

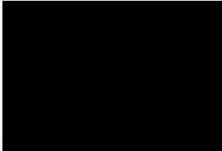


Cmhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government



9 November 2015

Ms. Claire McGettrick



Re: FOI request FOI-2015-309

Dear Ms. McGettrick,

I refer to your request, received by this office on 19 October 2015, which you have made under the Freedom of Information Act 2014, for access to records held by this FOI body.

Your request sought access to the following records –

All records held by the Department of the Environment, Community and Local Government in relation to a letter dated 6th August 1992 to the Department from Eugene F Collins regarding an application for an exhumation licence at St. Mary's High Park.

The request excludes any records already provided to me under my FOI request from August of this year (Your Ref: FOI-2015-255), but includes and is not limited to all other record, in particular:

'the requisite completed application forms in respect of each of the remains' referred to in the letter of 6th August 1992.

I understand this should amount to 140 separate application forms as this is the number referred to in the letter, however it is possible that there are only 134, as observed in a handwritten note by a Department official on a letter from Eugene F Collins dated 28th January 1993.

A final decision was made on your request by myself on 9 November 2015.

As you know, I discussed with you the records that you are seeking and our difficulties in finding them. I am sorry to inform you that we cannot locate the records and that I must therefore refuse your request. As is explained below, this decision is made under section 15(1)(a) of the Act, which provides that an FOI request may be refused if –

'the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,'.

Basis of Decision

In an effort to locate the records sought, we examined the files held by the Department that should have contained these records i.e. file no. LSS/66/29/33, Parts I & 2. These files contain the original correspondence from Eugene F Collins, dated 6 August 1992, regarding the application for an exhumation licence at St. Mary's, High Park, and all other matters related to the exhumations at that location. The letter from Eugene F Collins is on the file. It refers to 140 applications and contains with a handwritten note by a Department official indicating that there might only be 134 applications); however, the applications that would have accompanied the letter in 1992 could not be located on the relevant file. Moreover, there are no records on the file indicating why the records sought are not on the file.

Having been unable to locate the records on the appropriate file, we examined other files held by the Department relating specifically to St. Mary's, High Park, files pertaining to the Inter-Departmental Committee examining State involvement in the Magdalene Laundries and files concerning applications for exhumation licenses generally. Unfortunately, we were unable to locate the records in question on these files. In the normal course of events, the next steps would have been to speak with the team who worked in this area at the time and who would have created the files originally. Given the significant period of time (23 years) since the record was created, however, this was not feasible.

Accordingly, I must inform you that we have undertaken these searches and are unable to locate the records sought. The above are the reasonable steps which we have taken to locate the records. We have given consideration to where the records are supposed to be and to where they could be within reason at this stage. I have concluded, after taking these steps, that the records cannot be found.

Decision

I have listed above the searches undertaken, and the results of those searches. In accordance with the requirements of section 15(1)(a), I am satisfied that all reasonable steps have been taken to locate the records requested. I am unable to locate the records concerned and must, therefore, refuse your request on this basis.

Rights of Review

In the event that you are not happy with this decision, you may write to *Freedom of Information Unit, Strategic & Business Support Unit, Department of the Environment, Community & Local Government, Newtown Road, Wexford*, seeking an internal review of the matter and referring to, or enclosing, a copy of this letter or alternatively by sending an e-mail to foi@environ.ie. A fee of €30 applies for such a review. Payment should be made by way of bank draft, money order, postal order or personal cheque, to the FOI Unit at the above address. If you wish to make payment by electronic means, please contact the FOI Unit. You must make your appeal within 20 working days of receipt of this notification. A late appeal may be permitted in appropriate circumstances. The review will involve a complete reconsideration of the matter by a more senior member of the staff and the decision will be communicated to you within 3 weeks.

I may be contacted by telephone on [REDACTED] or via e-mail at [REDACTED] in order to answer any questions you may have and to assist you generally in this matter.

Yours sincerely

David Dalton
David Dalton
Community Division
Government Offices
Ballina, Co. Mayo.