

Our Ref: FOI/Req/2020/220

Ken Foxe

18 December 2020

Dear Mr. Foxe,

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:

“- details of the international school fees paid for by the Department in 2018, 2019, and thus far in 2020, broken down according to number of students, location, and by year

- a list of the schools to whom the department paid money in those years along with the city in which they are located.

I would prefer to receive this information electronically, ideally in its original electronic format”

I refer also to the acknowledgement of your request sent to you on 25 November 2020.

I have attached information on total school fees and numbers of students in the years 2018, 2019 and 2020 in the attachment to this letter. It should be noted that the costs set out do not factor in the considerable cost savings to the Department of Education in Ireland when places in Irish schools are vacated whilst the children of posted officers are living abroad.

I have taken the decision to refuse the second part of your request for:

“a list of the schools to whom the Department paid money in those years along with the city in which they are located” under Section 32 (1) B of the Freedom of Information Act 2014, which provides that: *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*

(b) endanger the life or safety of any person. The Department of Foreign affairs operates in a complex international environment. We have a fundamental duty of care to protect our staff and their families. There are a limited number of officers posted and children in school in each location and to provide a list of schools attended could jeopardise the safety of families and their right to privacy. I have considered the public interest in releasing this information in view of the use of taxpayers' funds. However, on balance, I believe that the public interest is best served by not disclosing

information where this may negatively impact on the safety of families of posted officers working abroad for the Department.

I have also taken the decision to refuse the second part of your request for:

“a list of the schools to whom the Department paid money in those years along with the city in which they are located” under Section 37 (1) of the Freedom of Information Act 2014. Subject to this section, *a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual).*

While Section 37 (1) is a mandatory exemption, I am still obliged to consider whether the public interest would be best served by releasing information on locations and schools attended by the children of posted officers. I have weighed this against the right to privacy of the individuals concerned. I am satisfied that the public interest in favour of granting the request does not outweigh the public interest in protecting against the invasion of privacy that could result from placing the information in the public domain. In this regard, the language of Section 37 recognises the very strong public interest in protecting the right to privacy. I am satisfied that, on balance, the public interest is best served by protecting the privacy of the officer and refusing access to the information.

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, (€10 for medical card holders). A copy of the medical card should be provided to avail of the reduced fee. For methods of payment, please contact FOI Unit at foi@dfa.ie, or 01-4082618.

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,

Mary O'Shea

