Carmel Conaty

From:  

Sent:  15 January 2015 17:09  
To:  FOI UNIT  
Subject:  FOI request The Phoenix magazine 15/1/15  

To whom it may concern:

Under the Freedom of Information Act, I would like to request copies of all records relating to the decision to wait until 2016 to introduce legislation covering the introduction of a broadcasting charge to replace the TV licence fee.

I look forward to hearing from you.

Many thanks,
FOI Request Reference: FOI/2015/8

I refer to your request which was received by this office on 15/01/2015 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 decision to wait until 2016 to introduce legislation covering the introduction of a broadcasting charge to replace the TV licence fee.

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 she 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 day excluding the weekend and public holidays. This means that you can expect a decision letter to issue not later than 12/02/2015.

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@dcenr.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 01 6782903.

Yours sincerely,

Carmel Conaty
FOI Unit

Fáiltear roimh comhshreagras i nGaeilge

Teach Leamhán, +353 1 6782000
Bóthar Ghleann an Iarla, loGhla0 1890 44 99 00 LoCall
An Cabhán Feaics +353 1 6783057 Fax

Elm House, Earlsvale Road, Cavan
FOI Request Reference: 82015

Schedule of Records: Summary of Decision Making

Description of request: Copies of all records relating to the decision to wait until 2016 to introduce legislation covering the introduction of a broadcasting charge to replace the TV licence fee.

<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>Relevant facts</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>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Email of 6\textsuperscript{th} May 2014 from Minister Pat Rabbitte to Eamonn Molloy (DCENR) regarding the Public Service Broadcast Charge.</td>
<td></td>
<td>2</td>
<td></td>
<td>Refuse</td>
<td>Section 29</td>
<td></td>
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<td>2.</td>
<td>Email of 19\textsuperscript{th} June 2014 from Minister Pat Rabbitte to Eamonn Molloy (DCENR) regarding the Public Service Broadcast Charge.</td>
<td></td>
<td>2</td>
<td></td>
<td>Refuse</td>
<td>Section 29</td>
<td></td>
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<td>3.</td>
<td>30\textsuperscript{th} June 2014 Briefing note prepared for the Secretary General on Public Service Broadcast Charge</td>
<td></td>
<td>3</td>
<td></td>
<td>Refuse</td>
<td>Section 29</td>
<td></td>
<td></td>
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<tr>
<td>4.</td>
<td>July 2014 – Composite briefing material prepared for Minister Alan White</td>
<td></td>
<td>3</td>
<td></td>
<td>Refuse</td>
<td>Section 29</td>
<td></td>
<td></td>
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<td>5.</td>
<td>Parliamentary Question no. 6 of 11th December 2014 from Deputy Michael Moynihan regarding the</td>
<td></td>
<td>3</td>
<td></td>
<td>Refuse</td>
<td>Section 15</td>
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<td>plans to introduce a broadcasting charge</td>
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<tr>
<td>6. Parliamentary Question no. 27 of 29th January 2015 from Deputy Terence Flanagan regarding the plans to introduce a broadcasting charge</td>
<td>6</td>
<td>Refuse</td>
<td>Section 15</td>
<td></td>
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</tbody>
</table>
12 February 2015

Re: FOI request [FOI/2015/8]

I refer to the request which you made under the Freedom of Information Act 2014 for records held by this Department seeking copies of all records relating to the decision to wait until 2016 to introduce legislation covering the introduction of a broadcasting charge to replace the TV licence fee.

I have now made a final decision to refuse 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.

I have refused access to records 1, 2, 3 and 4 under Section 29 of the 2014 FOI Act, the Public Service Broadcasting Charge remains an objective of the Programme for Government. The Minister is currently considering the approach to be taken on a range of matters in the area of broadcasting including the proposed Charge. However, until the Minister has completed this consideration and brought the proposals to Cabinet for decision, it remains part of deliberative process as set out in Section 29 of the 2014 Act.

I have refused access to records 5 and 6 as set out in the attached schedule under Section 15 of the 2014 Act as those records are already in the public domain.

I have attached a copy of Sections 15 and 29 of the 2014 Act for your information.
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 FOI.UNIT@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,

[Signature]

Maria Owens

Broadcasting Policy Division