



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

Our Ref: FOI/Req/19/092

Date: 13/03/2019

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 wish to be provided with a completing listing for the 2018 Volunteer Election Observation Roster, this should include:

- 1. Name of Person,**
- 2. Gender of Person,**
- 3. Profession,**
- 4. Address of City that lived at time of application,**
- 5. Date of birth, or alternatively age or in the alternative age band eg under 25, 25 to 30, 30 to 35, 35 to 40, 40 to 45, 45 to 50, 50 to 55, 55 to 60, 60 to 65, 65 to 70 and over 70,**
- 6. Whether they were subjected to a language telephone test,**
- 7. Whether they attended observer training provided in Jan/Feb by the Department in Dublin.**

I refer also to the acknowledgement of your request which was sent to you on 20 February 2019.

Section 35(1)(a) of the Act stipulates that a head shall refuse to grant an FOI request if the record concerned contains information given to an FOI body in confidence and on the understanding that it would be treated by it as confidential. The 2018 Call for Election Observers Volunteer Information Booklet, which accompanied the selection process, stated that applications would be treated in strict confidence. A copy of the Booklet is attached to this response. For ease of reference, the relevant references in the Booklet are:

- *Page 4:*
"Applications must be made on the official application form and will be treated in strict confidence."
- *Page 5:*
"Confidentiality"
Certain items of information, not specific to any individual, are extracted from computer records for general statistical purposes. Subject to the provisions of the Freedom of

Information Acts, 1997, 2003 and 2014, applications will be treated in strict confidence”.

- Page 7:

*“Under these standards the Department of Foreign Affairs and Trade is obliged to:”
... “treat all Volunteers in a fair, impartial and equal fashion and ensure that their applications are dealt with in confidence;”*

In accordance with the commitment that applications be treated in strict confidence, I have refused release of the names, or other personal data, of roster members under the FOI Acts. In arriving at this decision, I am also mindful of the Department’s obligations under the General Data Protection Regulation and the Data Protection Acts.

You wrote to the Department on 8 March 2019 regarding section 44(1) of the Data Protection Act 2018 which permits the disclosure of personal data as follows: “For the purposes of Article 86, personal data contained in a record may be disclosed where a request for access to the record is granted under and in accordance with the Act of 2014 pursuant to an FOI request.” While the Department may decide to disclose certain personal information in defined circumstances, I have also considered Section 29(1)(b) of the FOI Act and I am satisfied that consideration of the public interest in respect of elements of the requested items below cannot be made while the security vetting process is ongoing, including consideration of the release of names.

In other instances, and mindful of the particular degree of transparency which attaches to the Irish election observation register, including the information made available by this Department on a systematic basis, and noting information made available to members of the Houses of the Oireachtas over the past five years, I deem the public interest in this matter to be adequately discharged.

I have made a decision to part grant your request in a way which does not allow for the identification of any individual and on the basis of information which has already been captured for statistical purposes, as detailed in the table below.

Information Requested	Granted/Refused – Details
1. Name of Person	Refused The request to disclose the names of individual roster members is refused. To disclose the names of those shortlisted to the roster while the security process is ongoing is contrary to the public interest. In addition, the information sought is personal information which was given in confidence. As there is no way of disclosing names in a group or anonymized fashion, this item is refused as per Sections 29(1)(b), 35(1)(a) and 37(1). Section 29 29. (1) A head may refuse to grant an FOI request—

	<p>(b) the granting of the request would, in the opinion of the head, be contrary to the public interest</p> <p>Section 35 35. (1) Subject to this section, a head shall refuse to grant an FOI request if— (a) the record concerned contains information given to an FOI body, in confidence and on the understanding that it would be treated by it as confidential (including such information as aforesaid that a person was required by law, or could have been required by the body pursuant to law, to give to the body) and, in the opinion of the head, its disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further similar information as aforesaid should continue to be given to the body</p> <p>Section 37 37. (1) Subject to this section, a head shall 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</p>
<p>2. Gender of Person</p>	<p>Part Granted. The request to disclose the gender of individual roster members is refused as per Sections 35(1)(a) and 37(1). However, it is possible to part grant the request by providing a breakdown based on the applications received as follows:</p> <ul style="list-style-type: none"> - Total number on the roster who declared as female on their application form: 78 - Total number on the roster who declared as male on their application form: 88 - Total number who did not declare a gender on their application form: 35
<p>3. Profession</p>	<p>Refused. The information sought does not exist. While the application form included a box for information on relevant aspects of an applicant's career history, this information was not captured electronically for statistical or other purposes. The request is refused as per Section 15(1)(a).</p> <p>Section 15 15. (1) A head to whom an FOI request is made may refuse to grant the request where— (a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken</p>


	<p>The requester may also wish to note section 15(1)(c) of the Act:</p> <p>Section 15 15. (1) A head to whom an FOI request is made may refuse to grant the request where— (c) in the opinion of the head, granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, require the retrieval and examination of such number of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of work (including disruption of work in a particular functional area) of the FOI body concerned</p>
4. Address of City that lived at time of application	<p>Refused.</p> <p>The information sought does not exist. While applicants provided their addresses in their applications, this information was not captured electronically for statistical or other purposes. The request is refused as per Section 15(1)(a). The requester may also wish to note section 15(1)(c).</p>
5. Date of birth, or alternatively age or in the alternative age band eg under 25, 25 to 30, 30 to 35, 35 to 40, 40 to 45, 45 to 50, 50 to 55, 55 to 60, 60 to 65, 65 to 70 and over 70,	<p>Refused.</p> <p>The information sought does not exist. The application form did not request information on names or dates of birth. The request is refused under Section 15(1)(a).</p>
6. Whether they were subjected to a language telephone test	<p>Granted</p> <p>The language levels of those shortlisted to the roster who claimed on their applications to speak French, Portuguese or Spanish to a proficient or very proficient level are being assessed on an ongoing basis. As of 13 March 2019, 36 individuals have had their spoken level of French, Spanish or Portuguese assessed via a telephone conversation. 55 assessments are remaining.</p>
7. Whether they attended observer training provided in Jan/Feb by the Department in Dublin.	<p>Granted</p> <p>Of the individuals shortlisted to the roster, 164 attended observer training in person in January and February 2019 (one day training session, held on 4 separate dates to maximise participation). Video streaming was made available to those overseas, with 26 individuals participating via streaming. The Department is planning one final training session.</p>

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 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



Aoife Ní Fhearghail

Deputy Director

Civil Society and Development Education Unit