



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

Our Ref: Fol/Req/18/246

15th October 2018

Dear Mr. Kelly,

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:

****All correspondence from August 1, 2018 – internal and external to the Department, including to other departments and ambassadors, embassies and diplomatic staff - on the proposed visit of US president Donald Trump to Ireland.***

I refer also to the acknowledgement of your request which was sent to you on 24th September 2018.

I have identified 54 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant full release of 6 records, partial release of 34 records and refusing release in full of 14 records.

Where access has been partially released, the records have been redacted under section 32. (1) (a) (iii) Law enforcement and public safety, section 33 (3) (c) (i) Security, defence and international relations and section 37. (1) Personal information.

Where access has been fully refused release the cases relate to section 15. (1) (d) Information is already in the public domain, section 29. (1) (a) Deliberations of Public Bodies, section 32. (1) (a) (iii) Law enforcement and public safety, and section 33 (2)(b)(i) and (ii) and 33(c) (ii) Security, defence and international relations.

Records refused under section 15(1)(d) of the Act are not being released as the information contained therein is already fully in the public domain. The records do not provide any additional information to that which can be garnered from reading the press reports on the respective news websites.

Section 29 – Deliberations of FOI bodies

In relation to Section 29(1)(a) 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 accountability and transparency in the decision making processes of public bodies. However given the source and nature of these records I am satisfied that their premature release would negatively impact on the decision making and information sharing process of this Department. As such, on balance I have decided the public interest would not best be served in releasing these records.

Section 32 – Law enforcement and public safety

The Department shares a duty of care with regard to the safety and security of individuals, including members of the public, when planning an event of this scale and type. I took this duty of care into account when considering exemption under Section 32 (1) (a) (iii). I believe that the merits of releasing the records, for example, to ensure the resources of the taxpayer are used effectively or to enable the public to assess the merits and shortcomings of practices; are outweighed by the negative effects of releasing this sensitive information. I am satisfied that the balance favours refusal rather than release.

Section 33 – Security, defence and international relations

I have considered section 33(2)(b)(i), 33(2)(b)(ii) and 33(c)(i), 33(c)(ii) of the Act in making my decision not to release certain documents. The Department of Foreign Affairs and Trade operates in a complex and diverse international 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 and other channels.

While there may be arguments in favour of releasing records such as showcasing transparency and the process of informed reporting, I have had to take into account the potential harm or detriment that could occur. This is especially the case in this instance where the visit of the US President has been postponed and where the Department would not wish to prejudice or adversely affect the potential or planning for a future visit of the US President to Ireland. As such, and on balance, I have decided to fully withhold some records with this view in mind.

Section 37 – Personal information

While Section 37(1) Personal Information is a mandatory exemption I am still obliged to consider whether the public interest would be best served by releasing the records in full. I have taken into account the benefit to the public to be given access to correspondence in a manner which demonstrates transparency and accountability of the Department. I have particularly considered whether releasing the personal information, which includes names, addresses, email addresses etc., would provide any additional benefit in this regard. I have weighed this against the right of individuals to have their personal information remain private. The personal information which I have redacted does not have any bearing on the substance

or detail of the records, and does not diminish or alter the views expressed, and as such, I am satisfied that on balance the decision to do so is correct. Accordingly, records 31-54 are being part-released to you, with only the personal identifying details of individuals removed.

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,

James Rowan

*Americas Unit
Ireland, UK and Americas Division
Department of Foreign Affairs and Trade*