

20 February 2019

Our Ref: FoI/Req/19/053

Mr Luke 'Ming' Flanagan MEP
European Parliament
Brussels

Dear Deputy Flanagan,

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:

'All correspondence, reports and documentation, including email, whether internal or externally generated, in relation to Minister of State Dara Murphy and Declan Kelleher, Ambassador for the Irish Permanent Representation to the EU, for the period September to December 2015.'

I am the Deciding Officer in this case. I have identified 3 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant 1 of the records. Where access has been refused, the records are exempt from release under Sections 33 (1) (d), 33 (2) (a) and 33 (2) (b) (i) of the Freedom of Information Act 2014.

Section 33 – Security, defence and international relations

I have considered **section 33** of the Act in making my decision not to release certain documents. The Department of Foreign Affairs and Trade operates in a complex and diverse environment. A mutuality of confidence exists in the communication between this Department and our interlocutors. This is particularly the case in respect of diplomatic communications. I have considered the possibility and likelihood that the release of these records could result in negative consequences, and prejudice the ability of this Department to effectively discharge its functions. To do otherwise would risk compromising the State's capacity to engage with international partners through diplomatic channels. On balance I am satisfied that the balance favours refusal rather than release.

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@dfat.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@dfat.ie, or 01-4082857.

You should make your appeal within 20 working days of 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

A handwritten signature in black ink, appearing to read 'Eddie Brannigan', with a long horizontal flourish extending to the right.

Eddie Brannigan

First Secretary

Head of Press and Information unit

Permanent Representation of Ireland to the EU