

RTÉ Reference: FOI 2011/051
Your Reference: Mc673.RMcM.LC

Patrick G McMahon
Solicitors
Newcastle West
Co Limerick

19 July 2011

Dear Mr McMahon,

I refer to your recent request made under the Freedom of Information Acts for copies of records relating to the proposal by RTÉ to make available its news reports to newspaper online sites.

I have made inquiries with RTÉ's News Division and its Publishing division. I have been informed that the proposal is at a trial stage and that we are at some distance from its conclusion.

Section 20 of the Freedom of Information Act 1997 permits a request to be refused

If the record concerns matter relating to the deliberative processes of the public body concerned.

Section 27 of the Act provides for a request to be refused if the record concerned contains

Information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.

I am refusing your request on the grounds that the records you are seeking are exempt under sections 20 and 27 of the Freedom of Information Act 1997.

Public Interest Test

There is a public interest test which must be taken into account when requests are refused on grounds set out in sections 20 and 27. I believe it is in the public interest to permit this proposal of RTÉ's to be considered by the newspaper industry with the usual expectation of confidentiality that applies in such matters. When the proposal has been accepted, amended or rejected disclosure of records may be possible.

Right of Appeal

Under the Freedom of Information Act if a request is refused or only granted in part an applicant is entitled to a review process. The first stage in that process is an internal review. The designated Internal Reviewer for RTÉ is Adrian Moynes, Group Secretary, RTÉ. You have four weeks from receipt of this letter to apply to Mr Moynes for a review. He, in turn, has three weeks from the date of receipt of your request to respond. There is a €75 fee for handling internal reviews. If after Mr Moynes' response you wish to seek a further review you are entitled to ask the Office of the Information Commissioner at 18, Lower Leeson Street, Dublin 2 to carry out a review of the initial decision and the subsequent internal review. You have six months from the date of receipt of the internal review to request the Information Commissioner to review the decisions.

Yours sincerely



Peter Feeney
Freedom of Information Officer