

26/09/16

Our Ref: FoI/Req/16/123
Mr Barry Williams
Irish4Israel,
Suite 5112,
Unit 1
77 Sir John Rogerson's Quay
Dublin 2

Dear Mr Williams,

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 records of correspondence held by the Middle East Unit in the Department of Foreign Affairs and Trade between the Department and diplomatic representatives of i) Israel and ii) the Palestinian Authority on the subjects of human rights, the peace process and the two state solution between 01/01/2015 and 31/12/2015.

I refer also to the acknowledgement of your request which was sent to you on 30 August 2016.

I have identified 13 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant the release of 4 records, part-grant the release of 3 records and refuse the release of 6 records.

Where access has been refused, the records are exempt from release under sections 29, 30, 33, 35 and 37 of the FOI Act.

In relation to Section 29 of the Act, Deliberations of FOI Bodies, I have exempted Record 3. 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 transparency in decision making process. However, given the sources and nature of the records I am satisfied that on balance the public interest would not be best served by releasing the information.

I have exempted records 11 and 13 under Section 30 –Functions and Negotiations of FOI Bodies as release of the information would disclose positions taken by the Department. As outline above, release of the information would have a signification adverse impact on the effective conduct of international relations by this Department. I have considered the right of the public to have access to information and the need for an open and accountable civil service. I am satisfied that the balance favours refusal rather than release.

The Department of Foreign Affairs and Trade is responsible for managing relations between Ireland and 178 countries. In order to effectively carry out this role, the conduct of international relations depends upon the creation and maintenance of trust and confidence between governments. If the Department does not maintain the mutuality of trust, its ability to protect and promote Ireland's interests through the effective conduct of international

relations will be hampered and could reasonably be expected to adversely affect the international relations of the State. For these reasons, I have exempted access to Records 2, 3, 6, 7, 8, 11, 12 and 13 under Section 33 of the Freedom of Information Act, 2014.

Section 35 (1) (a) of the Freedom of Information Act, 2014, establishes a duty to refuse access to a record if it contains information given in confidence and on the understanding that it would be treated by it as confidential. I am required to apply public interest arguments in favour of releasing or withholding the information. The factors I have considered include the right of the public to access information and the need for an open and accountable civil service. However, I feel that releasing the information would impair both future sources of important information and the decision making of the Department. On balance I am satisfied that the public interest is best served by not releasing the records. I have exempted access to Records 2, 3, 6, 7, 8, 11, 12 and 13 under Section 35 of the Act.

In relation to Record 10 I have exempted certain personal information.

I note for information that the Department has regular face to face meetings with the diplomatic representatives of Israel and the Palestinian Authority.

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



Conor Long
Deputy Director
Middle East Unit
Department of Foreign Affairs

26/09/16