Dear Sir/Madam,
Under the FOI Act 2014, I am seeking the following:
- a statement of the deficit or surplus that each member of staff had at the end of the most recent flexi-period, and the same information for each member of staff one year earlier.
I would prefer to receive this information electronically if possible,
Many thanks,
22/12/2015

FOI Request Reference: FOI/2015/148

Dear

I refer to your request dated 17/12/2015 which was received by this office on 18/12/2015 which you have made under the Freedom of Information Act 2014 for records held by this FOI body. Your request sought:

"A statement of the deficit or surplus that each member of staff had at the end of the most recent flexi period, and the same information for each member of staff one year earlier."

The decision maker handling your request is Ms Carmel Daly, Human Resources Division, Department of Communications, Energy and Natural Resources, 29-31 Adelaide Road, Dublin 2, D02 X285 and she can be contacted at 01 6782187. 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 20/01/2016.

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, H12 AB7, Co Cavan or alternatively by sending an e-mail to FOI.UNIT@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.
Please note this Department has a policy of posting a summary of all non-personal FOI Requests to the Departments website.

Yours sincerely,

____________________
Carmel Conaty
FOI Unit
18th January 2016

Re: FOI request FOI/2015/148

Dear

I refer to the request which you made under the Freedom of Information Act 2014 for records held by this Department: "A statement of the deficit or surplus that each member of staff had at the end of the most recent flexi period, and the same information for each member of staff one year earlier"

I have now made a final decision to refuse your request under Section 37 of the FOI Act 2014.

"37. (1) Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual)."

The surplus/deficit carried over by each person is Personal Information, as defined in Section 2 of the Act, and not part of an employee’s terms and conditions of employment.

Section 37 requires that a public interest test be undertaken to consider whether these records are released in the public interest. Essentially this means that we need to consider whether the public interest would be better served by the release of this information then the withholding of this information.

My view is that the public interest would be on balance better served by refusing your request rather than granting it. I have considered many factors in arriving at this decision including the impact of the release of those records.

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, Co.Cavan. 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.

Please note that the application fee for an appeal is currently €30 and a reduced fee of €10 applies if you are covered by a medical card. Payment should be made by way of bank draft, money postal order, or personal cheque made payable to the Department of Communications Energy and Natural Resources.

Yours sincerely

Carmel Daly
Human Resources Division