



An Roinn Gnóthaí Eachtracha
Department of Foreign Affairs

Our Ref: FOI/Req/21/006

2 February 2021

Dear Mr

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:

'I understand that Transparency International has been engaged and paid to provide FOI training to departmental officials.

I am interested to access correspondence between TI and the Department concerning this course. Additionally a copy of training notes/slides.'

I refer to your subsequent email correspondences of 11 and 19 January 2021 in which you clarify that it is just the 'training notes/slides' related to the Transparency International Training event of 22 April 2020 that fall within the scope of this request.

I refer also to the acknowledgement of your request which was sent to you on 19 January 2021.

I have identified 4 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to part grant 1 of the records and refuse 3 of the records.

In relation to the part-granted record, I have made 3 redactions under section 37 (1) of the FOI Act. Section 37 (1) states that access to a record shall be refused "if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information".

As regards the 3 refused records, these are exempt from release under section 36 (1) (b) and section 15 (1) (d).

36 (1) (b) states: "(1) Subject to subsection (2), a head shall refuse to grant an FOI request if the record concerned contains—(b) financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the

competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation.”

Records 1 and 2 are a presentation and a case study respectively. They are material provided for the conduct of training given by Transparency International, Ireland. The training in question was a product, that the Department purchased. The materials are proprietary. I believe that the disclosure of this material could be expected to prejudice the competitive position of Transparency International, Ireland by making their proprietary material publicly available.

I believe the disclosure of this material could be expected to result in a material financial loss for Transparency International, Ireland as material that forms part of a training package they provide would be publicly available and could reasonably be expected to effect demand for that product. Customers may choose to avail of the material for free rather than access it as part of a training package provided for a cost.

In regard to section 36 (2) none of the sub paragraph apply. I contacted Transparency International, Ireland to ask if they consented to the release of the material. They did not consent and identified the two records in question as proprietary.

15 (1) (d) states: “(1) A head to whom an FOI request is made may refuse to grant the request where— (d) the information is already in the public domain,”

Record 3 is refused on these grounds. It is available publicly and can be downloaded from here: <https://transparency.ie/resources/whistleblowing/speak-safely-guide>

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, (€10 for medical card holders). A copy of the medical card should be provided to avail of the reduced fee. For methods of payment, please contact FOI Unit at foi@dfa.ie, or 01-4082618.

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

David Ormond

FOI Section
Department of Foreign Affairs
76 – 78 Harcourt St, Dublin 02