



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

Our Ref: Our Ref FOI/Req/19/353

16th January 2020

Dear Mr. Power,

I refer to your recently submitted request, Our Ref FOI/Req/19/353, made under the terms of the Freedom of Information Act 2014, for access to records held by this Department, as follows:

All correspondence between Mísean Cara and the DFA from 1st January to 5th December 2019, including any grant applications.

I am the responding officer in this case. I have 92 identified records that fall within the scope of your request, of which 87 have been released in full. Records 1 and 2 relate to the safeguarding report commissioned by Mísean Cara into the St. John of God's Order in Malawi, which was released to the Department in confidence. On the 21st October 2019, the Office of the Information Commissioner affirmed the decision of the Department not to release the report. The Senior Investigator found that on balance the public interest would not be better served by releasing the report. She found that the report was exempt under section 36(1)(b) of the FOI Act and that parts of record were exempt under section 37 of the FOI Act.

Section 35(1) (a) Information Provided in Confidence

Record 30 relates to further correspondence from Mísean Cara to the Department in relation to the Order. This correspondence was provided to the Department on the understanding that it would be treated as confidential. I have weighed carefully the public interest test in applying section 35 (1) (a) of the Act and considered the right of the public to access information, the importance of public scrutiny of bodies in receipt of public funds and accountability in relation to the manner in which such funds are applied. However, disclosure would constitute a breach of a duty of confidence as the letter was provided to this Department in confidence on the mutual understanding that it would be treated by the Department as confidential. As such, I am satisfied that the balance favours refusal of this confidential letter.

Records no 39 and 76, which relate to the two funding tranche requests from Mísean Cara, have had the organisation's bank details redacted. In addition, where personal details such as personal emails or phone numbers have been included in the correspondence, these have also been redacted.

Records no 33 and 41 relate to the draft and final Report of the Monitoring Visit conducted by the Department to Misesan Cara Projects in India. One section, one paragraph and one sentence of the Report have been exempted for security reasons.

Section 32 (1) (b) Law enforcement and public safety

With regard to information refused under Section 32 of the Act, Law enforcement and public safety, this relates to a security issue at one of the five projects visited. Access to this part of the record concerned could, reasonably be expected to endanger the life of safety of certain people in the project area.

Section 33 1 (d) Security, Defence and International relations

With regard to information refused under Section 33 of the Act, Security, Defence and International relations, section 1.2 on the context in India and a sentence on page 23 have been redacted. Access to these parts of the report could reasonably be expected to adversely affect bilateral relations between Ireland and the Government of India.

I have weighed carefully the public interest test in applying Sections 32(1) (b) and 33 1 (d) of the Act and considered the right of the public to access information, the importance of public scrutiny of bodies in receipt of public funds and accountability in relation to the manner in which such funds are applied. As such, I am satisfied that the balance favours exempting one section, one paragraph and one sentence rather than releasing the full record on this occasion.

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 02 DX45 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.

You may make an 'application for review' of this decision to the Information Commissioner no later than six months from the date of this letter. There is a fee of €50 (€15 for medical card holders) for non-personal appeals.

Yours sincerely



Ger Considine