



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

Our Ref: FOI/Req/18197

28<sup>th</sup> August 2018

Dear Mr. Levy

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:

**“Under FOI I would like copies of the memorandum of understanding and agreed results framework governing Irish Aid funding to Trócaire.”**

I refer also to the acknowledgement of your request sent to you on 18 July 2018 which requested an extension of the time available for response and your subsequent agreement to the extension and, also a reduction the scope of the original request to focus only on documents relating Trócaire’s programme of work in the Occupied Palestinian Territories.

There are two records that fall within the scope of your request, the second of which is comprised of four parts. The records are listed in the schedule attached. I have made a decision to grant one record and part-grant one part of the second record and refuse the other three parts of the record. Where access has been refused or part-granted, the information is exempt from release under - Deliberations of FOI bodies - *Section 29 1 (a) & (b)*, Law enforcement and public safety –*Section 32(1)(b)*; Security, Defence and International Relations - *Section 33(1)(d)*; and, Commercially sensitive information - *Section 36(1)(b) and (c)*.

### **Deliberations of FOI bodies - Section 29 (1) (a)&(b)**

I have refused access to three records and one part record under Section 29 (1) (a) & (b). The evaluation of applications under the PGII programme is a deliberative process of the Department of Foreign Affairs and Trade. The quality of a theory of change model and of complex logic models, results frameworks and other tools in the space of results based management are the result of long experience, investment in research and experience of delivery in often fragile and complex contexts by the applicant. Applicant organisations are judged on the merits of their submissions alone and if competitors were able to utilise this information it would diminish the integrity of this process as it could enable competitor organisations which are not independently capable of reproducing the same quality of theory of change and results-based approach to do so. Therefore on balance I am satisfied that the public interest is best served by not releasing the record.

### **Law Enforcement and Public Safety-Section 32 (1)(b)**

I have refused access to one part of the record under Section 32 (1) (b) taking into consideration the detailed information that is held in this document. Given the restricted and enclosed environment in which these parties operate they could be identified leading to potential security risk to those involved. I have considered the right of the public to have access to information and the need for effective mechanisms to maintain public confidence in public bodies. On balance I am satisfied that the public interest is best served by not releasing the record.

**Security, defence and international relations Section 33(1)(d)**

I have part granted one part of the record and refused access to one part of the record under section 33(1)(d). This Department is responsible for managing relations between Ireland and 178 countries and the successful conduct of such relations depends upon the creation and maintenance of trust and confidence between governments and other interlocutors. For these reasons, I consider that the public interest in not granting access to the exempted information at this time outweighs the public interest in releasing it.

**Commercially sensitive information Section 36(1)(b) and (c)**

I have refused access to the final part of the record under Section 36(1)(b) and (c), given the commercially sensitive nature of the information it contains. 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 access same was taken into account when making this decision. I also took into consideration that the competitive position of the organisation could be jeopardised if the information is released. Applications are judged on their own merits and if competitors were able to utilise this information it would diminish the quality outcomes, therefore on balance I am satisfied that the public interest is best served by not releasing the record.

**Public interest test**

In considering those items that are not released the balance has been assessed between the right of the public to have access to information regarding the spending of public funds and the interest of the public that those funds are, in the case of the Programme Grant II, awarded to the best qualified organisations which can meet the stringent requirements of the programme and deliver on Irish Aid's priorities, including partnerships based on mutual trust which ensure effectiveness and results. This requires preserving the ability of Irish Aid to assess the applications on their merits and to ensure that the quality of the theory of change, results approach as well as other technical qualities are genuinely a result of the organisation's own capacities.

**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](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

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Máire Ní Chriostail