



13th December 2017

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

Re: FOI request, estimation of fee above ceiling, request to refine request or the request as stands will be refused. [IE_FOI_130]

Dear [REDACTED],

I refer to your request dated 06th November 2017 made under the Freedom of Information Act 2014, which was received on that date for records held by Iarnród Éireann your request sought:

All relevant documentation relating to:

I am seeking access to any records held, including but not limited to, email correspondence, reports, memos, internal correspondence or correspondence with state agencies and government departments, including the Department of Transport and National Transport Authority, and records of phone calls. These records should cover the period January 1/2017, to November 1/2017.

I am seeking records in relation to:

- The financial position in Irish Rail.
- Concerns, if any raised, about the financial position.
- Records in relation to the implications (safety, infrastructure, services etc) of under-funding in Irish Rail.

I would like the records to be made available electronically, if possible.

The act allows for the charging of fees in certain circumstances, and this is set out in Section 27 of the Act.

I am now writing to you to advise you of the costs of your request. The Act allows for the charging of search, retrieval and copying of records which are within the scope of your request. After careful consideration and consultations, I estimate that the services of one staff member(s) for 60 hours will be the minimum amount of time required to efficiently complete the 'search and retrieval' work on your request. The prescribed amount chargeable for each such hour is €20.00 resulting in an overall fee so far of €1,200 exclusive of copying charges.

The estimated cost of your request is, therefore, in excess of the overall ceiling limit which currently stands at €700. On that basis, I am proposing to refuse to process your request unless it can be refined so that

the estimated cost of search, retrieval and copying cost falls below the overall ceiling limit. I would be happy to assist you refine your request. If you would like to contact me we can discuss this.

If, following our discussions, you agree to refine your request so that the estimated search, retrieval and copying charges (SRC) are less than the overall ceiling limit of €700, you will be required to pay a deposit of not less than 20% of the maximum amount for SRC this currently stands at €500, therefore a deposit of €100 will be required. The actual search and retrieval work to be carried out will not commence until you have refined your request as required and the deposit has been paid. No deposit should be paid until the text of the refined request has been agreed and relevant SRC has been calculated.

The final cost of processing your request will be based on the actual amount of work undertaken in relation to records released to you. Incorporated in this final charge will be the cost of any copying of records at the prescribed rate. Should the final amount be less than the deposit which you have paid you will be refunded the excess.

You should also note that this letter suspends the time limit for a final decision on your request for access to the records. The time limit will recommence if and when your request is refined so that the estimated search, retrieval and copying fee is less than the overall ceiling limit and the relevant deposit is paid. In the event that we are unable to agree an appropriate refinement of the scope of your request, then I will be unable to process your request and in line with Section 27(12)(a)(iii), your request will be refused.

A separate course is open to you, which is to appeal the decision to impose the stated deposit and fee. This appeal can be made in writing to the Freedom of Information Unit FOI Unit, Corporate Communications, Iarnród Éireann Irish Rail, Connolly Station, Amiens St, Dublin 1 or alternatively by sending an e-mail to foi@irishrail.ie. In that event, you would normally have 4 weeks from receipt of this notification in which to make the appeal. We will, however, allow the appeal to be made late in certain circumstances. It would assist greatly, if in your letter of appeal you refer to this letter and stated the reasons for your appeal.

Should you wish to discuss the above, please contact me at 01-7034293.

Yours sincerely,

Ms. Lynette O'Toole
Freedom of Information / Data Protection Officer,
Corporate Communications
Iarnród Éireann Irish Rail,
Connolly Station,
Amiens Street,
Dublin 1