

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

8<sup>th</sup> June 2016

**Re: FOI request IE\_FOI\_048**

Dear [REDACTED],

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

### **Request**

- 1. The basis of the decision taken by the Irish Rail Operative identified in correspondence as being on the Tralee-Dublin train on Saturday 20<sup>th</sup> February (not March as mis-stated in Mr. Frank's letter) not to restore the booked seats to my grandchildren when these seats were clearly identified as having been reserved and actually occupied by them.*
- 2. The basis for the administrative decision taken by Mr. David Franks by which he declined to accept that Irish Rail had a duty of care to my grandchildren on the occasion referred to above.*
- 3. The basis for the further administrative decision not to acknowledge that a contract existed between Irish Rail and me as a fare payer and that a breach of this contract / tort arose when the contracted identified booked seats were not restored to my grandchildren by the employee of Irish Rail as stated in correspondence.*

I, Ms. Heidi Reardon, Decision Maker have now made a final decision on the 8<sup>th</sup> June 2016.

You have sought an explanation of the basis of decisions above and I consider this an appropriate form of access in this case. Accordingly, a copy of the records is now enclosed including a copy of the schedule to these records.

### **Decision**

I have listed below the basis of decisions you requested under the FOI Act 2014.

1. Investigations into the incident confirm that the seat reservation system was not working correctly and a decision was taken to reseat a number of passengers elsewhere on this service. However, having made inquiries with the relevant staff in Heuston station and the Train Host in question, there is no specific reference to the three girls on board and as stated in Mr Franks letter of 21<sup>st</sup> March the staff do not recall encountering the 3 teenagers. A decision was taken by Mr Franks to refund you the cost of the journey immediately with a letter of apology.

2. It was an unfortunate situation which was not brought to the attention of the Train Host who may have had an opportunity to seat them together if requested to do so. While Iarnród Éireann do have a duty of care to all passengers they do not have a specific duty of care to minors whose parents/guardians place them on a train unaccompanied, confident in their ability to travel safely. It is worth noting that all Iarnród Éireann trains have help points on board (comms button) to enable customers to contact the driver in the event of a problem arising.
3. In relation to a decision not to acknowledge that a contract breach existed, Iarnród Éireann transported all passengers from A to B as per Iarnród Éireann Customer Charter. A full refund was given to you as the reserved seats were not available. The Customer Relationship Manager offered a further €10.00 refund to the 3 teenager's leapcards, which as stated is significantly above and beyond the provisions of our passenger charter. Iarnród Éireann deem your further request for compensation of €100 per teenager as being excessive.

#### **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,



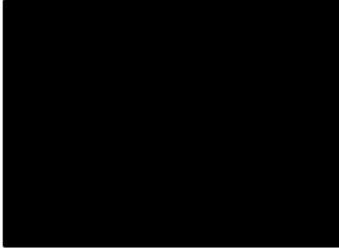
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Heidi Reardon

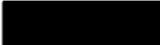
**PA to Chief Executive, Iarnrod Eireann**



4<sup>th</sup> July 2016



**Re: FOI Request Acknowledgement [IE\_FOI\_048 internal review]**

Dear 

I refer to the appeal which you made under the Freedom of Information Acts 2014 and my acknowledgement letter dated 14<sup>th</sup> June 2016.

I, Barry Kenny, am a more senior member of the staff of this body than the person making the first decision and I have decided on 5<sup>th</sup> July 2016 to affirm the original decision on your request. This decision on review is an entirely new and separate decision on your request, and is explained as such below.

I reviewed the original correspondence, and enquired on the records sought, which primarily concern the basis for the decisions made by Iarnród Éireann personnel in this matter. Having done this, I am satisfied that these were detailed clearly and entirely to you in the initial response by Ms Heidi Reardon.

Your original request, sought access to the following records, in arriving at this decision I have had regard to the original request the records which were located as part of that request and the appeal letter which you submitted in this regard.

**Request –**

- The basis of the decision taken by the Irish Rail Operative identified in correspondence as being on the Tralee-Dublin train on Saturday 20<sup>th</sup> February ( not March as mis-stated in Mr. Frank's letter ) not to restore the booked seats to my grandchildren when these seats were clearly identified as having been reserved and actually occupied by them.
- The basis for the administrative decision taken by Mr. David Franks by which he declined to accept that Irish Rail had a duty of care to my grandchildren on the occasion referred to above.
- The basis for the further administrative decision not to acknowledge that a contract existed between Irish Rail and me as a fare payer and that a breach of this contract / tort arose when the contracted identified booked seats were not restored to my grandchildren by the employee of Irish Rail as stated in correspondence.

I enclose for your attention a schedule of these records, this schedule summaries to you my findings and refers you to the later part of this letter for a further explanation.

### Decision

I have listed below the basis of decisions you requested under the FOI Act 2014.

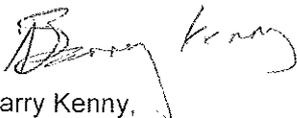
1. Investigations into the incident confirm that the seat reservation system was not working correctly and a decision was taken to reseat a number of passengers elsewhere on this service. However, having made inquiries with the relevant staff in Heuston station and the Train Host in question, there is no specific reference to the three girls on board and as stated in Mr Franks letter of 21st March the staff do not recall encountering the 3 teenagers. A decision was taken by Mr Franks to refund you the cost of the journey immediately with a letter of apology.
2. It was an unfortunate situation which was not brought to the attention of the Train Host who may have had an opportunity to seat them together if requested to do so. While Iarnród Éireann do have a duty of care to all passengers they do not have a specific duty of care to minors whose parents/guardians place them on a train unaccompanied, confident in their ability to travel safely. It is worth noting that all Iarnród Éireann trains have help points on board (comms button) to enable customers to contact the driver in the event of a problem arising.
3. In relation to a decision not to acknowledge that a contract breach existed, Iarnród Éireann transported all passengers from A to B as per Iarnród Éireann Customer Charter. A full refund was given to you as the reserved seats were not available. The Customer Relationship Manager offered a further €10.00 refund to the 3 teenager's leapcards, which as stated is significantly above and beyond the provisions of our passenger charter. Iarnród Éireann deem your further request for compensation of €100 per teenager as being excessive.

Having regard to the above decision, I have decided to affirm the decision made by the original decision maker in relation to your request.

You may appeal this decision by writing to the Information Commissioner at 18 Lower Leeson Street, Dublin 2. There is a fee of €50 for such appeals, other than appeals against a decision to impose a fee. If you wish to appeal, you must usually do so not later than 6 months from the date of this notification. Should you write to the Information Commissioner making an appeal, please refer to this letter.

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

Yours sincerely,



Barry Kenny,

FOI Internal Reviewer,

Corporate Communications Manager, Iarnród Éireann