



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

Our Ref: Fol/Req/17/203

07 November 2017

Dear Mr. Horgan-Jones,

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:

- 1. All correspondence between this Department and DexEU since that Department's inception*
- 2. Records of all meetings between this Department and DexEU since that Department's inception, to include minutes, briefing notes and correspondence relating to same*

This covers material from 14 July 2016 to the date of your request. As you may be aware, since Simon Coveney's appointment as Minister for Foreign Affairs and Trade with special responsibility for Brexit in June 2017, this Department is the lead department for contacts with the UK Department for Exiting the European Union (DexEU). Before this time, the Department of the Taoiseach acted as the lead department.

I have identified 84 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 58 of the records, grant 1 of the records and refuse 25 of the records.

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 disclose positions taken by the Department. On balance I am satisfied that 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*, I am satisfied that premature release of certain records would disclose positions taken by the Department. 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 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. This Department is responsible for managing relations between Ireland and 178 countries, in a complex and diverse environment. Successful diplomatic relations depends upon the creation and maintenance of trust and confidence between governments. Based on the Department's direct knowledge and expertise in international relations, its strongly held position is that the mere granting of access to records will adversely affect the State's relations by introducing major doubts with regard to the security and confidentiality of our diplomatic communications and could substantially impair the good relations we have with another State. It is important to maintain that mutuality of trust to protect and promote Ireland's interests internationally. On balance I am satisfied that the balance favours refusal rather than release.

In addition, I have also redacted the names and contact details in a number of records under Section 37 of the Act – *Personal 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](mailto: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](mailto: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

  

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