

Special Envoy on Freedom of Opinion and Expression

In response to the public interest in records relating to the appointment of a Special Envoy on Freedom of Opinion and Expression, the Department of Foreign Affairs has prepared this note. Following a search for records, a schedule has been produced and is available. It lists the records that were identified, whether they are to be granted, part-granted or refused.

Where records have been part-granted or refused, this has been done under exemptions outlined in the Freedom of Information Act 2014. The exemptions used are listed in the schedule. The use of the exemptions is explained below.

Section 28 (Meetings of Government)

Section 28 (1) (a) of the FOI act states that a head may refuse to grant an FOI request if the record concerned has been, or is proposed to be, submitted to the Government for its consideration by a Minister of the Government or the Attorney General and was created for that purpose. Record 066_74 is a memo to Government relating to proposed Ambassadorial and Special Envoy appointments and, as such, is exempt from release under Section 28 (1) (a). However, the proposed appointments mentioned in the memo are now in the public domain.

Section 28 (1) (c) states that a Head may refuse to grant an FOI request if the record concerned “contains information for a member of Government. . . for use by him or her solely for the purposes of the transaction of any business of the Government.” Record 117_102 contains information of this nature.

Section 33 (Security, defence and international relations)

Section 33(1)(d) stipulates that a head may refuse to grant an FOI request in relation to a record if, in the opinion of the head, its release could reasonably be expected to adversely affect international relations. Records 011_49, 012_50 and 013_51 have been partially refused on the basis that these records contain sensitive information encompassing the Department of Foreign Affairs’ internal analyses of the named countries, including bilateral relations, foreign policy issues, and UN Security Council voting intentions; Records 011_49d and 012_50d contain sensitive information on Ireland’s approach to campaigning for UN elections.

This section of the Act also applies to sensitive information contained in Records 016_52, 017_53 and 046_62, specifically the naming of countries with which Ireland has foreign relations, on the basis that it would adversely affect Ireland’s international relations. This has resulted in the partial redaction of these records.

Section 33 (3)(c)(ii) stipulates that a head shall refuse to grant an FOI request if the disclosure of information communicated to an ‘international organisation of states or a subsidiary organ of such an organisation’ is prohibited. UNFPA has advised that the disclosure of record 010_48 is prohibited by the organisation, specifically 9.2 of its Information Disclosure Policy.

The Department has weighed carefully the public interest test in applying the exemption and, on balance, the adverse effect that releasing this information could have on international relations – in

particular, the prejudicial impact it could have on Ireland's international relations – outweighs the public interest in releasing these documents.

Section 37 (Personal Information)

While Section 37(1) provides for the mandatory exemption of records, we are still obliged to consider whether the public interest would be best served by releasing the records in full. Under Section 37(1) 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.

The information redacted under this provision relates to personal contact information – viz. mobile telephone numbers of officials, as well as the email addresses and telephone numbers of officials of an international organisation. The text of Record 040_55 is also extensively redacted on that basis that it pertains to the personal circumstances of an official of the Department of Foreign Affairs. It should be noted that this information is not relevant to the substance of the FOI request.

Otherwise, the records are complete. Having considered the public interest in releasing these records in full against the right of individuals to have their personal information remain private and we are satisfied that the public interest is better served by providing partial access to the records in question.