



16/04/2026

Chris Ryan

By email

Re: DES-FOI-2026-0191

Dear Mr. Ryan,

I refer to your request dated 15/04/2025 made under the Freedom of Information Act 2014, which was received on 16/04/2026 for records held by the Department of Education. Your request sought:

“a copy of the sales contract for same as per my original request.”

The original request sought:

“A copy of the contract for sale for part of Magee Barracks in County Kildare.”

I, Peter McGrath have now made a final decision to **refuse** your request on 16/04/2026.

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



This letter addresses each of these three parts in turn.

1. Schedule of records

I have identified **one** record that falls within the scope of your request.

After careful consideration, I have made the decision to **refuse** access to this record. The document is listed in the attached schedule, which includes a description of the record and specifies the relevant sections of the Freedom of Information Act under which access is denied.

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

(a). Subsection 36(1) Commercially Sensitive Information

Pursuant to section 36(1)(b) and 36(1)(c) 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*
- c) prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.*



Reasons for Decision

I am of the view that the exemption provided for under S. 36(1)(b) and S. 36(1)(c) of the Freedom of Information Act apply to the record that came within the scope of this request.

Our legal advisors in the Chief State Solicitors Office have been working on a Further Amendment to the Contract and also an Amendment to Addendum to Contract, therefor as the conditions of the contract have not yet been fully complied with the release of the record at this juncture could reasonably be expected to prejudice the negotiation and finalisation of the contractual arrangements.

Public Interest Consideration

I have considered the following public interest factors:

In favour of release:

- The public interest in openness and transparency in the how public bodies perform their statutory functions.
- There is a public interest in enhancing the accountability of public bodies.
- The public interest in members of the public exercising their rights under the FOI Acts.
- There is a serious public interest which extends beyond curiosity.

In favour of non-release:

- The conditions of the contract have not yet been fully complied with and given that work on a Further Amendment to the Contract and also an Amendment to Addendum to Contract is ongoing, therefor the release of the record at this juncture could reasonably be expected to prejudice the negotiation and finalisation of the contractual arrangements.
- The release of the record would disclose commercially sensitive information within the sales contract that is subject to further discussions.



- The release of the record could potentially present financial risks to the department and financial loss to the public funds.

Having carefully considered the balance of the public interest and noting that the conditions of the contract have not yet been fully complied with, I am of the view that release of the record at this time would not serve the public interest.

3. Rights of appeal

If you are unhappy with this decision, you may appeal it. In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Department of Education, Marlborough Street, Dublin 1 or by e-mail to foi@education.gov.ie. Your correspondence should include a fee of €30 (or €10 for a medical card holder) for processing the appeal. Payment should be made by way of bank draft, money order, postal order or personal cheque made payable to Department of Education. If you wish to make payment by electronic means, please contact foi@education.gov.ie. You should make your appeal within 4 weeks from the date of this notification, where a day is defined as a working day, excluding the weekend and public holidays. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body.

4. Publication

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

Should you wish to discuss the above, please contact me at peter_mcgrath@education.gov.ie or 087 6831059.



Yours sincerely,

Peter McGrath
Executive Officer
Forward Planning and Site Acquisitions