



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

Our Ref: Fol/Req/282

12th 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:

“1. A detailed/itemized breakdown of expenditure on and by the Irish Embassy in Beijing, with a value of €1000 or more, for the years 2016 and 2017.

2. Any records (from 1 January 2017 to 31 October 2018) relating to potential expansion of the Irish Embassy in China, including business plan/capital appraisal, records relating to the setting aside of monies for additional/larger properties and/or staffing resources.”

I refer also to the acknowledgement of your request which was sent to you on 9th November, and your subsequent agreement to an extension.

For ease of reference I will set out my response to the two parts of your request separately below.

Part 1 - Expenditure on and by the Irish Embassy in Beijing, over €1000, in 2016 and 2017

I have identified 2 records that fall within the scope of your request. The records are listed in the schedule attached (Part 1 Schedule). I have made a decision to grant both of these records. Record 1 is the expenditure over €1000 on or by Embassy Beijing in 2016 and Record 2 is similar expenditure in 2017. The details provided therefore do not represent the full costs incurred in these years, as there would be some items of expenditure which fall under this amount.

The expenditure includes salary and Foreign Service Allowances for posted officers, local staff costs, rental costs for Embassy and posted officers, travel between Ireland and post and on official business in the area, communication and postal costs, in addition to various other costs of running the Embassy.

There were twelve posted officers assigned to Embassy Beijing at the end of 2017; including a number of officers assigned to the Department of Justice and Equality Visa Office. The number of posts at Embassy Beijing increased in 2016 with the reintroduction of an additional Counsellor position, and a new Third Secretary and Executive Officer post.

Increases/changes in various budget lines is mainly accounted for by this increase. Changes in cost of Foreign Service allowances paid to posted officers is impacted by their particular personal circumstances, including marital status and family size.

Foreign Services Allowances

The Department operates a system of Foreign Service Allowances (FSA) designed to defray certain additional expenses which officers and their families may experience as a consequence of serving abroad at an Irish diplomatic mission. FSA may include the following:

- **Local Post Allowance (LPA)** payable to all posted officers. It may include a hardship allowance in the case of hardship posts.
- **Cost of Living Allowance (COLA)** payable to posted officers where the cost of living exceeds that of Dublin
- **Child Foreign Allowance (CFA)** payable to posted officers with a qualifying child

LPA is designed to assist mainly with the additional indirect costs arising from the representational role of the officers. This allowance which varies according to marital status and grade, is payable at all locations abroad. The **LPA Hardship Allowance** is paid to officers serving at certain missions where certain conditions lead to a level of hardship in daily life. These include: climatic conditions; personal security; political tension; health risk; pollution; isolation, and amongst others. The allowance compensates the officer for additional expenditure incurred to cope with hardship at the location.

COLA is designed to estimate and defray costs associated with a higher cost of living at the post abroad. COLA only becomes payable at posts with a higher cost of living index than Dublin.

CFA is designed to compensate officers for the additional costs incurred with regard to qualifying children while the officer is serving abroad

Foreign Service allowances are reviewed annually and adjusted, upwards or downwards, to take account of any changes in the cost of living in Ireland and at post, as well as currency fluctuations where relevant.

The overall aim of the system of Foreign Service Allowances is to ensure that officers posted abroad do not suffer a financial penalty arising from the fact that their job has to be carried out overseas, or have to personally subsidise their posting. The Irish allowances system (unlike some others) offers no compensation for the displacement of an officer or, in other words, for the fact of being based abroad. Nor does it compensate in any way for loss of spouses' or civil partners' earnings, pension rights or career interruption or for disruption to family life or unpaid representational work carried out by family members.

Rent Reimbursement

Officers who serve the state overseas are provided with rental support to enable them to rent suitable accommodation at post. An officers rent ceiling is designed to meet the full vouched cost of an officer's rented accommodation abroad, subject to a ceiling set in each

case by the Department. The ceiling is set in line with local market conditions, provided by specialist consultants, as well as the officer's grade and family circumstances.

Factors relating to the officer's official role have an impact upon the rented accommodation that can be sanctioned. Official representation in the home is a feature of overseas posting, accommodation should thus be appropriate to host small dinners or functions for key stakeholders. In addition to this representational function, officers are lead responders should a consular crisis or natural disaster occur in their region of accreditation. In such instances, it is important that officers are located close to the mission to enable the most effective response for Irish citizens. Should the mission be in any way compromised, there may be a requirement that an officer's accommodation would serve as an interim place of work for the mission, as such security is an important factor in the accommodation sanctioned for officers.

Rent reimbursement is the only support that is in place to assist officers with the cost of suitable accommodation for posted officers and their families. The Foreign Service Allowances package (LPA, COLA, CFA) do not include any element related to the costs of accommodation at post.

