



An Roinn Gnóthaí Eachtracha agus Trádála
Baile Átha Cliath 2

Department of Foreign Affairs and Trade
Dublin 2

Ms. Clare Daly T.D.
Dáil Éireann
Leinster House
Kildare Street
Dublin 2

9th August 2016

Our Ref: FOI/Req/16/102

Dear Deputy Daly,

I refer to your request dated 8th July 2016 made under the Freedom of Information Act 2014 for access to records held by the Department of Foreign Affairs and Trade, as follows:

A list of all flights by foreign military aircraft through Irish airspace in the period from January 1st 2015 to June 30th 2016 with the following details for each flight:

- the nationality of the military operating the aircraft
- the departure point and destination of the aircraft
- the times at which the aircraft entered and left Irish airspace
- the reasons the aircraft was using Irish airspace
- if the flight was given permission to enter Irish airspace in advance of entering it
- information on the personnel and cargo on the plane

I refer also to the acknowledgement of your request which was sent to you on 20th July 2016.

In the time period under consideration, this Department received 1,751 requests and notifications for military aircraft to overfly the State from the following 38 countries (with the number from each country indicated in brackets):

Australia (10)
Azerbaijan (1)
Belgium (18)
Botswana (2)
Canada (36)
Colombia (3)
Czech Republic (15)
Denmark (1)
Egypt (32)

France (65)
Germany (66)
Greece (1)
Honduras (2)
Hungary (5)
India (4)
Indonesia (2)
Italy (33)
Japan (1)
Jordan (30)
Kazakhstan (2)
Mexico (14)
Morocco (3)
The Netherlands (52)
Nigeria (1)
Pakistan (15)
Panama (2)
Qatar (5)
Romania (2)
Russia (2)
Senegal (1)
Slovenia (2)
Sweden (20)
Switzerland (10)
United Arab Emirates (1)
United Kingdom (56)
United States of America (1,234)
Venezuela (1)
Vietnam (1)

I have identified six records that fall within the scope of your request which are listed in the attached schedule. The records are logs of the details provided by countries requiring diplomatic clearance to overfly Ireland and are used for administration purposes in the Department. The content of the records is drawn from the information provided by the Embassies of the above mentioned countries. I have made a decision to refuse access to these records under the following sections of the FOI Act:

Section 32 (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—(a) prejudice or impair:
(iii) lawful methods, systems, plans or procedures for ensuring the safety of the public and the safety or security of persons and property,
(ix) the security of a building or other structure or a vehicle, ship, boat or aircraft

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— (d) the international relations of the State

Section 33 (2) This subsection applies to a record that— (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

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

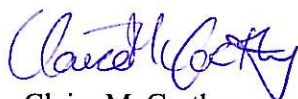
I have carefully considered both the nature and source of these records and I am satisfied that, on balance, the public interest is best served in refusing access to these records.

Right of appeal

If you are unhappy with this decision you may appeal it. In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Department of Foreign Affairs and Trade, 76-78 Harcourt Street, Dublin 2 or by e-mail to foi@dfat.ie. Your correspondence should include a fee of €30 for processing the appeal. For methods of payment please contact the FOI Unit at foi@dfat.ie or 01-4082857.

You should make your appeal within four weeks from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays. 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,



Claire McCarthy
International Security Policy Section