



Irish Aid

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

Teach na hAbhainn
23-27 Sráid Anraí
Luimneach

Riverstone House
23-27 Henry Street
Limerick

Our Ref: FOI/Req/18/101

14 May, 2018

Dear Requester

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 records generated or received between July 16th 2017 and April 16th 2018, inclusive, that are held by the Department of Foreign Affairs relating to any investigation by Habitat for Humanity International's Internal Audit Department into Habitat for Humanity Ireland.

I refer also to the acknowledgement of your request which was sent to you on 23 April 2018.

I have identified eleven records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant seven, part-grant two and refuse two of the records. Where access has been refused the information is exempt from release under Functions and Negotiations of FOI bodies *Section 30(1)(a) and (b)*; Information provided in confidence *Section 35(1)(a)*; Commercially sensitive information *Section 36(1)(b)* and Personal information *Section 37(1)* as set out in the attached schedule. A number of pages from part-granted documents were considered to be outside the scope and as such these have been removed.

Functions and Negotiations of the Department

I have considered Section 30(1)(a) and (b) of the 2014 Act in making my decision not to release certain information in two records. The release of the exempted information at this time could prejudice the decision making process/impair future decisions. In weighing these adverse consequences against the public interest, I have again considered the right of the public to have access to information; the need for an open, transparent and accountable civil service and the need for decision-making processes to be adequately scrutinised. I am satisfied that the balance favours refusal rather than release on this occasion.

Information Provided in Confidence

I have also considered Section 35 (1) (a) of the Act in my deliberations. This exemption has been applied in relation to two documents which relate to a confidential investigation process. In favour of releasing the documents I considered the public's right to access information. However organisations providing this information have a reasonable expectation that it will be handled confidentially, as it was given in confidence and with the expectation that it would be treated as such. If these documents were to be released it could prejudice the provision of such information in the future and it is important that such information continues to be shared on an open basis. In that light these two documents have been refused for release.

Commercially sensitive information

I have refused/part granted access to two records under Section 36(1)(b) of the Act given the commercially sensitive nature of the information they contain. The following were taken into consideration for disclosure of the records: the accountability of administrators and scrutiny of decision making processes and the use of public funds; the need for the public to be better informed and more competent to comment on and assess public affairs and policies and practices; the need for effective mechanisms to maintain public confidence in Government bodies by access to information on their performance of functions and the right of the public to have access to information/obtain reasons for decisions. On the other hand, I took into consideration the fact that Habitat for Humanity Ireland actively seeks funding from other donors; that Habitat for Humanity Ireland could reasonably expect to be at a financial loss as a direct result of release of the information and that Habitat for Humanity Ireland could reasonably expect its competitive position to be jeopardised if the information is released. On balance I am satisfied that the public interest is best served by not releasing the records.

Personal information

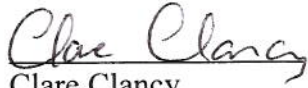
I have considered the public interest in the context of the public's right to access personal information. However, I am satisfied that on balance the broader community interest is best served by protecting the personal information that would otherwise not be available and have refused access to the relevant records. These records include personal details of volunteers and staff of Habitat for Humanity Ireland. In that light I have refused access to personal information in four records 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 02 DX45 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


Clare Clancy

