



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

Our Ref: Fol/Req/2018/178

Date: 18/07/2018

Dear Ms. Bray,

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 Department of Foreign Affairs and Trade and the UK Department for Exiting the European Union in relation to the maintenance of the Common Travel Area.

The time-span is March 2018 to date.

I refer also to the acknowledgement of your request which was sent to you on 29 June 2018.

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

Where access has been refused for the remaining eight 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.

Under Section 33 of the Act, Security, Defence and International Relations, 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. On balance 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

Georgia Knapp
Ireland, UK and Americas Division,
Department of Foreign Affairs and Trade