



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

Our Ref: FoI/Req/18/015

16 February 2018

Dear Mr Hutton,

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 kept by the Department of Foreign Affairs dating from June 2016-present relating to Lough Foyle and the ownership of Lough Foyle.

I refer also to the acknowledgement of your request which was sent to you on 25 January 2018.

I have identified 47 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 four of the records and refuse the remaining 43 records.

The records which are part-granted have been edited only insofar as to remove names and identifying details of individuals, where these are not relevant to the request.

Eight of the records have been refused on administrative grounds, because the information which they contain is publically available (Section 15(1)(d) of the Freedom of Information Act).

Where access has been refused in the remaining 35 records, the records are exempt from release under the following sections of the Act:

- Section 28(1)(c), which applies to records containing information (including advice) for a member of the Government, the Attorney General, a Minister of State, the Secretary General to the Government for use by him or her solely for the purpose of the transaction of any business of the Government at a meeting of the Government. In relation to the record falling under this exemption I have considered the public interest and believe it is better served by refusing the release of this record.
- Section 29(1), which applies to records containing matters relating to the deliberative process of an FOI body. In determining whether to grant or refuse to grant the release of these records, I have considered the public interest and believe that release of these records would be contrary to the public interest.
- Section 30(1)(c), which applies to records which, if released, could reasonably be expected to “disclose positions taken, or to be taken, or plans, procedures, criteria or instructions used or followed , for the purpose of any negotiations carried on or being, or to be, carried on by or on behalf of the Government or an FOI body.” In relation to the records falling under this exemption, I have considered the public interest, and believe it is better served by refusing to grant the release of these records.
- Section 33(1)(c), which refers to records which, if released, could reasonably be expected to adversely affect matters relating to Northern Ireland.



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- Section 33(1)(d), which refers to records which, if released, could reasonably be expected to adversely affect the international relations of the State.
- Section 33(2)(b), which refers to records “containing a communication between a Minister of the Government or his or her Department or Office and a diplomatic mission or consular pose in the State or of the State or a communication between the Government or an officer of a Minister of the Government or another person acting on behalf of such a Minister and another government or a person acting on behalf of the government.”
- In considering each of the above three exemptions, I have considered the public interest, and believe that it is better served by refusing to grant the release of these records.
- Section 33(3)(c)(i), which refers to records “containing information communicated in confidence to any person in or outside the State from any person in or outside the State (including any law enforcement agency) and relating to a matter referred to in subsection (1), or to the protection of human rights and expressed by the latter person to be confidential or to be communicated in confidence”. In relation to the records falling under this exemption, there is no public interest and I am obliged to refuse the request.
- Section 35(1)(a), which refers to records “containing information given to an FOI body, in confidence and on the understanding that it would be treated by it as confidential”. I have considered whether releasing the records falling under this exemption would prejudice such giving of information in future, and in my opinion releasing the records would have this effect. I am therefore obliged to refuse the request.

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,

Marie-Claire Hughes
Ireland, UK and Americas Division,
Department of Foreign Affairs and Trade