REQUEST FOR ACCESS TO RECORDS UNDER THE

FREEDOM OF INFORMATION ACT, 2014

Relevant FOI Contact

For the Attention of:
Freedom of Information Unit,
Department of Communication, Energy and Natural Resources,
Elm House,
Eaillsvale Road,
Cavan,
H12 A8H7,
Co. Cavan
By email:
FOI unit@dcenr.gov.ie

Details of Applicant

Surname:
First Name:
Postal Address:

Telephone Number

OFFICIAL USE ONLY

Business:
Date FOI request Received:
Identity Verified: __________
Consent Confirmed: __________

Personal Information

My preferred form of access is to receive copies of the record by email to:

Details of Request

In accordance with Section 12 of the Freedom of Information Act, I request access to records which are: (please tick as appropriate)

Personal
Non-personal X
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. You will not normally be given access to personal information of another person unless you have obtained the written consent of that person.

I request the following records:

1. All documents including notes of meetings, telephone calls, internal memos, correspondence, briefing notes or any other records sent internally in the Department of Communications, Energy and Natural Resources ("DCENR") (including to or from the Minister for Communications or his office) or between the DCENR and the European Commission, Irish Government Departments and Public Bodies (including the BAI and RTÉ), Members of the Oireachtas or Ministers on the issue of the investigation by the European Commission regarding the compliance of the Irish State with the European Commission Decision E4/2005 (State financing of Radio Teilifís Éireann and Teilifís na Gaeilge) including, but not limited to, the following:
   i. the design, drafting, introduction and implementation of the Broadcasting Bill 2008;
   ii. the design, drafting, introduction and implementation of the Broadcasting Act 2009;
   iii. the assessment of RTÉ’s commercial practices from the perspective of compliance with the principle of revenue maximisation; and
   iv. the assessment of RTÉ’s public funding from the perspective of the avoidance of over-compensation.
Dear Mr Hickey

Further to the emails below, it is my view that the FOI request you have submitted is voluminous and that responding to the request in its current form would have significant implications for the capacity of this Division to continue delivering on its obligations. S. 15 (1)(c) of the FOI Act 2014 allows for refusal of a request on administrative grounds if ‘granting the request would...require the retrieval and examination of such number of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of work (including disruption of work in a particular functional area) of the FOI body concerned.’

I am therefore refusing your request under S. 15 (1)(c) of the FOI Act 2014.

As you may be aware, records relating to Commission complaint E4/2005 were subject of a previous FOI request in 2008 (Ref: FOI-2008-08). I have attached the records released under that request to this email as they appear relevant to your request. You may wish to submit a new FOI request having reviewed these.

If you are unhappy with this decision, you may appeal. 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 Rd, Cavan, Co. Cavan or by e-mail to FOI.UNT@dcenr.gov.ie. Your correspondence should include a fee of €30 for processing the appeal. Payment should be made by way of bank draft, money order, postal order or personal cheque made payable to the Department of Communications, Energy & Natural Resources. If you wish to make payment by electronic means, please contact the FOI Unit directly. 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.

Yours sincerely

Brendan