Hi,

Under FOI I would like to receive all records relating to the minister's decision to appoint Nigel Heneghan and Brian O'Callaghan to the compliance committee of the BAI earlier this year.

Regards,
FOI Request Reference: FOI/2015/41

Dear [Name],

I refer to your request which was received by this office on 30/04/2015 which you have made under the Freedom of Information Act 2014 for records held by this FOI body. Your request sought:

Records relating to the Minister’s decision to appoint Nigel Heneghan and Brian O’Callaghan to the compliance committee of the BAI earlier this year.

The decision maker handling your request is Ms Maria Owens, Broadcasting Policy Division, Department of Communications, Energy and Natural Resources, 29-31 Adelaide Road, Dublin 2 and they can be contacted at 01 6783097. 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 29/05/2015.

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, Co Cavan or alternatively by sending an e-mail to FOLUNIT@dcen.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.

Should you wish to discuss the above, please contact me by telephone at 016782903.

Yours sincerely,

Carmel Conalty
FOI Unit

Fáilte ar roinnt comhshleágraí i nGaeilge

Teach Leamhain. +353 1 6782000  Elm House.
Bóthar Ghileann an Iarla. LeGhla 1890 44 99 00 LeCall  Earlsvale Road.
An Cabhan  Fax  +353 1 6783057  Cavan
16 June 2015

Re: FOI request [FOI/2015/41]

Dear

I refer to the request which you made under the Freedom of Information Act 2014 for records held by this body pertaining to the Minister's decision to appoint Nigel Heneghan and Brian O'Callaghan to the Compliance Committee of the BAI.

I have now made a final decision to part grant your request.

The purpose of this letter is to explain that decision. This explanation has the following parts:

1. a schedule of all of the records covered by your request;
2. an explanation of the relevant findings concerning the records to which access is denied, and
3. a statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these three parts in turn.

1. Schedule of records

A schedule is enclosed with this letter, it shows the documents that this body considers relevant to your request. It describes each document and refers to the sections of the FOI Act which apply to prevent release. The schedule also refers you to sections of the detailed explanation given under heading 2 below, which are relevant to the document in question. It also gives you a summary and overview of the decision as a whole.

2. Findings, particulars and reasons for decisions to deny access

The sections of the Act which can apply to deny access to documents are known as its exemption provisions.
As you will see from the attached schedule I have refused documents 1, 2 & 4 under Section 28 of the Act, which provides for 'mandatory refusal' of records which may reveal statements made at a meeting of the Government (Cabinet confidentiality).

3. Rights of appeal

In the event that you are unhappy with this decision you may appeal it. In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Road, Cavan or by e-mail to FOLUNIT@dcenr.gov.ie. You should make your appeal within 4 weeks from the date of this notification, where a day is defined as a working day excluding the weekend and public holidays. However, 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.

Should you have any questions or concerns regarding the above, please contact me by telephone on 01-6783097.

Yours sincerely,

Maria Owens
<table>
<thead>
<tr>
<th>Record No.</th>
<th>Brief Description &amp; Date of Record</th>
<th>File Ref.</th>
<th>No. of Pages</th>
<th>Findings/conclusions (Public Interest Considerations, If applicable)</th>
<th>Grant/refuse/part-grant</th>
<th>Basis of Refusal: Section of Act</th>
<th>Record edited/Identify deletions</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Note to Minister for use at Government meeting regarding the appointment of members of the Compliance and Contract Committees</td>
<td></td>
<td>1</td>
<td></td>
<td>Refuse</td>
<td>Section 28 Meetings of the Government</td>
<td></td>
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<tr>
<td>2.</td>
<td>Memorandum for Government of 13 February 2015 regarding the appointment of Chairperson and Members to the Contracts Awards Committee and of Members to the Compliance Committee</td>
<td></td>
<td>4</td>
<td></td>
<td>Refuse</td>
<td>Section 28 Meetings of the Government</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Email of 17 February 2015 from Claire Collins (DCENR) to Éanna O’Conghaile with the biography of Brian O’Callaghan attached</td>
<td></td>
<td>4</td>
<td></td>
<td>Grant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Government Decision of 17 February 2015 regarding the appointment of Chairperson and Members to the Contracts Awards Committee and of Members to the Compliance Committee</td>
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<td>3</td>
<td></td>
<td>Refuse</td>
<td>Section 28 Meetings of the Government</td>
<td></td>
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<td>5.</td>
<td>Appointment letter of 2 April 2015 from Éanna O’Conghaile (DCENR) to Brian O’Callaghan with Terms and Conditions</td>
<td></td>
<td>2</td>
<td></td>
<td>Grant</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Description</td>
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<td></td>
<td></td>
<td>Grant</td>
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<td></td>
</tr>
<tr>
<td>6</td>
<td>Appointment letter of 2 April 2015 from Éanna O'Connor (DCENR) to Nigel Heneghan with Terms and Conditions attached</td>
<td>2</td>
<td></td>
<td></td>
<td>Grant</td>
<td></td>
<td></td>
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<tr>
<td>7</td>
<td>Letter of 9 April 2015 from Brian O'Callaghan to Éanna O'Connor (DCENR) accepting his appointment of the Compliance Committee</td>
<td>1</td>
<td></td>
<td></td>
<td>Grant</td>
<td></td>
<td></td>
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<tr>
<td>8</td>
<td>Letter of April 13 2015 From Minister White to Brian O'Callaghan</td>
<td>1</td>
<td></td>
<td></td>
<td>Grant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Iris Oifigiúil publication of 14 April 2015 regarding appointment of Nigel Heneghan and Brian O'Callaghan to the Compliance Committee the BAI</td>
<td>1</td>
<td></td>
<td></td>
<td>Grant</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Hi Claire,

