



An Roinn Gnóthai Eachtracha agus Trádála  
Baile Átha Cliath 2

Department of Foreign Affairs and Trade  
Dublin 2

Our Ref: Fol/Req/2018/193

Date: 10th August 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:

A copy of all correspondence between the Minister and Bono (Paul Hewson) or communications between their respective staff from the start of June 2017 to the end of June 2018

I refer also to the acknowledgement of your request which was sent to you on 18th July 2018.

Your request has been taken to refer to all correspondence between the Tánaiste and Bono (Paul Hewson) or communications between their respective staff between June 2017 to the end of June 2018 regarding discussions which led to an agreement by U2 to invite all Permanent Representatives to the United Nations to a concert scheduled to take place in New York on July 1<sup>st</sup> 2018.

More than 150 Ambassadors to the United Nations attended the U2 concert at Madison Square Gardens, New York on the evening of July 1<sup>st</sup> 2018. The event provided representatives of the UN Member States with an opportunity to experience one of Ireland's best known cultural acts immediately prior to the campaign launch, building awareness of our candidature.

The tickets to the concert for the UN Ambassadors were generously provided as a gift by U2. The official launch of Ireland's candidature for election to the United Nations Security Council took place the following day, July 2<sup>nd</sup> 2018, on the North Lawn of the Headquarters of the United Nations.

I have identified 102 records that fall within the scope of your request and are listed in the schedule attached. I have made a decision to grant access to 69 of the records and refused access to 33 records. Records granted have only been edited to remove personal details of individuals.

Access to records have been refused under the following sections of the Act:

### Section 29 Deliberations of FOI Bodies

In relation to Section 29 of the Act, 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 and the need for transparency in the decision making process. However, given the sources and nature of the records I am satisfied that on balance the public interest would not be best served by releasing the information.

### Section 30 Functions and Negotiations of the Department

I have also considered Section 30 of the Act in making my decision not to release these records which would disclose positions taken by the Department. As outlined above, release of the information would have a significant adverse impact on the effective conduct of international relations by this Department. I have considered the right of the public to have access to information and the need for an open and accountable civil service. I am satisfied that the balance favours refusal rather than release.

### Section 33 Security, defence and international relations

I have considered section 33 of the Act in making my decision not to release certain documents. 33(2)(b)(ii) is a mandatory exemption under the legislation and I am obliged to refuse access to records falling under that section. The Department of Foreign Affairs and Trade operates in a complex and diverse environment. A mutuality of confidence exists in the communication between this Department and our interlocutors. This is particularly the case in respect of diplomatic communications. I have considered the possibility and likelihood that the release of these records could result in negative consequences, and prejudice the ability of this Department to effectively discharge its functions. To do otherwise would risk compromising the State's capacity to engage with international partners through diplomatic channels.

### Section 35 Information obtained in confidence

With regard to information refused under Section 35 of the Act, Information received in confidence, this relates to information given in confidence on the understanding that it would be treated as confidential. This is also a mandatory exemption. I have considered your right to access information however I am satisfied that releasing the information would impair future sources of such information and impair the workings of this Department without any countervailing benefit to the broader public interest.

### Section 36 Commercially Sensitive Information

I have considered Section 36 of the Act in making my decision not to release certain information. Access to certain confidential information is essential in order to allow the Department of Foreign Affairs & Trade to execute its functions. In certain instances, such information may also be of a commercially sensitive nature. In this case, I am satisfied that these documents contain commercially sensitive information, the release of which could reasonably be expected to have adverse business consequences for the organisation.

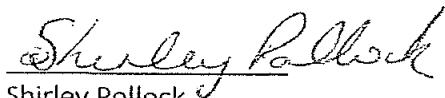
In weighing these adverse consequences against the public interest, I have again considered the right of the public to have access to information; the need for an open, transparent and accountable civil service and the need for decision-making processes to be adequately scrutinised. I am satisfied that the balance favours refusal rather than release on this occasion.

#### 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](mailto: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](mailto: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



Shirley Pollock

Office of the Tánaiste and  
Minister for Foreign Affairs and Trade