

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

2nd December 2015

**Re: FOI request IE\_FOI\_019**

Dear [REDACTED],

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

**Request – All correspondence between Irish Rail Chief Executive David Franks and the following two individuals:**

- i) CIE chairwoman Vivienne Jupp**
- ii) Irish Rail chairman Phil Gaffney.**

**The correspondence I am seeking relates to the issue of Mr Franks salary.**

**The timeframe for this request is 01/01/15-today's date.**

I, Ms. Heidi Reardon, Decision Maker have now made a final decision on the 26<sup>th</sup> November.

As you know, the FOI Officer has discussed with you the records you are seeking and our difficulties in finding them. I am sorry to inform you that we cannot locate the records and that I must therefore refuse your request.

As is explained below, this decision is made under section 15(1)(a) of the Act. Section 15(1)(a) of the Act states that an FOI request may be refused if:

**‘the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,’**

In an effort to locate the records that you are seeking I conducted a thorough search on Mr Franks PC and Email account both incoming and outgoing.

Furthermore, neither Mr. Franks nor I can identify any hard copies of correspondence on this topic.

### **Decision**

I have listed above the searches undertaken, and the results of those searches. In accordance with the requirements of section 15(1)(a) I am satisfied that all reasonable steps have been taken to identify and locate the records requested [or to identify any records in relation to your request as they do not exist]. I am unable to locate the records concerned and must therefore refuse your request on this basis.

### **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](mailto: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.

Yours sincerely,



Heidi Reardon

**PA to Chief Executive, Iarnrod Eireann**