



Coláiste na Tríonóide, Baile Átha Cliath
Trinity College Dublin

Ollscoil Átha Cliath | The University of Dublin

Mr László Molnárfi
Email: Laszlo Molnarfi molnarfl@tcd.ie

24 December 2021

Dear Mr Molnárfi

Re: Freedom of Information Request TCD/1269/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, communications, submissions and procedures that the Bursar, the Corporate Services Division and Estates and Facilities have engaged in with Dublin City Council to find places to put the Interim Exhibition Pavillion. This engagement happened between June-August 2021, I am also looking for any replies by the Dublin City Council to these communications”.

Your Request was dated 30 October 2021 and was received by email on 30 October 2021. In our acknowledgement letter to you of 9 November 2021, we advised that you would receive a response to your Request by 25 December 2021.

I have made a decision on your Request today and I have decided not to grant your Request due to the ongoing deliberations on this subject and commercially sensitive nature of documentation.

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.

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,

Section 36(1)(b) 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 contains reference to certain commercial or financially sensitive information whose disclosure could result in College suffering a material financial loss.

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 it competitive position.

The matter is currently at feasibility stage and are commercially sensitive.

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

Gerry Crawford
Commercial Director

