



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

Our Ref: FoI/Req/18/090

21 May 2018

Dear Dr Geoghegan,

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:

1) All internal correspondence and communication that mentions, or refers to, the visit of Minister Johnson to Dublin in November 2017, between Nov 10 and Nov 22 2017 (inclusive).

2) Any briefing papers prepared in advance of the meeting.

3) Any notes, minutes, action points or briefs taken following the meeting.

I have identified 29 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant access to two of the records listed, to part-grant access to one of the records listed and not to grant access to the remaining 26 records listed.

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

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

Where access has been refused in the remaining 23 records, the records are exempt from release under the following sections of the Act Section 29(1)(a), Section 30(1)(c), Section 33(1)(c) and (d) and Section 35(1)(a).

Section 29(1)(a) 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. The public interest arguments I have considered favouring release include enhanced scrutiny of decision-making processes, as well as the right of the public to access information. However, I have decided it would be contrary to the public interest to release this report to the world as it would contaminate the current decision-making process and cause damage to the workings of the Department.

Section 30(1)(c) 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, the public interest arguments I have considered favouring release include enhanced public understanding of the issues and reasons for positions taken. However, I have decided not to release the record at this time as its release would impair decision-making without any countervailing benefit to the public.

Section 33(1)(c) and (d) refer to records which, if released, could reasonably be expected to adversely affect matters relating to Northern Ireland and the international relations of the State. With regard to international relations this Department is responsible for managing relations between Ireland and 178 countries, in a complex and diverse environment. Successful diplomatic relations depends upon the creation and maintenance of trust and confidence between governments. Based on the Department’s direct knowledge and expertise in international relations, its strongly held position is that the mere granting of access to records will adversely affect the State’s relations by introducing major doubts with regard to the security and confidentiality of our diplomatic communications. It is important to maintain that mutuality of trust to protect and promote Ireland’s interests internationally. I have considered the possibility and likelihood that the release of the records could result in negative consequences and their likely severity. On balance I am satisfied that the balance favours refusal rather than release.

Section 35(1)(a) 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”. The public interest arguments I have considered include the right of the public to access information. However, I have also 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@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



Alison Meagher

Ireland, United Kingdom and Americas Section