



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

Our Ref: Fol/Req/2018/097

17/05/2018

Dear Mr. Ward,

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 correspondence both to and from all officials and representatives of the Department of Foreign Affairs on the subject of border infrastructure on the border between Northern Ireland and the Republic of Ireland.

This information should cover both physical and electronic correspondence for the period between 1 July 2017 and 31 March 2018.

I refer also to the acknowledgement of your request which was sent to you on 26 April 2018.

Records identified that fall within the scope of your request are listed in the schedule attached. I have made a decision to part-grant one of the records and refuse access to the remaining records.

The record that is part-granted has been edited only insofar as to remove names and identifying details of individuals, where these are not relevant to the request.

Six of the records have been refused under Section 15(1)(d) of the Freedom of Information Act, as the information contained therein is publically available. Where access has been refused for the remaining records, the records are exempt from release under the following sections of the Act:

In relation to Section 29 of the Act, Deliberations of FOI Bodies, I have considered whether the public interest would be better served by releasing the records in question in terms of the right of the public to have access to information and the need for transparency in decision making processes. However, given the sources and nature of the records I am satisfied that on balance the public interest would not be best served by releasing the information.

Under Section 30 of the Act, Functions and Negotiations of FOI Bodies, release of these records would disclose positions taken by the Department. As outlined above, release of the information would have a significant adverse impact on the effective conduct of international relations by this Department. I have considered the right of the public to have access to information and the need for an open and accountable civil service. I am satisfied that the balance favours refusal rather than release.

I have exempted a number of records under Section 33 of the Act- *Security, Defence and International Relations*. Section 33(3)(c)(ii) is a mandatory exemption under the legislation and I am obliged to refuse access to records falling under that section. I have also exempted records under Sections 33(1)(c) and (d) of the Act. The Department of Foreign Affairs and Trade is responsible for managing relations between Ireland and 178 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 records will adversely affect the State's relations by introducing major doubts with regard to the security and confidentiality of our diplomatic communications. 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 records could result in negative consequences and their likely severity. I am satisfied that the balance favours refusal rather than release. In making my decision I have also considered section 33 (4) of the Act which would apply if the disclosure of the existence or non-existence of a record would prejudice a matter referred to in subsection 33 (1) of the Act.

With regard to information refused under Section 35 of the Act, Information received in confidence, this relates to information given in confidence on the understanding that it would be treated as confidential. This is also a mandatory exemption. I have considered your right to access information however I am satisfied that releasing the information would impairing future sources of such information and impair the workings of this Department without any countervailing benefit to the broader public interest.

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



Stephen Garry
Ireland, UK and Americas Division