



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

Our Ref: Fol/Req/18/229

12 September 2018

Dear Mr Gavin

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. *Minutes / briefings / memos relating to the correspondence and meeting between Donal Moriarty and Laurence Gourley, and Second Secretary General Rory Montgomery, as outlined in the following lobbying return:*

<https://www.lobbying.ie/return/28642/aer-lingus>

I have identified 4 documents that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to part grant access to the documents listed on the basis of sections 29, 30, and 36 of the Freedom of Information Act 2014, as amended.

In relation to records exempted under **Section 29** of the Act - *Deliberations of FOI Bodies*, I have considered whether the public interest would be better served by releasing the records in question in terms of the right of the public to have access to information and the need for transparency in decision making process. Given the source and nature of the records I am satisfied that premature release of certain records would negatively impact on the decision-making processes of this Department and other Government Departments. On balance, the public interest would not be best served by fully releasing these records.

As regards records exempted under **Section 30** of the Act - *Functions and Negotiations of FOI Bodies* as I am satisfied that premature release of certain records would disclose positions taken, or to be taken, or plans, procedures, criteria or instructions used or followed, or to be used or followed, for the purposes of negotiations carried on or being, or to be, carried on by or on behalf of the Government or the Department. I have considered whether the public interest would be better served by releasing the record in question in terms of the right of the public to have access to information and the need for an open and accountable civil service. However, I am satisfied that on balance the public interest would not be best served by releasing the information.

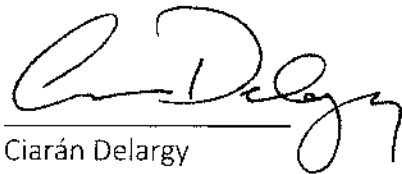
In relation to records exempted under Section 36 of the Act – *Commercially sensitive information*, in examining the records I have taken the public interest into account, inter alia, the need to achieve openness, transparency and accountability in decision-making. I have considered whether the public interest would be better served by releasing the record in question in terms of the right of the public to have access to information and the need for an open and accountable civil service. To ensure the companies concerned would not be unduly impeded in the effective pursuit of their business, I have decided the wider public interest is best served by refusing access to the commercially sensitive information contained within the scheduled records.

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



Ciarán Delargy