



An Roinn Gnóthaí Eachtracha
Department of Foreign Affairs

Our Ref: Fol/Req/21/143

Date: 11 August 2021

Dear Ms. McCarthy,

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:

“copies of all application documents submitted to the Department of Foreign Affairs for its Global Ireland Media Challenge Fund.”

I refer also to the acknowledgement of your request which was sent to you on 28 July 2021.

I have identified 4 records that fall within the scope of your request. The records are listed in the schedule attached. I have made the decision to grant partial access to one record and to refuse access to the remaining three records, which fall under two separate mandatory exemptions set out in the Freedom of Information Act 2014.

Section 35, Information obtained in confidence

The information in all four records was provided to the Department in confidence and I have considered the request in the context of Section 35 of the Act, Information obtained in confidence, which notes that “a head shall refuse to grant an FOI request if— (a) the record concerned contains information given to an FOI body, in confidence and on the understanding that it would be treated by it as confidential ... and, in the opinion of the head, its disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further similar information as aforesaid should continue to be given to the body.”

Section 35 (2) notes the provisions of Section 35 (1) cannot be applied if the record was created by an FOI body. Record 1 is the application submitted by RTE.

Access to records 2, 3 and 4 has been refused, under Section 35.1(a).

The information in all four records was provided to the Department in confidence. I have considered the likelihood that the release of the records in this case could result in negative consequences and have taken into account their likely severity. On balance, I am satisfied that the public interest is best served by refusal rather than release in this case.

Section 36, Commercially sensitive information

The information in all four records contains financial, commercial and other information and I have also considered the request in the context of Section 36.1 (b), Commercially sensitive information,

which notes that “a head shall refuse to grant an FOI request if the record concerned contains financial, commercial, scientific or technical or other information whose disclosurecould prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation.”

Access to records 2, 3 and 4 has been refused, under Section 36.1 (b), Commercially sensitive information. Elements of record one that fall to be exempted under this exemption have been redacted.

The information in all four records contains financial, commercial and other information which, if released, would reveal the investment and strategic plans of the media organisations involved. The public sharing of investment and strategic planning of this nature would give a competitive advantage to other media organisations and prejudice the competitive position of each organisation which applied. Having considered the likelihood that the release of the records in this case could result in negative consequences, I am satisfied on balance that the public interest is best served by refusal rather than release in this case.

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, 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

Eoin Duggan
Press Relations Unit
Department of Foreign Affairs