



An Roinn Gnóthaí Eachtracha agus Trádála
Baile Átha Cliath 2

Department of Foreign Affairs and Trade
Dublin 2

Our Ref: FoI/Req/2014/115

Gavin Sheridan
By email:

23 January 2015

Dear Mr Sheridan

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) Copies of any records in relation to concerns raised by the Irish Ambassador to the UK in 1999, concerning British interception of Irish communications (<http://debates.oireachtas.ie/dail/1999/09/29/00033.asp>), including but not limited to correspondence, letters, emails or notes of meetings. This should include any responses from the UK authorities.
- 2) Any Ministerial briefings for Cabinet meetings between July 1999 and December 1999 pertaining to interception of telecommunications.
- 3) Any ministerial communications between the Minister for Foreign Affairs, Minister for Justice or the Taoiseach between July 1999 and December 1999 pertaining to interception of telecommunications.

I refer also to the acknowledgement of your request which was sent to you on 17 December 2014.

I have identified 69 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant/part-grant 30 of the records.

Where access to a record, or part of a record, has been refused, the records are exempt from release under the following sections of the FOI Act:

Section 15 (1) A head to whom an FOI request is made may refuse to grant the request where – (d) the information is already in the public domain

Section 29 (1) A head may refuse to grant an FOI request—

(a) if the record concerned contains matter relating to the deliberative processes of an FOI body (including opinions, advice, recommendations, and the results of consultations, considered by the body, the head of the body, or a member of the body or of the staff of the body for the purpose of those processes), and

(b) the granting of the request would, in the opinion of the head, be contrary to the public interest

Section 30 (1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—(c) disclose positions taken, or to be taken, or plans, procedures, criteria or instructions used or followed, or to be used or followed, for the purpose of any negotiations carried on or being, or to be, carried on by or on behalf of the Government or an FOI body.

Section 31(1) A head shall refuse to grant an FOI request if the record concerned—
(c) consists of—
(ii) opinions, advice, recommendations, or the results of consultations, considered by—(II) a committee appointed by either such House or jointly by both such Houses and consisting of members of either or both of such Houses or a member of such a committee or a member of the staff of the Houses of the Oireachtas Service for the purposes of the proceedings at a meeting of such a committee.

Section 33 (1) A head may refuse to grant an FOI request in relation to a record if, in the opinion of the head, access to it could reasonably be expected to affect adversely—
(a) the security of the State,
(b) the defence of the State,
(c) matters relating to Northern Ireland, or
(d) the international relations of the State.

Section 35 (1) Subject to this section, a head shall refuse to grant an FOI request if—
(a) the record concerned contains information given to an FOI body, in confidence and on the understanding that it would be treated by it as confidential

Section 37 (1) Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal Information

Section 42 This Act does not apply to—
(j) a record given by an FOI body to a member of the Government or a Minister of State for use by him or her for the purposes of any proceedings in either House of the Oireachtas or any committee of either or both of such Houses or any subcommittee of such a committee


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@dfat.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@dfat.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



Kate Tyrrell
Responding Officer