Dear Carmel,

Following our telephone conversation this morning please see below FOI request received by the EPA. The EPA does not hold any records in relation to this request.

As DCENR are the competent authority and may hold records we are transferring the request in accordance with Section 12(3) of the FOI Act.

I will notify the requester of the transfer today.

Best regards,

-----Original Message-----
From:
Sent: 13 August 2015 13:13
To: Foi Officer
Subject: FOI request

Dear Sir or Madam

I wish to repeat my application (21/04/2015) for records under the Freedom of Information Act 2014.

The records I am seeking are:

All records held so far in relation to the Strategic Environmental Assessment (SEA) process of the National Broadband Plan including, but not limited to, screening statements, scoping reports and correspondence with the Department of Communications Energy and Natural Resources or its agents in relation to the plan.

Records should be supplied if possible in searchable format to the email address below.

Yours sincerely,
09/09/2015

Re: FOI request FOI/2015/94

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

“Records held so far in relation to the SEA process of the National Broadband Plan including, but not limited to, screening statements, scoping reports and correspondence with the Department of Communications, Energy and Natural Resource or its agents in relation to the plan.” On foot of discussions between the Department and yourself, you narrowed the scope of your request by email to the draft screening statement.

I, Ian Price, Administrative Officer, have now made a final decision to refuse your request on 09/09/2015.

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 decided to refuse your request in accordance with Section 29(1) of the FOI Act (2014) – Deliberations of FOI bodies. This section of the Act enables the refusal of a request for records which form part of the deliberative process of a public body.

In making this decision, I have considered the following arguments regarding whether it is in the public interest or not to release this record:

Public interest test: arguments in favour of disclosure
- the right of the public to have access to information,
- the accountability of administrators and scrutiny of decision making processes

Public interest test: arguments against disclosure
- release of records would impair a future decision,
- premature release could contaminate the decision making process
- premature release of records would impair the integrity and viability of the decision making process to a significant or substantial degree without countervailing benefit to the public

On balance, I am of the opinion that the arguments against the release of the requested record outweigh those favouring its release.

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, Elm House, Earlsvale Road, Cavan, H12 A8H7, Co. 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 body.

Should you have any questions or concerns regarding the above, please contact me by telephone on 01-6783098.

Yours sincerely,

[Signature]

Ian Price
Administrative Officer
FOI Request Reference: FOI/2015/94

Schedule of Records: Summary of Decision Making

Records held so far in relation to the SEA process of the National Broadband Plan including, but not limited to, screening statements, scoping reports and correspondence with DCENR or its agents in relation to the plan.

Request subsequently narrowed to the draft screening statement.

<table>
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<tr>
<th>Record No.</th>
<th>Brief Description &amp; Date of Record</th>
<th>File Ref.</th>
<th>No. of Pages</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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<td>1</td>
<td>Report on Screening for Strategic Environmental Assessment and Appropriate Assessment of the NBP State-led Intervention Strategy</td>
<td>NBP 8.7</td>
<td>18</td>
<td>Refuse</td>
<td>Section 29(1) Deliberations of Public Bodies</td>
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