



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

Our Ref: Fol/Req/18/223

4 September 2018

Dear Mr. O'Connor,

I refer to the request which you have made under the Freedom of Information Act 2014 for access to records held by this Department. The request is as follows:

- A record of all correspondence, letters, emails, briefing documents, minutes and notes from meetings and phone calls to and from the Tánaiste's office, offices of the Ministers of State and the Secretary General with Dublin Airport Authority.
- A record of briefing documents prepared for the Tánaiste and ministers about Dublin Airport Authority.

I have identified 3 documents that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to part grant access to two of the documents on the basis of sections 36(1)(b) and sections 37(1). I have made a decision not to grant access to one of 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.

For records exempted under **Section 36 (1)(b)** I have considered the need for accountability of administrators, transparency around decision making processes and the use of public funds. I have considered that the public have an interest in how the Department spends tax payers' funds. However, on balance, I believe that the public interest is best served by not disclosing commercial information where it could prejudice the competitive position of the Department. Disclosing potential proposed works may have a negative impact on a future public procurement process. This could result in a negative financial outcome for the taxpayer and contrary to the public interest.

For records exempted under **Section 37 (1)** I have considered the public interest in the context of the public's right to access personal information. However, I am satisfied that the right to privacy in this case outweighs any perceived broader community interest in releasing personal information. In that light I have refused access to certain such information.

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