



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

Our Ref: Fol/Req/2018/272

Date: 4 December 2018

Dear Requester,

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:

**A listing of submissions sent to the Minister through the Ministerial submission system for the period 1/8/2018 – 18/10/2018.**

I refer also to the acknowledgement of your request which was sent to you on 22 October and the subsequent request for an extension.

I have identified one record which falls within the scope of your request. The record sets out submissions made by individual business units within the Department. I have considered whether the public interest would be better served by releasing the record in full in terms of the right of the public to have access to this information, and at this time I have part-granted access to that record. Redactions to the record have been made by virtue of Sections: 28 (1) (a); 29 (1)(a), 29 (1)(b); 30 (1)(c); 33 (1)(c), 33(1)(d), 33 (4); 35 (1)(a); 36 (1)(b), 36 (1)(c); 37 (b) and 40 (1)(b) of the Act.

I am refusing elements of this record under Section 28 (1)(a) as these are records which have been or propose to be submitted to the Government for its consideration by the Minister of the Government and was created for that purpose.

In relation to Sections 29 and 30 of the Act, I have considered the source and nature of the records and the right of the public to have access to information. The public interest arguments I have considered in favour of release of the records include the public need to be better informed about the decision making processes of the Department and to scrutinise that decision making. The arguments considered against release of the records include avoiding damage to workings of the Department and the negative impact premature release would have without any countervailing benefit to the public. On balance I have decided that the public interest would be best served by not releasing the information at this time.

In making my decision I have considered Section 33 of the Act- Security, Defence and International Relations and I have exempted a number of records under that Section. This Department manages relations between Ireland and 178 countries, operating in a complex and diverse international environment, in a variety of locations and under varying local laws and customs. In order to effectively carry out its role, the Department must maintain trust and confidence between governments and other interlocutors. If the Department does not maintain the mutuality of trust, its ability to protect and promote Ireland's interests could reasonably be expected to be adversely affected. I am satisfied that the balance favours refusal rather than release and I have refused access to certain information under Section 33.

In relation to Section 35 (1) (a) the records concerned contain information given in confidence and on the understanding that it would be treated by this Department as confidential. In my opinion its disclosure would be likely to prejudice the giving of further similar information.

In relation to Sections 36 (1) (b) and 36 (1) (c) I decided to refuse this particular information as such disclosure could prejudice or adversely impact on the negotiations to which it relates.

The Record part granted under Section 37 (b) have been done so to protect the rights of individuals to have personal information remain private. Such information in this record was given on the understanding that it will be treated as confidential.

In relation to section 40 (1) (b) I have decided to refuse a number of records under this Section as premature disclosure of such information could reasonably be expected to unduly disturb the course of business generally, and/or business in the State. In reaching my decision I have also considered the public interest arguments. This includes the public need to be better informed about the decision making processes of the Department and to scrutinise that decision making. The arguments considered against release of the records include avoiding damage to workings of the Department and the negative impact premature release would have without any countervailing benefit to the public. On balance I have decided that the public interest would be best served by not releasing the information at this time.

The granting of the titles of these submissions does not imply that the record as a whole would be released. All requests made under this legislation are subject to the FOI Act 2014 and are treated on a case by case basis and in accordance with the legislation.

### 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). 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](mailto: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



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Julita Gallagher  
Secretary General's Office  
Department of Foreign Affairs and Trade