

Our Ref: FOI Req 19-360

Date: 28 February 2020

Dear Ms. Kelleher,

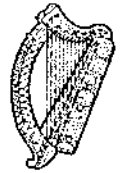
I refer to the request that you have made under the Freedom of Information Act, 2014 for access to the following records held by this Department:

Any state documents held by Middle East North Africa Unit, being reports of meetings, briefing prepared by MENA Unit, official statements, internal correspondence relating to official statements, reports from diplomatic missions on actions taken by other countries, correspondence between members of the public and the Tánaiste, relating to the death of Jamal Khashoggi in 2018 and 2019

I have identified 103 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant 9, part-grant 26, and refuse 68 of these records. Where access has been refused, the records are exempt from release under sections 29, 33, 35, and/or 37 of the Freedom of Information Act, 2014 (the Act).

Exemptions under **Section 33** relate to the security, defence and international relations of the State. I have refused or part-refused 77 records under Sections 33(1)(d); 33(2)(b)(i); 33(2)(b)(ii); 33(3)(c)(i); and/or 33(3)(c)(ii). I have exempted information from these 77 records on the basis that access to said information could reasonably be expected to adversely affect the international relations of the State. The Department of Foreign Affairs and Trade is responsible for managing relations between Ireland and 190 countries. Based on the Department's direct knowledge and expertise in international relations, its strongly held position is that the granting of access to this information would adversely affect the State's relations by, among other things, introducing major doubts with regard to the security and confidentiality of our diplomatic communications. It is important to maintain that mutuality of trust in order to protect and promote Ireland's interests internationally. My decision to refuse access to the information contained in these 77 records is informed by my consideration of the likelihood that its release could result in negative consequences, and the likely severity of said consequences.

Under **Section 35(1)(a)**, I have exempted from release information from 31 records. The information refused under Section 35(1)(a) was given in confidence, on the understanding that it would be treated as confidential. I have taken into consideration your right to access information, however I am satisfied that releasing the information in these records would probably impair the workings of this Department (in particular by undermining the sourcing of such information in future) without any countervailing benefit to the broader public interest.



I have refused the release of 16 records under **Section 29(1)**. I have considered whether the public interest would be better served by releasing the record 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 nature of the record I am satisfied that its release would negatively impact on the deliberative, decision-making and information sharing processes of this Department.

Finally, under **Section 37(1)**, I have redacted information from 19 records. Section 37(1) refers to personal information and is a mandatory exemption. I have considered the public interest in the context of the public right to access information. However, I am satisfied that, on balance, the broader community interest, as distinct from your particular interest, is best served by protecting the privacy (including contact details) of the individuals concerned.

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 +353 (0) 1 408 2857.

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,

Ciarán Byrne
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