



30 November 2021

Mr László Molnárfi
Binary Hub
Bonham Street
Flat 9.1
Email: molnarfl@tcd.ie

Dear Mr Molnárfi

Re: Freedom of Information Request TCD/1268/FOI

I refer to the application that you submitted under Section 12 of the Freedom of Information Act 2014 (“**FOI Act**”) for access to records held by Trinity College Dublin, the University of Dublin (the “**College**”), in particular for (“**Request**”) –

“Documents, emails, meetings relating to the decision that was made to close the Science Gallery due to it not being financially viable anymore.

Any communication, and the procedure used to make this decision, and any related documents.

The decision to which I refer was reported in the Business post on the 28th of October 2021.”

Your Request was dated 29 October 2021 and was received by email on 29 October 2021. In our acknowledgement letter to you of 8 November 2021, we advised that you would receive a response to your Request by 26 November 2021.

I have made a decision on your Request today and I have decided to refuse your Request.

A number of the records relevant to your Request include records relating to deliberative processes within the College. Section 29(1) of the FOI Act provides that an FOI body may refuse to grant an FOI request if the record contains matter relating to the deliberative process and granting the request would be contrary to the public interest. In accordance with Section 29(1)(b) of the FOI Act the College has considered the public interest in disclosure of these records. The disclosure of the information would be contrary to the public interest as the public interest lies in the College ensuring the proper management of the College’s functions and finances and ensuring the deliberative process is appropriately concluded. The release of such records would be contrary to the public interest as the release of the records concerned could have a material effect on the competitive position of the Science Gallery, the College and the Science Gallery International (which is a separate legal entity to the College) if the records are in the public domain before the deliberative process has been fully completed.

Furthermore, discussions regarding the sustainability and future operations of the Science Gallery are on-going and no final decision has been made at this time. Accordingly, there are ongoing deliberations in the College concerning the Science Gallery. Disclosure of the records would be unhelpful to the ongoing deliberative process to which the records relate and could significantly undermine the ongoing analysis of the issues involved. [The records at issue do not represent a full view of the issues and factors under consideration and the release of those records at this point in time could prejudice the College attempts to carry out and conclude the deliberative process in an efficient manner]. It is important, and in the public interest, that the College has appropriate time and space to engage in a deliberative process that enables proper consideration of all relevant issues in order to achieve a considered decision. Undue interference with those processes would be contrary to the public interest. In respect of any factual information contained in such records, the College is of the view that Section 18(2) of the FOI Act applies as well as Section 36 of the FOI Act.

Accordingly, the College has decided to withhold access to the records based on Section 29 of the FOI Act as set out below.

29. (1) A head may refuse to grant an FOI request—

(a) if the record concerned contains matter relating to the deliberative processes of an FOI body (including opinions, advice, recommendations, and the results of consultations, considered by the body, the head of the body, or a member of the body or of the staff of the body for the purpose of those processes), and

(b) the granting of the request would, in the opinion of the head, be contrary to the public interest,

Furthermore, Section 36(1)(b) of the FOI Act shall be applied to certain types of information whose disclosure could reasonably be expected to result in material financial loss or gain to the person to whom the information relates or could prejudice the competitive position of the person in the conduct of his or her profession or business or otherwise in his or her occupation. These records contain reference to certain commercial or financially sensitive information whose disclosure could result in College suffering a material financial loss and impact the competitive position of the College as such information will be made available to competitors who could use the information to their advantage while prejudicing the position of the Science Gallery and the College.

Accordingly, the College has decided to withhold access to the records based on Section 36 of the FOI Act as set out below.

36. (1) Subject to subsection (2), a head shall refuse to grant an FOI request if the record concerned contains—

(b) financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation, or

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

The College has considered the public interest set out in Section 36(3) of the FOI Act and, on balance, the public interest is better served in the College being able to maintain and not prejudice its competitive position.



Coláiste na Tríonóide, Baile Átha Cliath
Trinity College Dublin

Ollscoil Átha Cliath | The University of Dublin

Discussions regarding the sustainability and future operations of the Science Gallery are on-going and no final decision has been made at this time.

You may appeal this Freedom of Information decision on access to records. You must make your appeal within four weeks (20 working days) from the date of this notification. The making of a late appeal may be permitted in appropriate circumstances. Appeals should be addressed to the Freedom of Information Officer, Secretary's Office, West Theatre, Trinity College, Dublin 2. Your appeal should be accompanied by a fee of €30.00 (€10.00 for medical card holders), which has been set by the Minister for Finance. Payment should be made by way of bank draft, money order, postal order or personal cheque made payable to Trinity College Dublin. Please refer to this decision in your appeal. The appeal will involve a complete reconsideration of the matter by a more senior member of staff and will be communicated to you within three weeks.

Media queries in relation to this decision should be directed to Mr Tom Molloy, Director of Public Affairs & Communications, tom.molloy@tcd.ie.

Yours sincerely,

Mr Michael Slevin
Manager, Academic Services Division