

Our Ref: FoI/Req/2016/177

Valerie Flynn  
The Sunday Times

16th December 2016

Dear Valerie,

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:

'Please can you provide me with:

1. Audits, assessments or reviews of the programme carried out since 2010 by external consultants or DFA's Evaluation & Audit unit, including the "Audit of grants awarded under Emigrant Support Programme" by ASP in 2015. I don't need this one which is publicly available.
2. Results of the most recent inspections related to this programme by the Evaluation & Audit unit (i.e. any inspections by the unit of funded organisations or of other elements of the programme itself). For any given organisation I am only looking for the most recent inspection.'

I refer also to the acknowledgement of your request which was sent to you on 15th November 2016.

I have identified 9 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to refuse 8 of the records.

Where access has been refused, 7 records are exempt from release under section 30 (1) (a), section 35 (1) (a) and in 4 cases also under section 36 (1) (b) (c) and a further 1 case the record has been refused under section 29 (1) (a) (b) of the act.

As required by the 2014 Freedom of Information Act, I am also required to consider specific considerations in relation to the public interest where access has been part granted or refused under specific sections of the Act as outlined below.

I have refused 7 records under Section 30 of the Act which relates to Functions and Negotiations of FOI Bodies as release of the information would disclose positions taken by the Department. In order to effectively carry out its role, the Department must maintain trust and confidence between governments and other interlocutors, in this case those organisations who provide services to largely vulnerable Irish communities overseas. 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. Support to the Irish overseas is a key priority for the Department and, along with our Consular and Passport services, the Emigrant

Support Programme is a vital tool in our implementation of the Global Irish – Ireland’s Diaspora Policy of 2015. I feel release of the information would have a significant adverse impact on the effective conduct of the functions of this Department. I have considered the right of the public to have access to information and the need for an open and accountable civil service. I am satisfied that the balance favours refusing the reports in this instance.

Section 35 of the Freedom of Information Act, 2014, establishes a duty to refuse access to a record if it contains information given by a body in confidence and on the understanding that it would be treated by it as confidential. I am required to apply public interest arguments in favour of releasing or withholding the information. The factors I have considered include the right of the public to access information and the need for an open and accountable civil service. However, I feel that releasing the information would impair both future sources of important information and the decision making of the Department. On balance I am satisfied that the public interest is best served by not releasing the records.

For records which have been exempted under Section 36 of the Act, commercially sensitive information, I am obliged to refuse access to a record if it contains: information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business and/or could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates. I am required to apply public interest arguments in favour of releasing or withholding the information. The factors I have carefully considered include the need to enhance the transparency around the workings of the Department and to enable proper scrutiny of the processes of decision. However, I feel that releasing the information would have adverse business consequences for the organisations concerned, jeopardise the confidentiality of the Department’s deliberative processes and impair the decision-making of the Department. On balance, I am satisfied that the public interest is best served by not releasing the records and have refused the records.

For the record which has been exempted under Section 29 (1) (a) (b) of the Act, I am satisfied that the record concerned contains matter relating to the ongoing deliberative processes of The Department. In the case of Section 29 (1) (a) (b) I am required to apply public interest arguments that the release of the record at this time would in fact be contrary to the public interest. The factors I have considered include the right of the public to access information and the need to enhance transparency around the workings of the Department. However I am satisfied that it would be contrary to the public interest to grant this request at the current time as it would have a significant adverse impact on the deliberative process of the Department and therefore on those who will be impacted by process that is underway.

The audit programme of the Emigrant Support Programme (ESP) grants began in 2014 as a key commitment of the Global Irish policy which was launched in March 2015. Over 200 organisations a year on average receive ESP grants and the Department of Foreign Affairs and Trade sees the audit programme as an invaluable tool for maintaining oversight of the some €11.5 million per annum allocated to assist Irish emigrants in recent years. The Irish Abroad Unit is currently conducting a systems review to ensure that we continue to improve our management of the fund and to ensure that the processes around applying for funding are transparent and user friendly. The ESP is one of the most concrete forms of support Ireland

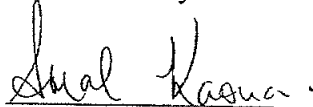
offers its diaspora so it is vital that it is effective, efficient and reaches the most vulnerable within the limited resources.

### **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](mailto: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](mailto: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

  
Shal Kaura