



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

Our Ref: Fol/Req/18/208

15 August 2018

Dear Ms. Weld,

I refer to the request which you have made under the Freedom of Information Act 2014 for access to records held by this Department. I refer also to the acknowledgement of your request which was sent to you on 31 July 2018. The request is as follows:

- I wish to request any preparatory material and/or guidelines prepared by the Department of Foreign Affairs and Trade and issued to other Government Departments in preparation for a hard or no deal Brexit from the 1st January 2018 to date.
- I also wish to request all correspondence between, (i) the Department of Foreign Affairs and Trade and the Revenue Commissioners, (ii) the Department of Foreign Affairs and Trade and the Department of Finance, and (iii) between the Department of Foreign Affairs and Trade and the Department of Agriculture Food and the Marine, in relation to preparations for a hard or no deal Brexit. In particular I am requesting all correspondence in relation to the possibility of hiring additional staff, officials and inspectors etc. as a result of a hard or no deal Brexit from the 1st January 2018 to date.

I have identified 28 documents that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision not to grant access to the documents listed on the basis of sections 29(1)(a) and (1)(b), 30(1)(c) and 33(1)(d) of the Freedom of Information Act 2014, as amended.

In relation to records exempted under **Section 29** of the Act - *Deliberations of FOI Bodies*, 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 decision making process. Given the source and nature of the records I am satisfied that premature release of certain records would negatively impact on the decision-making processes of this Department and other Government Departments. On balance, the public interest would not be best served by releasing these records.

As regards records exempted under **Section 30** of the Act - *Functions and Negotiations of FOI Bodies* as I am satisfied that premature release of certain records would disclose positions taken, or to be taken, or plans, procedures, criteria or instructions used or followed, or to be used or followed, for the purposes of negotiations carried on or being, or to be, carried on by or on behalf of the Government or the Department. I have considered whether the public interest would be better served by releasing the record in question in terms of the right of the public to have access to information and the need for an open and accountable civil service. However, I am satisfied that on balance the public interest would not be best served by releasing the information.

For records exempted under **Section 33(1)(d)** - *Security, defence and international relations*, as referenced in the schedule I have considered the possibility and likelihood that the release of the records could result in negative consequences for Ireland's international relations and their likely severity. This Department is responsible for managing relations between Ireland and 178 countries, in a complex and diverse environment. Based on the Department's direct knowledge and expertise in international relations, its strongly held position is that the mere granting of access to scheduled records will adversely affect the State's relations. On balance I am satisfied that the balance favours refusal rather than release.

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



Isobel O'Connor