



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

Our Ref: Fol/Req/19/216

7th August 2019

Dear Mr. O'Connell,

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:

- 1. All correspondence to and from Deputy John Deasy related to the role of Irish government envoy to the US Congress including emails, memos and briefings from the period 01 December 2018 to 08 July 2019.*
- 2. A detailed breakdown of all costs arising from this role including travel, hotels, expenses and any other costs from the period 14 June 2017 to 08 July 2019.*

I refer also to the acknowledgement of your request which was sent to you on 24th July 2019.

I have identified 71 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant full release of 17 records, partial release of 20 records and am refusing release of 34 records.

Where access has been only partially granted or refused the cases relate to section 29 (1) (a) Deliberations of Public Bodies, section 30. (1) (c) Functions and negotiations of FOI bodies, section 33. (2) (b) (i) and (ii) Security, defence and international relations and section 37(1) Personal Information.

Section 29 – Deliberations of FOI bodies

In relation to 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 given the source and nature of these records I am satisfied that their release would negatively impact on the decision making and information sharing process of this Department. Likewise as negotiations with the US around E3 visa and immigration reform remains ongoing, the release of these records, and the insight they give on a live and sensitive issue would, I believe, adversely affect the ability and process of this Department to continue its work on these areas. As such, on balance I have decided the public interest would not best be served in releasing these records.

Section 30 – Functions and negotiations of FOI bodies

Section 30 relates (1) (c) to the functions and specifically, in this case, the negotiations of the Department of Foreign Affairs and Trade. The negotiations that relate to this FOI and the subject of this FOI are sensitive and complex in nature, touching upon aspects of Government policy, Irish foreign policy and international relations, as well as information related to confidential engagements with critical interlocutors. I have taken into account whether the public interest would be best served by releasing these records but have found that the contrary would be the case. These negotiations are still ongoing and at a critical phase, the premature release of record might harm the progress made and negatively impact upon future outcomes. Similarly, correspondence and engagements undertaken in confidence could be compromised which would negatively affect the ability of this Department to undertake similar work in future or maintain the relationships already developed. As such, I believe there is a clear case to withhold these records under section 30.

Section 33 – Security, defence and international relations

While Section 33. (2) (b) (i) and (ii) Security, defence and international relations, is a mandatory exemption I feel it is warranted that I give reasoning to why it has been used in so many of the records which I have refused release. The Department of Foreign Affairs and Trade operates in a complex and diverse international 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 and other channels. This is particularly the case where records relate to analysis, actions and information obtained in confidence from external interlocutors who are engaging on what is still a live issue.

Section 37 – Personal information

While Section 37(1) Personal Information is a mandatory exemption I am still obliged to consider whether the public interest would be best served by releasing the records in full. I have taken into account the benefit to the public to be given access to correspondence in a manner which demonstrates transparency and accountability of the Department. In the main, the information redacted relates to personal contact information and does not affect the substance of the record. I have particularly considered whether releasing the personal information would provide any additional benefit in this regard. I have weighed this against the right of individuals to have their personal information remain private and have found that there is a clear prerogative for this information to remain private.

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,
James Rowan

*Americas Unit
Ireland, UK and Americas Division
Department of Foreign Affairs and Trade*