



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

Our Ref: Fol/Req/18/050

16<sup>th</sup> April 2018

Craig Hughes  
Mail on Sunday

Dear Mr Hughes,

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 between the Communications Unit in the Department of Foreign Affairs and Trade and the Strategic Communications Unit, as well as briefing material provided to the Tánaiste by the Communications Unit in DFAT regarding the SCU, to cover the period between 1 September 2017 and 28 February 2018.*

I refer also to the acknowledgement of your request which was sent to you on the 15<sup>th</sup> of March and the extension of deadline notified on the 28<sup>th</sup> March.

I have identified 98 records that fall within the scope of your request. I have made a decision to grant 36 of the records and part-grant 39 of the records under sections 28(2)(a), 29(1), 30(1)(c), 32(1)(c) and 37(1). I have refused 23 of the records under sections 15(1)(d), 28(1)(a), 28(2)(a), 29(1), 32(1)(c), 36(1)(b) and 39(1)(a). The records are listed in the schedule attached and have been scanned and attached in pdf form.

Under **Section 15(1)(d)**- *Refusal on administrative grounds to grant FOI requests*-, information may be exempted from release if it is already in the public domain. I have exempted from release information from 7 records under this section. In particular the records referred to at numbers 17, 18 and 19 on the schedule were the subject of an FOI request which was granted to the journalist mentioned. Also the documents referred to at number 74 relate to the same matter and information.

In relation to records exempted under **Section 28(1)**-*Meetings of the Government*- I am satisfied that these are record(s) that has been, or is proposed to be, submitted to the Government for its consideration by a Minister of the Government or the Attorney General and was created for that purpose. In relation to the records exempted under **Section 28(2)** -*Meetings of the Government*- this is a mandatory exemption. I have exempted 7 records under section 28.

In relation to records exempted under **Section 29**-*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 the deliberative process. Given the nature of the records I am satisfied that premature release of these records would negatively impact on the decision-making processes of this Department and other Government Departments. It is my opinion that releasing these records would be contrary to the public interest. I have exempted 3 records under section 29.

As regards the record exempted under **Section 30-Functions and negotiations of FOI Bodies**- I am satisfied that premature release of certain records would disclose positions taken, or to be taken, or plans, procedures, criteria or instructions used or followed, or to be used or followed, for the purposes of negotiations carried on or being, or to be, carried on by or on behalf of the Government or the Department. I have considered whether the public interest would be better served by releasing the record in question in terms of the right of the public to have access to information and the need for an open and accountable civil service. However, I am satisfied that on balance the public interest would not be best served by releasing the information. I have exempted 1 record under section 30,

In relation to records exempted under **Section 32(1)(c)-Law enforcement and public safety**- it is my opinion that access to these records could reasonably be expected to facilitate the commission of an offence. I have considered the public interest in releasing these records and the need for transparency, however, I do not find that the public interest, on balance, would be better served by releasing these records. I have exempted 4 records under this section. I have also part-granted 2 records under section 32.

In relation to records exempted under **Section 36(1)(b)-Commercially sensitive information**- it is my opinion that on balance the public interest would not be better served by releasing these records. This is a mandatory exemption. I have refused 4 records under this section.

Under Section **37(1)-Personal information**-I have exempted information from 35 records and part-granted those records. Section 37(1) is a mandatory exemption. I have considered the public interest in the context of the public right to access information. However, I am satisfied that, on balance, the broader community interest, as distinct from your particular interest, is best served by protecting the privacy (including personal contact details) of the individuals concerned.

In relation to the record exempted under **Section 39(1)(a) Research and natural resources**- I am of the opinion that the record concerned contains information in relation to research being or to be carried out by or on behalf of an FOI body and disclosure of the information or its disclosure before the completion of the research would be likely to expose the body, any person who is or will be carrying out the research on behalf of the body or the subject matter of the research to serious disadvantage. I have considered the public interest in releasing these records and am of the opinion that, on balance, the public interest would not be better served by releasing these records. I have exempted 1 record under this section.

### **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](mailto:foi@dfa.ie).

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 black ink, appearing to read 'Caoimhe Fleming-Farrell', written in a cursive style.

Caoimhe Fleming-Farrell