



An Roinn Gnóthaí Eachtracha agus Trádála
Baile Átha Cliath 2

Department of Foreign Affairs and Trade
Dublin 2

7 July 2014

Lucinda Creighton T.D.
Dáil Éireann
Leinster House
Kildare Street
Dublin 2

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Re: FoI/Req/2015/056

Dear Deputy Creighton,

I refer to the request which you made under the Freedom of Information Act 2014 for records held by this Department.

The initial three part request in your letter dated 9 June 2015 was later amended, in an e-mail from Hugh McDowell on 24 June 2015, to cover only “current risk registers” i.e. part 3 of the original request which sought:

“Copies of the most recent edition of any register of risks which exists with the Department of Foreign Affairs and Trade as part of the department’s wider risk management framework”

I, Sarah McGrath, Director of the Strategy and Performance Unit, have now made a final decision to refuse your request on 7 July.

The purpose of this letter is to explain that decision. This explanation has the following parts:

1. a schedule of all of the records covered by your request;
2. an explanation of the relevant findings concerning the records to which access is denied, and
3. a statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these three parts in turn.

1. Schedule of records

A schedule is enclosed with this letter, it shows the documents that this body considers relevant to your request. It describes each document and refers to the sections of the FOI Act which apply to prevent release.

2. Findings, particulars and reasons for decisions to deny access

The refusal to release these documents is based upon the exemptions in the Act relating to “Deliberations of FOI bodies” (s29) and “Functions and negotiations of FOI bodies” (s30), as well as “Security, defence and international relations” (s33) (1) (c) (s33) (1) (d).

In relation to **section 29**, I have considered whether the public interest would be better served by releasing the records in question. The factors I have considered include the right of the public to have access to information; the need for an open, transparent and accountable civil service and the need for decision-making processes to be adequately scrutinised. However, I am satisfied that the public interest would not be best served by the release of these records.

This decision is grounded in the fact that the risk management process is an increasingly important management tool which is part of the deliberative process of the organisation and informs, on an ongoing basis, senior management decision making. The public interest is best served by a well-managed, effective and efficient Department of Foreign Affairs and Trade, underpinned by a robust risk management system. This, of necessity, includes a requirement for up to date detailed risk registers, which if released, could result in those with access to it becoming aware of significant decisions likely to be taken by Department.

In relation to **section 30** my decision is informed by the assessment that the Department’s risk registers should be considered “examinations” conducted by the Department as per s30 (a) of the Act and that release would prejudice their effectiveness. Release would also have a significant adverse effect on the organisation’s management function as per s30 (b) of the Act. As outlined above risk management is central to effective management in organisations and the Department is working to make it increasingly integral to day to day management. A crucial element to achieving this is creating an environment where officers can identify risks secure in the knowledge that this is a positive contribution to improving the Department’s functioning rather than potentially exposing weaknesses. The release of the Department’s risk registers could reasonably be expected to result in underreporting of risk. This would undermine the effectiveness of registers (examinations) and thus the management function of the Department

In weighing these adverse consequence against the public interest, I have again considered the right of the public to have access to information; the need for an open, transparent and accountable civil service and the need for decision-making processes to be adequately scrutinised. I am satisfied that the balance favours refusal rather than release on this occasion.

I have also considered **section 33** of the Act in making my decision. The Department of Foreign Affairs and Trade operates in a complex and diverse environment, given both the range of its work and the variety of locations where it operates and this is reflected in the organisation’s risk registers. Release of these registers could reasonably be expected to adversely affect matters relating to Northern Ireland and the international relations of the State. In particular, their release could harm the ability of the Department to carry out negotiations or fulfill its functions; endanger the security of the Department and its staff; create difficulty in the conduct of relations between this country and other States; substantially impair good working relationships between this country and another State, thereby prejudicing the future supply of information required for the effective conduct of our foreign policy; or harm the financial and economic interests of the State. I have considered the possibility and likelihood that the release of these records could result in negative

consequences, and their likely severity. On balance, I believe that significant, adverse consequences could reasonably be expected to occur if these records are released.

3. Rights 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.

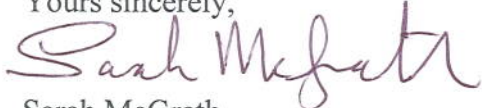
You should make your appeal within 4 weeks (20 working days) from the date of this notification. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this Department.

4. Additional Information outside the scope of the Act

The Department of Foreign Affairs and Trade updated its Risk Management Policy in 2014 and, given your interest in the subject matter, I am forwarding to you a copy of that policy for your information.

Should you have any questions or concerns regarding the above, please contact me by telephone on 01 408 2684.

Yours sincerely,



Sarah McGrath
Director, Strategy and Performance Unit
Department of Foreign Affairs and Trade