



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

Our Ref: Fol/Req/19/284

Date: 20 November 2019

Dear Mr Hederman,

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 records relating to the extent to which the Control of Economic Activity (Occupied Territories) Bill 2018 requires, or may require, a ‘Money Message’ for the purposes of Dáil Standing Order 179.

The records I require include, but are not limited to, all correspondence, letters, emails, briefing documents, memos, phone calls and minutes of meetings.

The period covered by this request is from 1st September 2017 to the date of this request.”

I refer also to the acknowledgement of your request which was sent to you on 4 October 2019.

I have identified 39 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant 4, part-grant 3, and refuse 32 of the records.

Where access has been refused, the records are exempt from release under sections 28, 29, 31, 33, 35, and/or 37 of the Freedom of Information Act 2014 (the Act).

I also note that some records which fall within the scope of this request have been excluded under Section 42(j) of the Act.

I have exempted information from records under Section 28(1)(a) and (c) of the Act. These documents relate to information submitted to and provided for a meeting of the Government.

Under Section 29(1)(a) and (b), I have exempted from release information from 17 records. These records contain matter relating to the deliberative processes of an FOI body of which

the granting would be contrary to the public interest, given that the Bill is still going through the legislative process. The Occupied Territories Bill is a Private Members' Bill, proposed by independent members of the Seanad and is currently at the pre-Committee scrutiny stage.

Exemptions under Section 31 relate to Parliamentary, court and certain other matters. I have refused 3 documents under Section 31(1)(a). This is a mandatory exemption and these records would be exempt from production in proceedings in a court on the ground of legal professional privilege. 9 documents have been withheld under Sections 31(1)(c)(ii)(I) and/or 31(1)(c)(ii)(II). These are also mandatory exemptions under the legislation, and I am obliged to refuse access to information from records falling within those sections.

Exemptions under Section 33 relate to the security, defence and international relations of the State. I have refused or part-refused 12 records under Sections 33(2)(b)(i) and/or 33(2)(b)(ii). These are mandatory exemptions and I am obliged to refuse access. I have also exempted information from 5 records under Section 33(1)(d) of the Act, on the basis that access to said information could reasonably be expected to adversely affect the international relations of the State. The Department of Foreign Affairs and Trade is responsible for managing relations between Ireland and 192 countries. Based on the Department's direct knowledge and expertise in international relations, its strongly held position is that the mere granting of access to this information would adversely affect the State's relations by, among other things, introducing major doubts with regard to the security and confidentiality of our diplomatic communications. It is important to maintain that mutuality of trust in order to protect and promote Ireland's interests internationally. My decision to refuse access to the information contained in these 5 records is informed by my consideration of the likelihood that its release could result in negative consequences, and the likely severity of said consequences.

Under Section 35(1)(a), I have exempted from release information from 5 records. The information refused under Section 35 was given in confidence, on the understanding that it would be treated as confidential. This is also a mandatory exemption. I have taken into consideration your right to access information, however I am satisfied that releasing the information in these records would probably impair the workings of this Department (in particular by undermining the sourcing of such information in future) without any countervailing benefit to the broader public interest.

Where access has been part-granted, these records have been redacted under Section 37 of the Act, to withhold personal information (e.g. email addresses, telephone numbers etc.). The records are otherwise complete. Details of Department of Foreign Affairs and Trade Officials and those from other Government Departments dealing with the matter have not been redacted.

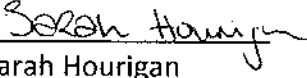
Right of Appeal

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,



Sarah Hourigan

Middle East and North Africa Unit
Department of Foreign Affairs and Trade