

Freedom of Information Unit,  
Department of Communications,  
Energy and Natural resources,  
Elm House,  
Earlsvale Rd,  
Cavan.

11<sup>th</sup> June 2009

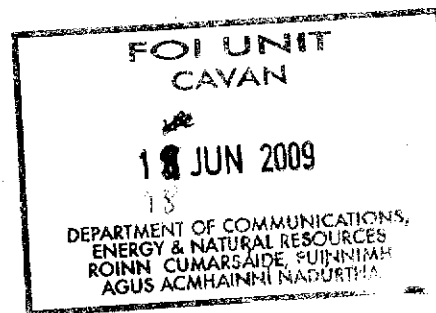
Dear Mr Frank O'Brien,

I refer to the reply by Ms Geraldine Luddy dated the 18<sup>th</sup> of May 2009 in response to our request for anonymous production data with regard to Biofuel scheme 1 and Biofuel Scheme 2.

In this reply Ms Luddy refuses to release the requested information because she deems the release of the information "inappropriate" and We quote her reply here "It is considered that as there are only 18 successful applicants overall in the Biofuels MOTR Schemes it would not be appropriate to release information on individual companies on an anonymised basis because of the limited number of companies involved".

We are not happy with this response and indeed we believe that it is **appropriate** that the data requested be released on an anonymised basis because the companies involved in these schemes were granted state aid and Ms Luddy's department which administered the scheme should have to account for the progress of the schemes to the public. Therefore we are appealing the decision administered by Ms Geraldine Luddy and the original request is enclosed with this appeal dated the 21 of april 2009. A cheque is enclosed of 75 euro as requested.

Yours sincerely,



Date fee was received 18/6/09.

06 07 2009

FOI Request Reference: FOI/2009/11

Dear Sirs,

I refer to the appeal you have made under the Freedom of Information Acts, 1997 and 2003 on the decision taken regarding your recent FOI request concerning Biofuel Scheme 1 and Biofuel Scheme 2.


Your appeal was received in the FOI Unit on the 18<sup>th</sup> June 2009 along with the associated fee. You can expect a decision on your appeal by the 9<sup>th</sup> July 2009.

A full and new examination of the matter will be carried out by Mr Michael Goodwin, 29-31 Adelaide Road, Dublin 2. The Internal Reviewer can be contacted at 01 6782961.

If you are not satisfied with the outcome or if you have not received a reply within the designated timeframe, you are entitled to apply for a further review by the Information Commissioner.

Any further queries please contact the FOI Unit.

Yours sincerely,

  
Carmel Cosgrove

FOI Unit  
Elm House,  
Earlsvale Rd  
Cavan

Phone: 01 6782902



09/07/2009



FOI Request Reference: FOI/2009/11

Dear

I refer to your request seeking an internal review under Section 14 of the Freedom of Information Acts, 1997 and 2003 of the decision conveyed to you, on 18<sup>th</sup> May 2009, on the above application regarding the records you requested. I have reviewed your request for access to copies of the records containing details of production figures for each of the successful companies under the Biofuel Schemes and I have decided to uphold the original decision made by Ms Geraldine Luddy.

You may appeal this decision by writing to the Information Commissioner at:

Office of the Information Commissioner  
18 Lower Leeson Street  
Dublin 2

If you wish to appeal, you should do so not later than 6 months after receiving this letter. When writing to the Information Commissioner, making an appeal, please refer to this letter.

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 the appeal to them will not be processed until the receipt of fee. 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"

Yours sincerely,

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**Michael Goodwin**  
Oil Supply, Gas, Grid and Peat (Corporate) Division  
Department of Communications, Energy and Natural Resources  
29-31 Adelaide Road, Dublin 2  
Phone: 01 6782961