



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

Our Ref: Fol/Req/18/008.

31/01/18

Dear Ms Weld,

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 briefing material including memos, circulars, emails, background papers, preparatory advice, minutes of meetings, reports, documents and publications provided to the Minister for Foreign Affairs and Trade following the Government Decision (S180/20/10/1841) of 7 March 2017 to date which approved, in principle, the holding of a referendum to amend the Constitution to extend the franchise at presidential elections to include Irish citizens resident outside the State, including citizens resident in Northern Ireland.

I also wish to request any preparatory material and/or guidelines prepared by the Department of Foreign Affairs and Trade in relation to a referendum extending the franchise at presidential elections to include Irish citizens resident outside of the State, including citizens resident in Northern Ireland from 7th March 2017 to date.

I also wish to request any correspondence between the Department of the Taoiseach and the Department of Foreign Affairs and Trade in relation to plans for a referendum to amend the Constitution to extend the franchise at presidential elections to include Irish citizens' resident outside the state, including citizens resident in Northern Ireland from 7th March 2017 to date.

I also wish to request any correspondence related to meetings and minutes of meetings between the Department of Housing, Planning and Local Government and the Department of Foreign Affairs and Trade in relation to plans for a referendum to amend the Constitution to extend the franchise at presidential elections to include Irish citizens resident outside the State, including citizens resident in Northern Ireland from 7th March to date.

I refer also to the acknowledgement of your request which was sent to you on 17 January.

I have identified 25 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant 23 of the records and to withhold in full 2 records.

Where access has been refused, the records are exempt from release under Section 28 (1) (c) and 28 (2) Meetings of the Government; Section 29 (1) (a) and (b) Deliberations of FOI bodies; and Section 33 (1) (d) International Relations of the State.

To explain my reasons for refusal, I have refused access to Record 1 under Sections 28(1)(c) as it is a record prepared for the Minister for use solely at a Government meeting. I have also refused access under Section 28(2). This is mandatory refusal and I am obliged to refuse access if the record contains “the whole or part of a statement made at a meeting of the Government or information that reveals, or from which may be inferred, the substance of the whole or part of such a statement”. I have considered Section 28(2) of the Act in tandem with Article 28.4.3 of the Constitution in relation to confidentiality of Cabinet discussions.

Access to Record 8 has been refused under Section 29 (1)(a) and (b) Deliberations of FOI bodies. Under Section 29 the public interest arguments for releasing the record that I have considered include the right of the public to access information, to scrutinise the decision making processes and the contribution release would make to public debate on this issue. The arguments I have considered against release include whether premature release would contaminate the decision making process without any countervailing benefit to the public. On balance I am satisfied that it would be contrary to the public interest to release the record at this time.

Record 8 has also been refused under Section 33 (1)(d) International Relations of the State. This Department is responsible for managing relations between Ireland and 178 countries, in a complex and diverse environment. Successful diplomatic relations depends upon the creation and maintenance of trust and confidence between governments. It is important to maintain that mutuality of trust to protect and promote Ireland’s interests internationally. I have considered the possibility and likelihood that the release of the record could reasonably be expected to adversely affect the international relations of the State. I am satisfied that the balance favours refusal rather than release.

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
Irish Abroad Unit