

AN ROINN GNÓTHAÍ EACHTRACHA

DEPARTMENT OF FOREIGN AFFAIRS

BAILE ÁTHA CLIATH 2

DUBLIN 2

Our Ref: FoI/Req/15/107  
Mr. Mark Hilliard

15 December 2015

Dear Mr Hilliard,

I refer to the request which you have made under the Irish Freedom of Information Act 2014 for access to records held by this Department, as follows:

*In accordance with the Freedom of Information Act 2014, I request the following records which I believe to be held by the Department of Foreign Affairs:*

- *Copy of all records held by the department relating to the issue of Irish citizens/students travelling on summer J1 visas to the US.*
- *The documents in question should cover the period from November, 2014 to November, 2015, inclusive.*

I refer also to our telephone conversations in which it was clarified that your primary interest was in high-level interactions relating to the functioning of the J1 programme. Consequently, and given the large volume of records on file, we agreed to exclude (i) records relating to consular cases; (ii) ministerial representations; (iii) e-mails from third parties; and (iv) e-mails with a primarily administrative function. Finally, I refer to the acknowledgement of your request which was sent to you on 13 November 2015.

I have identified 169 records that fall within the scope of your request. The records are listed in the schedule attached. In the schedule, I have provided a short description of the record and the date of the correspondence in each case. I have decided to grant/part-grant 22 records. I have decided to refuse access to 147 records.

Thirteen of these records have been refused under Section 15.1(d) of the Freedom of Information Act 2014. Under Section 15.1(d) of the Act, records which are already in the public domain may not be released. I have provided website links in the schedule to information which has been refused under Section 15.1(d).

Six of the records have been refused under Section 28.1(c) of the Freedom of Information Act 2014. As these records contain information and advice supplied to a member of the Government for the purpose of the transaction of Government business at a meeting of the Government, I have decided to refuse access to all six records.

Seventy-eight records have been refused under Section 30.1(c) of the Freedom of Information Act 2014. Section 30.1(c) concerns positions which have been taken up for the purpose of

negotiations on behalf of the Government or an FOI body. Consequently, I have carefully considered and have decided to refuse access to these records.

I have decided to refuse access to seventy-nine of these records under Section 33.1(d) of the Freedom of Information Act 2014. Under Section 33.1(d) of the Act, access to a record may be denied if release of the record can reasonably be expected to adversely affect the international relations of the State.

Thirty-one records have been refused under Section 33.2(b) of the Freedom of Information Act 2014 which prohibits the release of communications between officials of a Government Department and a diplomatic mission in the State. The refused records include communications between officials from the Department of Foreign Affairs or Embassy Washington and officials in the US State Department or the US Embassy in Dublin.

I have refused access to forty records under Section 35.1 of the Freedom of Information Act 2014, which requires that an FOI request shall be refused when a record contains information given in confidence. These forty records include confidential information which was provided to the Department of Foreign Affairs by a range of external sources.

I have also refused access to fifty-six records under Section 36.1 of the Freedom of Information Act 2014. Under Section 36.1 of the Act, I have a mandatory obligation to refuse access to records which contain commercially sensitive material.

Finally, I have refused access to four records under Section 37.1 of the Freedom of Information Act 2014. Under Section 37.1 of the Act, I am obliged to refuse to grant access to records which contain personal information relating to an individual.

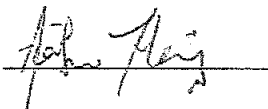
Sections 15.1(d), 28.1(c), 30.1(c), 33.1(d), 33.2(b), 35.1, 36.1 and 37.1 of the Irish Freedom of Information Act 2014 are set out in Annex 1 for your information.

### **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@dfat.ie](mailto:foi@dfat.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@dfat.ie](mailto:foi@dfat.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,



Aoife Fleming,  
Americas Unit