Nos. 11-15 – Refused:

- under section 46 (1) (db) of the Freedom of Information Act on the grounds that these records were given by a public body to a member of the Government or a Minister of State for use by him or her for the purpose of any proceedings in either House of the Oireachtas.

In relation to your request for an estimate of the cost of (a) the current DTT Trial and (b) eventual roll-out, the request is being part-granted in the case of the DTT Trial (See brief under Record 1).

Your request under (b) (Record No. 5) is being refused under section 26(1) (a) of the Freedom of Information Act on the grounds that this record contains information given to the public body concern in confidence and on the understanding that it would be treated by it as confidential; and also refused under section 27(1) (b) of the Freedom of Information Act on the grounds that this record contains commercially sensitive material.

The Freedom of Information Act provides the right to appeal a decision taken under the Act within 4 weeks of the initial decision. Should you wish to make such an appeal, you can do so by writing to Mr. Frank O'Brien, FOI Unit, Department of Communications, Marine and Natural Resources, Elm House, Earlsvale Road, Cavan. Please note there is a charge for all appeals of FOI requests which is currently €75.00 or €25.00 for holders of medical cards.

The Review is a full and new consideration of the matter by a more senior member of staff of this Department. The Act requires that the review be completed with 3 weeks of receipt of such a request.

Yours sincerely,

Eve Francis
Broadcasting Policy Division

FOI Request Reference: FOI/0085/2006

Schedule of Records: Summary of Decision Making

Description of request: requested (a) a copy of any correspondence in the past 12 months between the Department and RTE regarding the roll out of DTT and Ireland's readiness for the switch off of analogue; (b) a copy of any memos or briefing notes from the past 12 months regarding DTT and Ireland's readiness for analogue switch off; and (c) estimates held by the Department on the cost of the current DTT trial and eventual roll out.

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/ Identify deletions
1	External - Letter 4 January 2006	S1/468/A 05	4	Section on digital switch over		Part-grant Section on digital switch-over	Other parts of document refused on the following basis: Section 20 (1) - part of deliberative process Section 27(1) (b) - contains commercially sensitive information	Briefing on DTT
2	External - European Commission Communications Committee Information from Member States regarding roll out of digital terrestrial TV and switch off of analogue terrestrial TV 11 January 2006	Electronic file only	4	Roll out schedule for all Member States and switch off dates for all Member States		Refuse	Section 46(2)(b) - record is available free of charge to members of the public	
3	Internal - Brief 30 August 2006	Electronic file only	4	Estimate for Pilot, information on switch-off		Part-grant	Sections refused on the grounds of not being relevant to the request	Brief on DTT Pilot

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/ Identify deletions
4	External - Letter 29 November 2005	S1/468/A 06	2			Refuse	Section 20(1) - part of deliberative process Section 27(1) (b) - contains commercially sensitive information	
5	External - Letter and attached document 28 November 2005	S1/468/A 06	525			Refuse	Section 20(1) - part of deliberative process Section 26 (1)(a) - information given in confidence Section 27(1)(b) - contains commercially sensitive information	
6	Internal - Memo 29 September 2006	S1/468/A G06	8			Refuse	Section 19(1) (a) - matters before Government Section 20 (1) - part of deliberative process	

7	Internal - Brief 28 September 2006	S1/468/A G06	4					Refuse	Section 19(1) (c), Section 20(1)	
8	Internal - Brief 31 August 2006	S1/468/A G06	3					Refuse	Section 19(1) (c), Section 20(1)	
9	Internal - Minutes of meeting 1 November 2006	S1/468/A/ O06	7					Refuse	Section 20(1) - part of deliberative process Section 26(1) (a) - information given in confidence Section 27(1) (b) - contains commercially sensitive information	
10	Internal - Brief November 2005	Electronic file only	1					Refuse	Section 20 (1) - part of deliberative process Section 27(1) (b) - contains commercially sensitive information	
11	Internal - Briefing note to Minister for Oral PQ No. 144 25 January 2006	PQ file ref 2171/06	4					Refuse	Section 46(1) (db)	
12	Internal - Briefing note to Minister for Oral PQ No. 37 of 5 July 2006	PQ file ref 26650/06	5					Refuse	Section 46(1) (db)	
13	Internal - Briefing note to Minister for Oral PQ No. 85 of 21 February 2006	PQ file ref 6599/06	3					Refuse	Section 46(1) (db)	
14	Internal - Briefing note to Minister for Oral PQ No. 18 of 5 July 2006	PQ file ref 26679/06	13					Refuse	Section 46(1) (db)	
15	Internal - Briefing note to Minister for Oral PQ No. 67 of 30 May 2006	PQ file ref 20861/06	4					Refuse	Section 46(1) (db)	