



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

Our Ref: FoI/Req/2019/330

Date: 13 December 2019

Dear Ms Hade,

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:

“I wish to be supplied with all direct communications to and from Tánaiste Simon Coveney and

- Leo Varadkar

- Paschal Donohoe

- Shane Ross

- Katherine Zappone

- Charlie Flanagan

This request should include all emails/letters sent to or from the Minister and the above, from 14 May 2019 to the 14 November 2019.”

As agreed, any correspondence that was referred to us by the Taoiseach’s Office, and the correspondence office of the Minister’s above concerning passport and visa applications, and other general queries concerning the Department of Foreign Affairs and Trade will be considered outside the scope of the request.

I have identified 14 records that fall within the scope of your request and these are listed in the schedule attached. I have made a decision to grant access to 3 of the records and part-grant access to 8 records and refuse 3. These records are refused and part-granted as follows:

Records refused under Section 32 of the Act – Law enforcement and public safety

I have considered Section 32 of the Act in making my decision not to release certain documents. Section 32 (1) (a) (i) of the act concerning law enforcement and public safety, states, ‘A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to prejudice or impair the prevention, detection or investigation of offences, the apprehension or prosecution of offenders or the

effectiveness of lawful methods, systems, plans or procedures employed for the purposes of the matters aforesaid,’. I have considered your right to access information however I am satisfied that releasing the information could result in negative consequences, as described above. I am satisfied that the balance favours refusal rather than release.

Records refused under Section 37 of the Act – 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 refusal of access or part-grant records is due to those records relating to personal identifiable information and much of it 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.

Records refused under Section 29 of the Act – Deliberations of FOI bodies

I have considered Section 29 of the Act in making my decision not to release certain documents. Section 29 (1) of the act concerning deliberations of FOI bodies, states, ‘A head may refuse to grant an FOI request if the record concerned contains matter relating to the deliberative processes of an FOI body (including opinions, advice, recommendations, and the results of consultations, considered by the body, the head of the body, or a member of the body or of the staff of the body for the purpose of those processes),’. These records relate to a deliberative process that is ongoing and therefore release of the records are refused.

Records refused under Section 42 of the Act – Restriction of Act

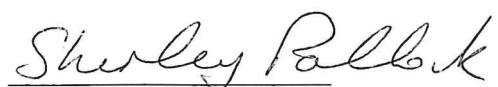
I have considered Section 42 of the Act in making my decision not to release certain documents. Section 42 (h) of the act concerning restriction of the Act, states, ‘The Act does not apply to a record relating to the President,’. These records contain information relating to the President and therefore release of the records are refused.

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

A handwritten signature in cursive script that reads "Shirley Pollock". The signature is written in black ink and is positioned above a horizontal line.

Shirley Pollock

Office of the Tánaiste and

Minister for Foreign Affairs and Trade