Furniture Allowance

Our officers abroad undertake representational duties in line with the Department's objectives and strategies. The quality and outreach of our representation also presents a positive image of Ireland. The aim of the Representational Furniture and Equipment Allowance Scheme is to assist with the purchase of items which, but for their representative position, an officer might not be expected to need and which would be of use in subsequent postings. The allowance is not available to officers who are provided with official residential accommodation furnished by the State, or to officers who have previously used the scheme.

School Fees

In common with many other Foreign Services, the Department provides School Fees Assistance where an officer's accompanying children must attend fee-paying schools at post in order to receive education that is similar to that available in Ireland. Before school fees are paid, the Department must first be satisfied that it is necessary for the child to attend a fee-paying school at post and that the fees are reasonable. This scheme is designed to enable children to have continuity of education throughout and to prevent difficulties arising due to differences in educational systems as families move between a range of countries throughout an officer's career.

Detention Allowance

Detention Allowance is paid to officers who are residing in temporary accommodation during the first weeks of their overseas posting and thus do not have access to standard amenities and cooking facilities. It is not paid to officers who move into their permanent accommodation directly upon arrival.

Disturbance allowance was abolished in 2012 following a DPER review of civil service allowances and is thus no longer paid to officers.

Training

The Department's Training Unit provides essential training to staff across the Department. Language training is provided to staff based at HQ and serving at Missions where it is a requirement of the post. In 2016 and 2017 DFAT provided Chinese language training to five individuals at a cost of €4,539.64.

Part 2 - Records (from 1 January 2017 to 31 October 2018) relating to potential expansion of the Irish Embassy in China

I have identified 79 records which fall within the scope of Part 2 of your request, which are listed in the separate schedule attached (Part 2 Schedule). I have decided to part-grant your request in relation to one of these records, and refuse with respect of the other 77.

Record 79 is an email from the Department's Asia-Pacific Unit to the Ambassador of Ireland in Beijing, regarding the launch of the Global Irish Footprint. The record is being part-granted, with a small redaction having been made under Section 33 (1) (d).

Record 78 is a draft submission on the expansion of the Department's diplomatic presence in China. It contains proposals and considerations, regarding Ireland's presence in the area in the area. I have decided not to release this document on the basis that it would be premature to do so, and would be exempt under Sections 29 (1) (a) and (b), Sections 30 (1) (a), (b) and (c), and Section 33 (1) (d).

Records 1 to 77 relate to the proposed move of the Visa Office in Beijing to a new premises. The records identified include communications between Embassy Beijing, Department of Foreign Affairs Headquarters and the Department of Justice and Equality, INIS (Irish National Immigration Service); in addition to correspondence with third parties such as those providing professional services, and prospective landlords. The records include evaluations, proposals, considerations, deliberations and practical information including that relating to physical infrastructures. This is an ongoing deliberative process and as such, it would be premature to release any of these records in advance of its completion, currently anticipated to be by the end of 2019.

I have therefore decided to refuse these 77 records under a number of exemptions of the Act, including Sections 29 (1) (a) and (b) Deliberation of FOI bodies; Sections 30 (1) (a), (b) and (c) Functions and Negotiations of FOI bodies; Section 32 (1) (a) (ix); Section 33 (1) (d); Sections 35 (1) (a) and (b); Sections 36 (1) (a), (b) and (c); Sections 40 (1) (b) and 40 (2) (h) and (i) as outlined in the attached schedule.

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; in addition to transparency in relation to costs and

expenditure. The arguments considered against release of the records include avoiding damage to workings of the Department and its decision making process, 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.

I have considered certain records pertaining to the physical security of the Visa Office premises in Beijing under Section 32; specifically, subsection (1) (a) (ix). Release of the record concerned would prejudice the safety and security of said premises, and accordingly I am refusing access.

In making my decision I have considered Section 33 of the Act- Security, Defence and International Relations section of the Act 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.

Sections 35 and 36, are mandatory exemptions under the legislation. As deciding officer, under Section 35 I am mandated to refuse access to any records containing information given in confidence and under Section 36, to refuse any records which contain trade secrets, financial, commercial, technical or other information which could prejudice the competitive process, or information which could prejudice the outcome of contractual or other negotiations. Under Section 36, I have again considered the public interest in releasing the records versus the harm which might occur in circumstances of premature release. Having weighed up the various factors concerned, I have decided that the weight of evidence favours refusal at this time.

Under Section 40, I have considered the fact that the records concerned contain proposals in relation to expenditure by the State including the control of such expenditure, and in particular is in relation to proposed and/or contemplated transactions involving property held by or on behalf of the State. I am satisfied that premature disclosure of such information could reasonably be expected to impact or cause undue disturbance on the ability of State to carry out its business in relation to this matter. I have considered the public interest overall in relation to expenditure by or on behalf of this Department. I am satisfied that on balance public interest is best served by not releasing the records prematurely.

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



Noeleen Curran
Freedom of Information Officer