



An Roinn Gnóthaí Eachtracha agus Trádála Department of Foreign Affairs and Trade

Our Ref: FOI/Req/19/072

Date: 22/03/2019

Dear Ms Sanz,

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 the election observation desk in Irish Aid and all elected officials regarding the 2019 election observation roster including those which address the ongoing appeals process.

I refer also to the acknowledgement of your request which was sent to you on 7 February 2019 and to our notification of 27 February that additional time would be needed to complete the request.

The Department's Elections Desk received two types of correspondence from elected officials regarding the 2019 election observation roster: (1) Applications from individuals to join the roster who had themselves been elected to office; and (2) Correspondence from elected officials relating to one unsuccessful applicant whose application was formally reviewed by way of appeal and who requested a reasonable accommodation on disability grounds at the appeals stage of the selection process.

I have attached a copy of the 2018 Call for Election Observers Volunteer Information Booklet which contains within it the application form. The application form did not specifically ask applicants to state their profession or whether they had been elected. However, on the basis of the experience detailed in applications forms, the Department was able to ascertain that eighteen (18) applicants had been elected to one of the following offices: the Oireachtas (the Dáil or Seanad), the European Parliament or the Northern Ireland Legislative Assembly. Of these eighteen applicants, four (4) individuals were not successful in the selection process. As the number of applicants who have been elected to national level office is so small, to provide any further information risks the identification of the individuals concerned which, as with any other applicant to the roster, would involve a breach of confidence.

As the Department has not captured electronically or otherwise any statistics relating to applicants who may have been elected to local authorities, I am unable to provide this information to you.

Applications to join the roster were submitted on the basis that the applications would be treated in confidence. The 2018 Call for Election Observers Volunteer Information Booklet, which accompanied the selection process, stated that applications would be treated in strict confidence. A copy of the Booklet is attached to this response. For ease of reference, the relevant references in the Booklet are:

- *Page 4:*
"Applications must be made on the official application form and will be treated in strict confidence."

- *Page 5:*
"Confidentiality
Certain items of information, not specific to any individual, are extracted from computer records for general statistical purposes. Subject to the provisions of the Freedom of Information Acts, 1997, 2003 and 2014, applications will be treated in strict confidence".

- *Page 7:*
"Under these standards the Department of Foreign Affairs and Trade is obliged to:"
... "treat all Volunteers in a fair, impartial and equal fashion and ensure that their applications are dealt with in confidence;"

Section 35(1)(a) of the Act stipulates that a head shall refuse to grant an FOI request if 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. In accordance with the commitment that applications be treated in strict confidence, correspondence between the Department and those individuals, including individual application forms and any correspondence regarding the appeals process, is refused under the FOI Acts.

In addition Section 37(1) of the Act provides for the refusal to grant a request where access to the record concerned would involve the disclosure of personal information. In arriving at this decision, I am also mindful of the Department's obligations under the General Data Protection Regulation and the Data Protection Acts.

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 (including such information as aforesaid that a person was required by law, or could have been required by the body pursuant to law, to give to the body) and, in the opinion of the head, its disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further similar information as aforesaid should continue to be given to the body

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

The next stage for those shortlisted to the roster is to be security vetted. While that process is ongoing, it would be contrary to the public interest to release the names of roster members. Section 29(1)(b) of the FOI Act refers.

29. (1) A head may refuse to grant an FOI request—
(b) the granting of the request would, in the opinion of the head, be contrary to the public interest

However, you may wish to know that it is the Department's intention, subject to the provisions of the EU General Data Protection Regulation, to release the names of roster members once security vetting is complete. The intention is to disclose the list of names by way of a response to a Parliamentary Question. In preparation for that disclosure, during the ongoing training of roster members, the individuals concerned are being asked to provide their written consent in accordance with the GDPR.

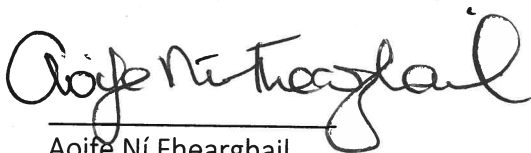
Apart from the applications submitted by individuals who have been elected to national level office, a number of elected officials wrote to the Department regarding an unsuccessful applicant whose application was formally reviewed by way of appeal and who requested a reasonable accommodation on disability grounds at the appeals stage of the selection process. As these items of correspondence contain personal information, their release is refused under Section 37(1) of the Act.

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@dfa.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@dfa.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



Aoife Ní Fhearghail
Deputy Director
Civil Society and Development Education Unit