REQUEST FOR ACCESS TO RECORDS UNDER THE FREEDOM OF INFORMATION ACT 2014

To: FOI Officer, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Road, Cavan.

Please use BLOCK letters

Details of Applicant

First Name:
Surname:
Postal Address:
Email Address:
Telephone Number(s)
Home:
Business:
Mobile:

Details of Request

In accordance with the Freedom of Information Act 2014, I request access to records which are: (please tick as appropriate)

- [ ] Personal
- [x] Non-personal

In the space provided below, please describe the records as fully as you can. If you are requesting Personal Information, please state precisely, in whose name those records are held. It is not usual to be given access to personal information of another person unless you have obtained the written consent of that person.

I request the following records: The database of eircode postal codes, and/or the code generating the eircode postal codes.
Re: FOI request 2015/75

I refer to the request which you made under the Freedom of Information Act 2014 for records held by this body:

The database of eircode postal codes and/or the code generating the eircode postal codes.

I, Caroline Green, Higher Executive Officer, Postcodes Division have now made a final decision to refuse your request on 21 July 2015.

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

1. an explanation of the relevant findings concerning the records to which access is denied, and
2. a statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these two parts in turn.

1. 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.

Access to the code that is used in generating the eircode postal codes is refused under Section 36 subsection (1)(b) of the FOI Act 2014 as this information is commercially sensitive information. I have attached a copy of this section of the FOI Act for your information.

The database of eircode postal codes is not available for release for free but it is available to purchase from the Eircode contractor, Capita, who is managing the Eircode system. You may wish to visit the website www.eircode.ie for further information on where to purchase the database or telephone them directly at 0818 300 005.
From 13th July 2015, a free online Eircode lookup website and mobile application using GPS in smartphones is also available to all members of public and businesses to search for existing addresses and Eircodes on an Ordnance Survey map, https://finder.eircode.ie/#/. This look up tool is restricted to 15 look ups a day.

3. Rights of appeal

In the event that you are unhappy with this decision you may appeal this it. In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Elm House, Earlsvale Road, Cavan, H12 A8H7 or by e-mail to FOI.UNIT@dcernr.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 body.

Should you have any questions or concerns regarding the above, please contact me by telephone on 01 6782190.

Yours sincerely,

[Signature]

Caroline Green
Higher Executive Officer
(b) in the opinion of the head concerned, the disclosure of the existence or non-
existence of the record would have an effect specified in subsection (1),

he or she shall refuse to grant the request and shall not disclose to the requester
concerned whether or not the record exists.

(5) Subject to section 2, in this section “record” includes information conveyed in
confidence in person, by telephone, electronically or in writing (including a written
note taken of a phone message by a person authorised to receive such message).

**Commercially sensitive information**

36. (1) Subject to subsection (2), a head shall refuse to grant an FOI request if the record
concerned contains—

(a) trade secrets of a person other than the requester concerned.

(b) financial, commercial, scientific or technical or other information whose
disclosure could reasonably be expected to result in a material financial loss or
gain to the person to whom the information relates, or could prejudice the
competitive position of that person in the conduct of his or her profession or
business or otherwise in his or her occupation, or

(c) information whose disclosure could prejudice the conduct or outcome of
contractual or other negotiations of the person to whom the information relates.

(2) A head shall grant an FOI request to which subsection (1) relates if—

(a) the person to whom the record concerned relates consents, in writing or in such
other form as may be determined, to access to the record being granted to the
requester concerned.

(b) information of the same kind as that contained in the record in respect of persons
generally or a class of persons that is, having regard to all the circumstances, of
significant size, is available to the general public.

(c) the record relates only to the requester.

(d) information contained in the record was given to the FOI body concerned by the
person to whom it relates and the person was informed on behalf of the body,
before its being so given, that the information belongs to a class of information
that would or might be made available to the general public, or

(e) disclosure of the information concerned is necessary in order to avoid a serious
and imminent danger to the life or health of an individual or to the environment.

but, in a case falling within paragraph (a) or (c), the head shall ensure that, before
granting the request, the identity of the requester or, as the case may be, the consent of
the person is established to the satisfaction of the head.

(3) Subject to section 38, subsection (1) does not apply in relation to a case in which, in
the opinion of the head concerned, the public interest would, on balance, be better
served by granting than by refusing to grant the FOI request.