



An Roinn Gnóthaí Eachtracha
Department of Foreign Affairs

Our Ref: FoI/Req/21/099

Date: 4 May 2021

Dear Ken Foxe,

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:

Under the FOI Act 2014, I am seeking the following:

- a record detailing how much was spent by DFA on the removal of graffiti from Iveagh House in the first three months of the year.**
- a copy of any inspection/condition report on damage caused to Iveagh House through the recent graffiti incident. If no formal inspection/condition report exists and there is an email or other such record discussing the level of damage, please release this instead.**

I would prefer to receive this information electronically, ideally in its original electronic format.

I refer also to the acknowledgement of your request which was sent to you on 22/04/21.

In relation to part one of your request, the Department of Foreign Affairs did not incur any expenditure on the removal of graffiti from Iveagh House in the first three months of the year and therefore holds no records on this. The Office of Public Works is responsible for the maintenance and upkeep of Iveagh House and covers these costs. Accordingly, I am refusing part one of your request under Section 15 (1) (a) of the FOI Act – “the record concerned does not exist”.

In relation to part two of your request, I have identified three records that fall within its scope. The records are listed in the schedule attached. I have made a decision to refuse the release of these three records under Section 31 (1) (b) of the FOI Act, which states that;

31 (1) “A head shall refuse to grant an FOI request if the record concerned - ...

(b) is such that the head knows or ought reasonably to have known that its disclosure would constitute contempt of court, ...”

The purpose of Section 31(1)(b) is to prevent, to the greatest practicable extent, any interference in the administration of justice by an FOI body which might result from the granting of access to records under the Act.

The graffiti incident you mention in your request, which occurred on 19 March 2021, is the subject of a criminal investigation by An Garda Síochána and possible court proceedings. As the granting of access to the three records concerned has the potential to interfere with these processes, I am refusing their release under Section 31 (1) (b).

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