



An Roinn Gnóthaí
Eachtracha agus Trádála
Department of
Foreign Affairs and Trade

Our Ref: Fol/Req/2019/152

Date 7 May 2019

Dear Mr. McDermott,

I refer to the request which you have made under the Freedom of Information Act 2014 for access to records held by this Department, as follows:

'Minutes of any meetings, any internal memos or any correspondence between the Tánaiste or the Minister for Justice regarding the potential repatriation of Irish woman Lisa Smith who is alleged to have joined the Islamic State group'

I refer also to the acknowledgement of your request which was sent to you on 15 April 2019.

I have identified 30 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to refuse the release of all 30 records.

I have decided to refuse the release of 29 records in accordance with section 30(1)(c) of the Act, on the basis that access to the records concerned could reasonably be expected to disclose positions taken, or to be taken, or plans, procedures, criteria or instructions used or followed, or to be used or followed, for the purpose of any negotiations carried on or being, or to be, carried on by or on behalf of the Department in relation to this highly sensitive consular case. On balance, I believe the public interest test rests in not releasing these records at this time.

As these 29 records also relate to a deliberative process, I am also refusing the release of records under section 29(1)(a) of the Act. I have considered whether the public interest would be better served by releasing the records in question in terms of the right of the public to have access to information and the need for accountability and transparency in the decision making processes of public bodies. However, I am satisfied that the release of these records would negatively impact on the decision making and information sharing process of this Department and would adversely affect the ability of this Department to continue its work on this sensitive case and with the same interlocutors.

26 records have been refused release under section 37 (1) of the Act, as I believe that their release would involve the disclosure of personal information.

Thirteen records have been refused release under section 32 (1) (b) of the Act as I believe their release could reasonably be expected to endanger the life or safety of an individual.

Fourteen records have been refused release under section 33 (1) (d) as I believe their release could reasonably be expected to affect adversely the international relations of the State. International relations is the cornerstone of the work of the Department of Foreign Affairs & Trade. Our ability to conduct business with our international partners in confidence with regard to sensitive matters is fundamental to the conduct of international relations. I believe that the release of these records, which pertain to a highly sensitive consular case, would adversely affect the international relations of the State and the States' ability to engage with international partners in this and future sensitive consular cases.

Two records have been refused release under section 33 (2) (b) (ii). This is a mandatory exemption where the record is a diplomatic communication and where release of the information could reasonably be expected to affect adversely the international relations of the State.

Eleven records have been refused release under section 35 (1) (a) as the records contain information given in confidence and on the understanding that it would be treated as confidential. I believe that the release of this information would prejudice the giving of further similar information to the Department, which would have a major impact on the Department's ability to manage this sensitive consular cases as well as future complex cases. I believe that it is of vital importance to the work of the Department that further similar information should continue to be provided.

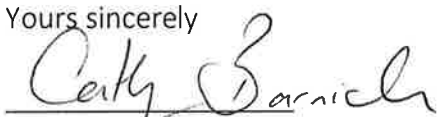
I have not listed the correspondence between the Tánaiste and members of the public in this schedule, as this has all been included in your separate FOI request (FOI/Req/2019/151).

Right of Appeal

Should you wish to appeal this decision, you may do so in writing to the Freedom of Information Unit, Department of Foreign Affairs and Trade, 76-78 Harcourt Street, Dublin 2 or by email to foi@dfa.ie. A fee applies for an appeal for access to non-personal information; the level of this fee has been set at €30. For methods of payment, please contact FOI Unit at foi@dfa.ie, or 01-4082857.

You should make your appeal within 4 weeks (20 working days) from the date of this notification. 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 Department.

Yours sincerely



Cathy Barnicle
Consular Division