



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

Our Ref: Fol/Req/20/033

13 March 2020

Dear Ms. Ferguson,

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. The mandate/instruction for the agenda item ‘legislative transparency’ before the meeting, the report after the meeting and all other documents that refer to the agenda item ‘legislative transparency’, for the following meetings:

- ***Coreper 18 December 2019***
- ***Coreper 12 June 2019***
- ***Antici Group 27 May 2019***
- ***Coreper 2 May 2019***
- ***Antici Group 4 December 2018***
- ***Working Party Information 25 October 2018***
- ***Antici 11 October 2018***
- ***Antici 4 September 2018***
- ***Coreper 18 July 2018***

2. The government’s response to the questionnaire on legislative transparency, from the Council General Secretariat (CGS), that came as a follow-up to the options paper distributed prior to the 11 October 2018 meeting and to the case study distributed prior to the 4 December 2018 meeting.

3. All other government documents that concern the ‘draft policy paper on legislative transparency’ from the CGS from the 13 July 2018.”

I refer also to the acknowledgement of your request which was sent to you on 19th February 2020.

I have identified **29 records** that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to **grant 10, part-grant 7** and **refuse 12** of the records.

Where access has been refused, the records are exempt from release under sections 15(1)(d); 33(3)(c)(ii) and 33(1)(d) of the Act.

For records exempted under Section 15(1)(d) – *Refusal on administrative grounds to grant FOI requests* – as referenced in the schedule, this is because documentation identified is already in the public domain.

For records exempted under Section 33(3)(c)(ii) - *Security, defence and international relations* – as referenced in the schedule, this is a mandatory exemption under the legislation and I am obliged to refuse access to records falling under that section.

For records exempted under Section 33(1)(d) – *Security, defence and international relations* – as referenced in the schedule, 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. It is important to maintain that mutuality of trust to protect and promote Ireland's interests internationally. I have considered the possibility and likelihood that the release of the records could result in negative consequences and their likely severity. I am satisfied that the balance favours refusal rather than release.

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



Shane Sargeant

Head of Press and Information Unit
Permanent Representation of Ireland to the EU