

Stáisiún Uí Chonghaile, Baile Átha Cliath 1, D01 V6V6

Connolly Station, Dublin 1, D01 V6V6

T 01 703 4293 E foi@irishrail.ie W www.irishrail.ie



13th June 2022

[Redacted]
[Redacted]

Email: [Redacted]

Re: Response IE_FOI_580

Dear [Redacted],

I refer to your request dated 09th May 2022 made under the Freedom of Information Act 2014, which was received by my office on that date, for records held by Iarnród Éireann.

Request:

- All communications (up to and including those in relation to this request) between Irish Rail (including, but not limited to, those involving the DartWest team) and the National Transport Authority (NTA) in relation to the DartWest project. These communications should include those with [Redacted], Deputy Chief Executive of the NTA

Response:

I, Mr. Peter Maxwell, Decision Maker have now made a final decision to Refuse your request on 07th June 2022.

Your request has been refused under Section 15(1)(c) of the Freedom of Information Act 2014 in that it potentially relates to a significant number of records, including emails, meeting minutes, letters, etc., requiring search and retrieval, and subsequent assessment. And it is our opinion that "granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, require the retrieval of a 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" of the Dart West project.

Rights of appeal

In the event that you are not happy with this decision you can make an appeal in relation to this matter, you can do so by writing to the FOI Unit, Corporate Communications, Iarnród Éireann Irish Rail, Connolly Station, Amiens St, Dublin 1 or by e-mail to foi@irishrail.ie. You should make your appeal within 4 weeks (20 working days) 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 the FOI Officer on 01-7034293 or by email at foi@irishrail.ie

Yours sincerely,

Peter Maxwell

Decision Maker

P.P.

Lynette O'Toole

Stáisiún Uí Chonghaile, Baile Átha Cliath 1, D01 V6V6

Connolly Station, Dublin 1, D01 V6V6

T 01 703 4293 E foi@irishrail.ie W www.irishrail.ie



04th August 2022

[REDACTED]

[REDACTED]

Email: [REDACTED]

Re: Internal Review Response IE_FOI_580 - original decision affirmed

Dear [REDACTED]

I refer to the appeal which you made under the Freedom of Information Acts 2014 and our acknowledgement letter dated 13th June 2022. I apologise for the delay in replying.

I am a more senior member of staff in Iarnród Éireann, than the original decision maker in this case. I have decided today 4th August 2022, to affirm the original decision made in relation to your request. This review of your request is an entirely new and separate decision, and is explained as such below.

Your request was refused under Section 15(1)(c) of the Freedom of Information Act 2014 in that it potentially relates to a significant number of records, including emails, meeting minutes, letters, etc., requiring search and retrieval, and subsequent assessment. The decision stated that in our opinion “granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, require the retrieval of a 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” of the Dart West project.

Your original request, sought access to the following records:

All communications (up to and including those in relation to this request) between Irish Rail (including, but not limited to, those involving the DartWest team) and the National Transport Authority (NTA) in relation to the DartWest project. These communications should include those with [REDACTED], Deputy Chief Executive of the NTA

I am satisfied that the refusal was a reasonable one, given the extended timescale over which the project has been in development and detailed engagement with the NTA. The project is aligned with public policy, including national and regional transport and climate action strategies, and the potential number of nature of records could indeed cause a substantial and unreasonable interference with or disruption of work of the Dart West project.

Having regard to the aforementioned I have decided to affirm the decision made by the original decision maker in relation to your request and I have enclosed for your attention a copy of the relevant section of the Act which this decision relies on.

**Refusal on
administrative
grounds to grant
FOI requests**

15. (1) A head to whom an FOI request is made may refuse to grant the request where—

- (c) in the opinion of the head, granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, 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,

You may make an 'application for review' of this decision to the Information Commissioner no later than 6 months from the date of this notification. There is a fee of €50. Payment should be made by way of bank draft, money order, postal order or personal cheque: crossed and made payable to the 'Office of the Information Commissioner'.

Alternatively you can make payment on-line which can be located at: <https://www.oic.gov.ie/en/Apply-for-Review/Fees-Payable/> .

Should you wish to make such an 'application for review' in writing, please use the details below:

Office of the Information Commissioner,
6 Earlsfort Terrace,
Dublin, 2.
DO2 W773

If an appeal is made by you and accepted, the Information Commissioner will fully investigate and consider the matter and issue a fresh decision.

Details of non-personal FOI requests, will be recorded on an FOI disclosure log which will be published on the Iarnród Éireann website in due course.

Yours sincerely,

Barry Kenny

Corporate Communications Manager