



An Roinn Gnóthaí Eachtracha
Department of Foreign Affairs

Our Ref: Fol/Req/21/054

Date 9th April 2021

Dear Mr Foxe,

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:

'Copies of any records held referring or relating to the issue of residual positive Covid-19 among Irish people stranded abroad, or foreign nationals stranded in Ireland due to pandemic travel rules. This request to cover the period 1 Jan 2021 to date of receipt of this request.'

I refer also to the acknowledgement of your request which was sent to you on 24th February 2021.

I have identified 90 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant 1, part-grant 86 and refuse 3 of the records.

Where access has been refused in records 64,66 and 68, the records are exempt from release under Section 33(1)(d) (which allows for the refusal of a record if, in the opinion of the responding officer, access to it could reasonably be expected to affect adversely the International Relations of the state). These records relate to discussions between an Embassy/ Consulate and a local authority in a host country in order to assist a citizen requesting consular assistance in that country. Our Embassies and Consulates in host countries rely on maintaining a good working relationship with the local authorities in order to provide consular assistance to Irish citizens abroad. I have taken into account the benefits of releasing this correspondence versus the potential harm to the vital working relationship between the mission and local authority and the importance of maintaining such a relationship in order to assist Irish citizens requiring consular assistance in the future and I have decided to refuse on that basis.

The records that are part-granted have been redacted on the basis exemption of Section 33(2)(b)(ii) (which allows for the refusal of a record if, in the opinion of the responding officer, access to it could reasonably be expected to affect adversely the International Relations of the state). The records relate to information communicated from a mission in confidence regarding the advice and opinions on a sensitive consular case the release of which could reasonably be expected to affect adversely the international relations of the state.

Where access has been part-granted, the records have been redacted and are exempt from release under Section 37(1) (access would involve the disclosure of personal information). While Section 37(1) Personal Information is a mandatory exemption, I am still obliged to consider whether the public interest would be best served by releasing the records in full. I have taken into account the benefit to the public to be given access to correspondence in a manner which demonstrates the transparency and accountability of the Department. In the main, the information redacted relates to personal contact information as well as passport numbers and other such personal identifiers that have been provided to the Department and our Missions by citizens and does not affect the substance of the record. I have particularly considered whether releasing the personal information would provide any additional benefit in this regard. I have weighed this against the right of individuals to have their personal information remain private and have found that there is a clear prerogative for this information to remain private. The records (64,66 and 68) refused for release under Section 37(1) (access would involve the disclosure of personal information) is a mandatory exemption, as these records contain detailed discussions on a consular case which includes personal contact details and other personal identifiers that were collected from a citizen requesting consular assistance.

The 3 records that have been refused and 6 records that have been part-granted which have been redacted are exempt for release under Section 35(1), as the records contain information given in confidence and on the understanding that it would be treated as confidential. This includes sensitive information provided by citizens requesting consular assistance. I believe that the release of this information would prejudice the giving of further similar information to the Department, which would have a major impact on the Department's ability to manage sensitive consular cases as well as future complex cases. I believe that it is of vital importance to the work of the Department that further similar information should continue to be provided.

It remains an uncertain time for international travel, and as you will be aware a Government Advisory remains in place against all non-essential travel. The Government has put in place a number of public health measures for persons travelling to Ireland including a requirement for a pre-departure RT-PCR test taken within 72 hours prior to arrival in Ireland. The Department has been advised by the Department of Health that there are currently no exemptions from the pre-departure test requirement for persons who continue to test positive for COVID-19 for a period after they initially contacted the virus. As you will appreciate, the various measures were agreed by the Government to protect public health and to mitigate the risk of new variants of COVID-19 entering the country. The Department and Irish Embassies and Consulates around the world continue to provide consular assistance to citizens who have found themselves in this situation abroad. This includes advice by telephone for which no records are retained.

As regards the second part of your request, there are a small number of records relating to foreign nationals stranded in Ireland due to COVID-19 travel restrictions in the country they wish to return to. Foreign Embassies in Ireland will also be providing advice and assistance to their citizens in such situations.

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, 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, (€10 for medical card holders). A copy of the medical card should be provided to avail of the reduced fee. For methods of payment, please contact FOI Unit at foi@dfa.ie, or 01-4082618.

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

Claire Thompson