

Our Ref: FOI/Req/2017/032

Peter O'Dwyer
The Times,
4th Floor,
Bishop's Square,
Redmond's Hill,
Dublin 2.

Dear Mr O'Dwyer,

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:

All correspondence between Minister Charlie Flanagan or any department staff and the Department of Federal Revenue of Brazil. The request should cover the period from September 15, 2016 and February 6, 2017.

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

I have identified 4 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to part-grant one of the records, and refuse three of the records.

Where access has been refused, the records are exempt from release under sections S33 (1)(d) *International Relations*, S29 (1)(a) *Deliberative Process*.

I have considered whether the public interest would be better served by releasing the records in question in terms of the right of the public to have access to information. Given the source and nature of the records I am satisfied that premature release of certain records would negatively impact on the decision-making processes of this Department, disclose positions taken by the Department and would substantially impair the good relations we have with another State. On balance the public interest would not be best served by releasing these records.

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 feel release of the information would have a significantly 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 and Foreign Service. I am satisfied that the balance favours refusal rather than release.

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,
Niamh Kelly