

AN ROINN GNÓTHAÍ EACHTRACHA
DEPARTMENT OF FOREIGN AFFAIRS
BAILE ÁTHA CLIATH 2
DUBLIN 2

26th February 2016

Mr Ciaran D'Arcy
The Irish Times
Tara Street
Dublin 2

Our Ref: FoI/Req/2016/011

Dear Mr D'Arcy,

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

“The number of times the Department has entered into correspondence with the UK foreign office or any government departments, diplomatic missions and policing or security agencies of the UK regarding possible terrorist threats or operatives in Ireland, or terrorist operatives who may have travelled abroad from Ireland. This should include all such correspondence sent and received by the Department between 1st January 2014 and 31st December 2015.

The number of times the Department has entered into correspondence with the US state department or any other government departments, diplomatic missions and policing or security agencies within the US regarding possible terrorist threats or operatives in Ireland, or who may have travelled abroad from Ireland. This should include all such correspondence sent and received by the Department between 1st January 2014 and 31st December 2015”.

I refer also to the acknowledgement of your request which was sent to you on 17 February 2016.

Decision

I have reviewed your request and have determined that it falls within the scope of Section 33(1), (2) & (4) of the Act. This Section states that

“A head may refuse to grant an FOI request in relation to a record (and in particular but without prejudice to the generality otherwise of this subsection, to a record to which subsection (2) applies) if, in the opinion of the head, access to it could reasonably be expected to affect adversely—

- (a) the security of the State,
- (b) the defence of the State,
- (c) matters relating to Northern Ireland, or
- (d) the international relations of the State.

(2) This subsection applies to a record that—

(a) contains information that relates to the tactics, strategy or operations of the Defence Forces in or outside the State, or

(b) contains a communication between a Minister of the Government or his or her Department or Office and a diplomatic mission or consular post in the State or of the State or a communication between the Government or an officer of a Minister of the Government or another person acting on behalf of such a Minister and another government or a person acting on behalf of another government—

(i) other than where such information was communicated in confidence or relates to negotiations between the State and the other state in question or in relation to such a state, or is a record of that other state containing information the disclosure of which is prohibited by that state, or

(ii) other than a record containing analysis, opinions, advice, recommendations and the results of consultations or information the release of which, in the opinion of the head, could reasonably be expected to affect adversely the international relations of the State,

in which case (that is to say, either of the cases falling within subparagraph (i) or (ii)), the request shall be refused.

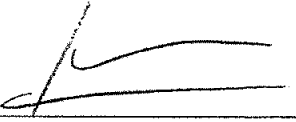
(4) Where an FOI request relates to a record to which subsection (1) applies, or would, if the record existed, apply, and the head concerned is satisfied that the disclosure of the existence or non-existence of the record would prejudice a matter referred to in that subsection, he or she shall refuse to grant the request and shall not disclose to the requester concerned whether or not the record exists”

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. 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, 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,



Ian Devine

26 February 2016