I wish to request, under the Freedom of Information Act, correspondence between Alan Kelly, Minister for the Environment, and the Department / Minister White in relation to the draft wind energy guidelines.

Please include all correspondence since Minister Kelly assumed office on July 11, 2014.
FOI Request Reference: FOI/2015/144

Dear

I refer to your request which was received by this office on 04/12/2015 which you have made under the Freedom of Information Act 2014 for records held by this FOI body. Your request sought: Correspondence between Alan Kelly, Minister for the Environment, and the Department/Minister White in relation to the draft wind energy guidelines.

The decision maker handling your request is Ms. Bernie Comey, Decarbonisation Policy & Co-Ordination Division, Department of Communications, Energy and Natural Resources, 29-31 Adelaide Road, Dublin D02 X285 and they can be contacted at 01 6783131. A final decision on your request would normally be sent to you within 4 weeks, where a week is defined as 5 working days excluding the weekend and public holidays. This means that you can expect a decision letter to issue not later than 06/01/2016.

There are some limited situations under the FOI Act which could mean that the period for a final decision may be longer than this 4 week period. If this occurs in the case of your request, you will be advised promptly in writing setting out the reason and the new decision date.

Should our final decision not reach you on time, please feel free to contact the decision maker named above to discuss any problems that may have arisen. If you have not heard from us once the allotted time has expired, you are automatically entitled to appeal 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. The review is a full and new examination of the matter carried out by a more senior member of staff.

In the event that you need to request such a review, you can do so by writing to FOI Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Rd, Cavan, H12 ABH7, Co Cavan or alternatively by sending an e-mail to FOIUNIT@dcern.gov.ie. You should state that you are seeking this review because an initial decision was not sent to you within the time allowed for a response. In that event, you would normally have 4 weeks (after the initial decision should have been sent to you) in which to make the appeal. Consideration will be given to late applications in appropriate circumstances.

Please note this Department has a policy of posting a summary of all non-personal FOI Requests to the Departments website.

Yours sincerely,

Mary Brady
FOI Unit
Our Reference Number: FOI/2015/144

21st December 2015

FOI Request Reference: FOI/2015/144

Dear

I refer to your request made under the Freedom of Information Act 2014 for records held by this Department/Body and received in this office on 4th December 2015 (as below):

Correspondence between Alan Kelly, Minister for the Environment, and the Department / Minister White in relation to the draft wind energy guidelines. This includes all correspondence since Minister Kelly assumed office on July 11, 2014.

I, Bernie Comey, made a final decision to refuse your request on 21st December 2015. A search of the records held by the Department has taken place. I am sorry to inform you that we cannot locate the records and that I must therefore refuse your request. As is explained below, this decision is made under section 15(1)(a) of the Act.

Section 15(1)(a) of the Act states that an FOI request may be refused if:

'the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken.'

In an effort to locate the records that you are seeking I requested my colleagues within the Decarbonisation Policy and Coordination Division to undertake searches for such records.
also contacted the office of the Minister of Communications, Energy and Natural Resources regarding same.

I have been advised that no records have been located. In accordance with the requirements of section 15(1)(a) I am satisfied that all reasonable steps have been taken to identify and locate the records requested. I am unable to locate the records concerned and must therefore refuse your request on that basis.

If you have any queries regarding this correspondence you can contact me by telephone at 01-6783131.

Rights of Review

In the event that you are not happy with this decision you may seek a review of this decision by writing to the Freedom of Information Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlscastle Road, Cavan seeking an internal review of the matter and referring to or enclosing a copy of this letter. Alternatively you may send an e-mail to: fo.i.unit@decnr.gov.ie. Please note, that a fee applies for such a review. The level of this has been set at €30. Payment should be made by way of bank draft, money order, postal order or personal cheque made payable to this Department (address as above). Should you wish to make payment by electronic means FOI Unit will assist with this process. You should make your appeal within 4 weeks (20 working days) from the date of this notification. The review will involve a complete reconsideration of the matter by a more senior member of the staff of this Department and the decision will be communicated to you within 3 weeks.

Sincerely,

Bernie Comey
Assistant Principal