



12 August 2020

Ms. Claire McGettrick
[REDACTED]
[REDACTED]
[REDACTED]

Our Reference: DRCD-FOI-2020-0032

Dear Ms. McGettrick

I refer to your request, which you have made under the Freedom of Information Acts 2014, for records held by the Department of Rural and Community Development.

Your request sought:

- All records held by the Department in relation to its policy on exhumation applications. This request covers the period from 1997 to present.
- All records held by the Department in relation to its policy on the exhumation of unidentified remains. This request covers the period from 1997 to present.

The request is for records that include but are not limited to:

- internal and external correspondence
- minutes of meetings
- notes or memos in relation to discussions or telephone calls

Summary of Decision

I, John Orme, Assistant Principal Officer, am now in a position to make a decision on your FOI request. I may be contacted by telephone on [REDACTED] in order to answer any questions you may have, and to assist you generally in this matter.

The purpose of this letter is to explain that decision. This explanation has the following parts:

1. a schedule of all of the records covered by your request;
2. an explanation of the relevant findings concerning the records to which access is denied, if applicable, and



3. a statement of how you can appeal this decision should you wish to do so.

1. Schedule of records

A schedule of records is enclosed with this letter listing the document that I consider relevant to your request. It describes the document and refers to the sections of the FOI Act which apply to prevent release, if applicable. The schedule also refers you to sections of the detailed explanation given under heading 2 below, which are relevant to the document in question. It also gives you a summary and overview of the decision as a whole.

2. Findings, particulars and reasons for decisions to deny access

Prior to the coming into effect of the Local Government Act, 1994, Commencement (No 2) Order 1994 (S.I. No. 171 of 1994) exhumation licences were issued by the then Minister for the Environment Heritage and Local Government under Section 46 of the Local Government (Sanitary Services) Act, 1948.

However, Section 46 of the 1948 Act was amended by the **Second Schedule** to the 1994 Act so that, with effect from 1 July 1994, exhumation licences were no longer issued by the Minister but by the local authorities, as the burial boards for their administrative areas.

As the function of issuing exhumation licences was devolved to the local authorities with effect from 1 July 1994, the Department holds no records relevant to your request.

However, the Department does hold three (3) records dated prior to 1997, which sets out the then Department of Environment's policy on exhumation applications prior to the devolution of that function to the local authorities. These records are Circular Letters ENV 3/89 & ENV 11/89, ENV 11/90, LSS 6/94 which issued to the local authorities in 1989, 1990 and 1994 respectively.

The Department also holds one (1) record dated subsequent to 1997. Record 4 – SOP2, dated 01/01/2004 is a sample local authority operating procedure.

These four records have been provided for completeness, although they do not fall under the scope of your request.

Right of Appeal

Under section 21 of the Freedom of Information Act 2014 you have a right to seek an internal review of this decision. An internal review involves a complete reconsideration of the matter by a more senior member of the staff of this Department, who may affirm, vary or annul the original decision made. The review decision will be communicated to you within 15 working days.



To appeal, you need to write to the FOI Unit by email to foi@drcd.gov.ie or by post to the Department of Rural and Community Development, FOI Unit, Trinity Point, 10-11, Leinster Street South, Dublin 2, DO2 EF85 referring to this decision. You must make your appeal within 20 working days of the date of this notification, (the making of a late appeal may be permitted in appropriate circumstances).

Publication

All non-personal FOI requests will be recorded on an FOI disclosure log which will be published on the Department of Rural and Community Development's website in due course.

Should you wish to discuss anything above, please contact me at [REDACTED] or email [REDACTED]

Yours sincerely,

John Orme

Assistant Principal Officer