Thank you for your prompt email and I enclose herewith copy list of all of Brian’s memberships (with list of previous memberships ending in 2008 before Brian’s move to Galway) for your information and attention.

Kind Regards,

Stephanie.

Brian O’Callaghan
Solicitor & Mediation Service
1 Queensgate, Dock Road, Galway
Phone: 091-539644   Fax: 091-539685
www.oclegal.ie

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Hi Stephanie,

I've spoken with Brian about the details for the press announcement later on today.

Could you review the following biography, and let me know if you wish to make any additions? Brian has mentioned that we may wish to include some of the professional bodies of which he is a member.

**Brian O’Callaghan**
Brian O’Callaghan (BCL, Cert IoD, M.MII, M.Inst.Dir, SIRM), qualified as a Solicitor in 1982 and practised as the Principal in a general legal practice in County Cork from 1982 until 2008 when he relocated to Galway with his family. He commenced with a new general legal practice in Galway on the 1st of December 2009. He brings with him substantial experience in all areas of law both private and public. Brian is also a qualified mediator and is a member of...

Regards,

Claire

Claire Collins
Press Officer
Department of Communications.
Energy & Natural Resourcesa
29-31 Adelaide Road
Dublin 2

Tel - 6782441
www.dcenv.gov.ie
Follow us @DCENR

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Tá eolas sa teachtaireacht leictreonach seo (agus b’fhéidir sa chomhaid ceangaithe leis) a d'fhéadfadh bheith próbháideach nó faoi rún. Is le h-aighdhidh an duine/na ndaoine nó le h-aighdihd an aonáin atá ainmnithe suas agus le haghaith an duine/na ndaoine sin amháin atá an t-eolas. Murab ionann tusa agus an té a bhfuil an teachttaireacht ceaptha dó bhodh a fhios agat nach gceadtafear nochtadh, cóipeáil, scáipeadh nó úsáid an eolais agus nó an chomhaid seo. Más trí earráid a fuair tú an teachtaireacht
1. **PROFESSIONAL BODIES**

- Member Law Society of Ireland
- Member Law Society Panel of Mediators
- Member Public Affairs Ireland
- Member (Certified) Mediators’ Institute of Ireland
- Member Irish Commercial Mediation Association
- Member Institute of Directors in Ireland
- Member (Specialist) Institute for Risk Management
- Member Irish Centre for European Law
- Member International Law Association
- Member Institute of International and European Affairs
- Volunteer Member FLAC Galway.
- Board Member of Carna Community Development.


- Board member School Board of Management.
- Board member CDYS Youth Ireland.
- Board member Community Service Development, Mitchelstown.
- Senior Branch member Munster Branch IRFU.
- Committee/Officer of several Sports and Equine Bodies.
2 April 2015

Mr Brian O’Callaghan
1 Queensgate
Dock Road
Galway

Dear Mr O’Callaghan

I am pleased to inform you that on foot of a Government Decision of 17th February 2015, the Government has appointed you to be a member of the Compliance Committee of the Broadcasting Authority of Ireland for the period ending on 16th February 2020.

Your appointment is for a period of five years or until the termination of your appointment, whichever is the earliest. I have attached the terms and conditions of your appointment for reference.

I would appreciate if you would confirm in writing your formal acceptance of the terms and conditions of your appointment, as soon as possible.

Finally, I would like to take this opportunity to wish you well in your endeavours on the Compliance Committee.

Yours sincerely

[Signature]

Éanna Ó Conghaile
Principal Officer
Broadcasting Policy Division
Terms and Conditions

The remuneration in respect of this appointment will be at a rate of €5,985 per annum. The appointment is subject to the relevant provisions of the Broadcasting Act 2009, and any amendments thereto, and in particular to the following terms and conditions:-

1. Each member shall devote to the performance of his or her duties as a member so much of his or her time as may be necessary for the proper and efficient discharge by him or her of those duties.

2. A member who is removed from office, or who ceases otherwise to hold office, shall have no claim to compensation or other payment in respect of such removal.

