



An Roinn Gnóthaí Eachtracha agus Trádála
Baile Átha Cliath 2

Department of Foreign Affairs and Trade
Dublin 2

Our Ref: FoI/Req/15/022

Peter Kilgannon

Email:

18 March 2015

Dear Mr. Kilgannon,

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:

“details of all requests received from British or Northern Irish authorities to cross the border into the Irish Republic over the last 5 years (ground or airspace), excluding all air ambulance requests and all requests for military personnel to wear uniforms at ceremonial events”.

I refer also to the acknowledgement of your request which was sent to you on 25 February 2015.

Requests from UK authorities to enter Irish territory or airspace are submitted by the British Embassy in Dublin to the Department in the form of an official *Note Verbale*. I have identified 10 such records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to refuse access to all of the records. The records are exempt from release under the following sections of the FOI Act:

Section 33(1): A head may refuse to grant an FOI request in relation to a record (and in particular but without prejudice to the generality otherwise of this subsection, to a record to which *subsection (2)* applies) if, in the opinion of the head, access to it could reasonably be expected to affect adversely- (c) matters relating to Northern Ireland.


Section 33(2): This subsection applies to a record that- (a) contains information that relates to the tactics, strategy or operations of the Defence Forces in or outside the State, or (b) contains a communication between a Minister of the Government or his or her Department or Office and a diplomatic mission or consular post in the State or of the State or a communication between the Government or an officer of a Minister of the Government or another person acting on behalf of such a Minister and another government or a person acting on behalf of another government- (i) other than where such information was communicated in confidence or relates to negotiations between the State and the other state in question or in relation to such a state, or is a record of that other state containing information the disclosure of which is prohibited by that state, [...] in which case (that is to say, either of the cases falling within *subparagraph (i)* or *(ii)*), the request shall be refused.

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


James Kilcourse
Responding Officer