



An Roinn Gnóthaí Eachtracha agus Trádála
Baile Átha Cliath 2

Department of Foreign Affairs and Trade
Dublin 2

14th September 2016

Mr John Burns
The Sunday Times
4th Floor
Bishops Square
Redmond Hill
Dublin 2

Re: Fol/Req/2016/124

Dear Mr Burns

I refer to your recent FOI request submitted under the Freedom of Information Act 2014, seeking records relating to the following:

It is for records concerning the Election Observation Roster for 2013 and 2014, specifically any late applications, how these were assessed, any representations made in support of these applications and details of any subsequent missions those selected to be panel members served.

As responding officer, I have broken your request for information into three series of records as follows:

1. Copies of late applications and representations
2. How these were assessed
3. Details of any subsequent missions those selected to be panel members served.

In relation to your request, I can confirm that I have identified records in relation to items 1, 2 and 3 above.

I have closely considered the contents of the records referred to in series 1, 2 and 3 above and the data in records 1 and 3 contain personal information, which I consider falls within the definition of personal data as defined under Section 37(1) of the 2014 Freedom of Information Act outlined below

Section 37(1) requires me to “refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information” This requirement is subject to exemptions contained in subsections 37(2) and 37(5).

As the data contained in the records in my view constitutes personal information, access to Records 1 and 3 records would involve the disclosure of personal information and so release must be refused unless the circumstances in subsections 37(2) apply (which they do not) or, on balance, it is considered that the public interest of releasing those records outweighs the public interest that the right to privacy of these persons be upheld, as outlined in subsection 37(5). I believe that the public

interest of transparency, which favours release, does not outweigh the right to privacy of individuals.

In arriving at my decision, I have had recourse to a similar request earlier this year (FOI REQ/16/030) seeking broadly similar records on the same matter and where the decision to refuse to release the said records, was upheld on subsequent appeal to the Office of the Information Commissioner.

Having formed the view that the records which you are seeking contain personal data as defined by Section 37(1), I am granting access to Record 2 and refusing access to Records 1, and 3 in accordance with the Act as set out in the attached schedule.

In respect of Record 2, I would also like to clarify the assessment process for the establishment of the roster which applied to all applications. All applications were separately assessed by two assessors external to the Department of Foreign Affairs and Trade. In a very small number of cases, the assessors indicated that they had a conflict of interest in that applicants were known to them. In those instances, the applications were removed from the assessors prior to the scoring process and individually scored by two officials in Irish Aid using the same criteria published in the information note (released under Record 2) that the two independent assessors were using. This was done to ensure that the scoring process was rigorous and transparent, in line with normal practice. The point which I wish to make was that all applications underwent separate and rigorous appraisal against the published criteria.

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 non-personal information; the level of this fee has been set at €30. For methods of payment please contact FOI@DFA.IE or telephone 01 4082857.

You should make this appeal within four weeks (20 working days) from the date of this notification. However the making of a late appeal may be permitted in appropriate circumstances. This appeal will involve a complete reconsideration of the matter by a more senior officer of this Department.

Yours sincerely



John Crowe
Department of Foreign Affairs and Trade