3. In the case of serving public servants, the Department of Public Expenditure and Reform's ‘One Person One Salary’ policy applies and such Committee members will not be paid remuneration in the form of board fees in respect of this appointment. A Committee member in this category will be entitled to claim reimbursement for any reasonable vouched expenses and travel and subsistence required to carry out their role as a Compliance Committee member.

4. The Committee member will not be entitled to receive any remuneration as a member of the Committee in respect of any other services over and above those of Committee Member performed by him/her or on behalf of the BAI, save with consent of the Minister for Communications, Energy and Natural Resources and the Minister for Public Expenditure and Reform.
2 April 2015

Mr Nigel Heneghan
Heneghan PR
54 Pembroke Road,
Dublin 4

Dear Mr Heneghan

I am pleased to inform you that on foot of a Government Decision of 17th February 2015, the Government has appointed you to be a member of the Compliance Committee of the Broadcasting Authority of Ireland for the period ending or 16th February 2020.

Your appointment is for a period of five years or until the termination of your appointment, whichever is the earliest. I have attached the terms and conditions of your appointment for reference.

I would appreciate if you would confirm in writing your formal acceptance of the terms and conditions of your appointment, as soon as possible.

Finally, I would like to take this opportunity to wish you well in your endeavours on the Compliance Committee.

Yours sincerely

Éanna Ó Conghaile
Principal Officer
Broadcasting Policy Division
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4. The Committee member will not be entitled to receive any remuneration as a member of the Committee in respect of any other services over and above those of Committee Member performed by him/her or on behalf of the BAI, save with consent of the Minister for Communications, Energy and Natural Resources and the Minister for Public Expenditure and Reform.
Private & Confidential.
Mr. Éanna Ó Conghaile
Principal Officer
Broadcasting Policy Division
29-31 Adelaide Road
Dublin 2.

9th day of April, 2015.

Re: Appointment to the Compliance Committee of the Broadcasting Authority of Ireland

Dear Eanna,

Many thanks for your letter of the 2nd inst. and I note the contents thereof.

I hereby formally confirm my acceptance of the terms and conditions of my appointment to the Compliance Committee of the Broadcasting Authority of Ireland.

Kind Regards to you all in the Department.

Yours truly,

Brian O’Callaghan
Solicitor & Mediator.
Mr Brian O'Callaghan  
1 Queensgate,  
Dock Road,  
Galway

15 April 2015

Dear Brian

Following your acceptance of appointment to the Compliance Committee of the Broadcasting Authority of Ireland, I would like to take this opportunity to thank you for making yourself available for this important national task.

I am aware of the challenges this role brings and would like to express my personal appreciation and that of the Government for the contribution you will make during your appointment.

I wish you every success in your role.

Yours sincerely

Alex White T.D.  
Minister for Communications, Energy and Natural Resources
<table>
<thead>
<tr>
<th>Name</th>
<th>Experience/Expertise</th>
<th>Date of Appointment</th>
<th>Remuneration</th>
<th>Position on the Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denis Wolinski</td>
<td>Former National Manager Northern Ireland, Digital UK, Former Director of Ofcom Northern Ireland</td>
<td>17th February 2015, for 5 years</td>
<td>€5,985</td>
<td>Board Member</td>
</tr>
<tr>
<td>Seán O Mórdha</td>
<td>Independent producer, director and broadcaster of documentary film and television focusing on Irish culture, history, language and literature. Former producer/director at RTÉ.</td>
<td>17th February 2015, for 5 years</td>
<td>€5,985</td>
<td>Board Member</td>
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</tbody>
</table>

**Information in relation to the Compliance Committee**

<table>
<thead>
<tr>
<th>Name</th>
<th>Experience/Expertise</th>
<th>Date of Appointment</th>
<th>Remuneration</th>
<th>Position on the Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patrick Gageby</td>
<td>Called to the Bar in 1976. Practised initially in family law, and then criminal matters, extradition and judicial review. Called to the Inner Bar in 1995.</td>
<td>20th January 2015, for 5 years</td>
<td>€8,978</td>
<td>Chairperson</td>
</tr>
<tr>
<td>Paula Mullooly</td>
<td>A member of the previous BAI Compliance Committee. Currently working with A&amp;L Goodbody. Qualified as a solicitor in 1993.</td>
<td>20th January 2015, for 5 years</td>
<td>€5,985</td>
<td>Board Member</td>
</tr>
<tr>
<td>Nigel Heneghan</td>
<td>Managing Director of Heneghan PR, an independent Irish-owned public relations company. Serves on the board of the Public Relations Consultants Association</td>
<td>17th February 2015, for 5 years</td>
<td>€5,985</td>
<td>Board Member</td>
</tr>
<tr>
<td>Brian O'Callaghan</td>
<td>Qualified Solicitor and runs his own practice in Galway. Certified member of the Mediators' Institute of Ireland.</td>
<td>17th February 2015, for 5 years</td>
<td>€5,985</td>
<td>Board Member</td>
</tr>
</tbody>
</table>