



An Roinn Gnóthaí Eachtracha agus Trádála
Baile Átha Cliath 2

Department of Foreign Affairs and Trade
Dublin 2

Our Ref: Fol/Req/18/157

13 July 2018

Dear Mr. Barrett,

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:

'All electronic and written correspondence between Mr. Jim D'Arcy and the Minister for Foreign Affairs and Trade, and also with the Director General of the Department's Ireland, UK Americas Division in the Department of Foreign Affairs and Trade, including letters, memos, background papers, preparatory advice, documents in relation to Mr. D'Arcy's role as an adviser on matters pertaining to Northern Ireland and Brexit from 1st October 2017 to the present day.'

I refer also to the acknowledgment of your request which was sent to you on 5 July 2018.

I have identified 4 records that fall within the scope of your request. The records are listed in the schedule attached. To note, that I have categorised a series of text messages over the timeframe of this request as one record for the purposes of your request. I have made a decision to, part-grant three records and refuse one record.

Where access has been refused or part-granted, the records are exempt from release under Section 30 – Functions and Negotiations of FOI bodies, Section 33 – Security, defence and international relations, Section 35 – information obtained in confidence and Section 37 – Personal Information.

I have exempted certain Information from release under Section 30(1)(c) – *records which, if released, could reasonably be expected to disclose positions taken, or to be taken, or plans, procedures, criteria or instructions used or followed, or to be used or followed, for the purpose of any negotiations carried on or being, or to be carried on by or on behalf of the Government.* In relation to the records falling under this exemption, the public interest arguments I have considered in favour of release include an opportunity to facilitate scrutiny of decision making processes and the need for the public to be better informed. The argument I have considered against release is that access to the information at this time could negatively impact future negotiations without countervailing benefit to the wider public. On balance I believe the public interest is better served by refusing the release of this record.

I have also refused access to certain information under Section 33(1)(c) – records which, if released, could reasonably be expected to adversely affect matters relating to Northern Ireland. In relation to the records falling under this exemption, I have considered the public interest and believe it is better served by refusing the release of this record. The Department of Foreign Affairs and Trade works to support peace and further reconciliation in Northern Ireland, in support of the Government's role as a co-guarantor of the Good Friday Agreement. The Department's strongly held view, based on direct knowledge and experience in this area, is that the granting of access to these records will adversely affect the Department's ability to carry out its functions in matters relating to Northern Ireland.

Under Section 35(1)(a) – I have refused access to information given in confidence and on the understanding that it would be treated as confidential and the disclosure of which, in my opinion, would be likely to prejudice the giving of further similar information from the same person or other persons and it is important that such further similar information is provided. I have balanced the right of the public to access information with the likely harm that release of this record would do to the work of this Department and in that light have refused access.

I have also refused access to personal information under Section 37 (1).

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



Eilís O'Keeffe

Ireland, UK and Americas Division,
Department of Foreign Affairs and Trade