

11 November 2016

Mr. Ken Foxe,
Freelance Reporter/Assistant Lecturer/DIT

Our Ref: FoI/Req/2016/146

Dear Mr Foxe,

I refer to the request which you made on 27 September 2016 under the Freedom of Information Act 2014 in which you requested:

Copies of all records - to include emails, memos, letters, and so on - relating to cost and possibility of reviewing accommodation arrangements for the Irish Ambassador to Tokyo. This period to cover the period 1 January 2015 to the date of receipt of this request.

I also refer to the acknowledgement of your request which was sent to you on the 7 October.

The Embassy in Tokyo has proposed that the State purchase a site and use a *PPP* (Public Private Partnership) model to develop a new Embassy/Ireland House and official and staff accommodation in Tokyo that would be funded through the rental stream. Were such a proposal to be agreed, this potential model could be used to allow the Department to develop new Embassy/Ireland House arrangements in other strategic partner country locations by making a capital investment which in the longer term enables the Department to convert a rent stream into a capital asset for the State. The proposal in Tokyo would significantly enhance Ireland's footprint and prestige in this strategic market.

Our diplomatic missions abroad perform a wide range of functions in support of Ireland's foreign policy interests. These include frontline consular and passport services to citizens overseas; engaging with and supporting Irish communities; representing and advancing Government policies with other States; and economic, trade and cultural promotion.

The State Agencies, in partnership with the Embassy, showcase Ireland as a centre of excellence in areas such as research and development, fin tech, ICT, agri-food, tourism and culture.

It is worth recalling how important this work is for Ireland. Japan remains the largest source of Foreign Direct Investment from Asia into Ireland and the largest market for our exports in Asia. There was €7 billion worth of trade in goods and services between our two countries in 2014, the latest year for which full figures are available.

Safeguarding and developing this economic relationship is one of the key reasons why we have a diplomatic presence in Tokyo, and why we have an embassy and official residence.

Economic diplomacy and the promotion of Ireland's economic interests overseas is vital to the wellbeing of our economy. In this regard, we are committed to using all the resources at our disposal - including our diplomatic missions and official residences overseas - to promote Ireland's economic and trading interests, cultural profile and reputation internationally.

I am the deciding officer for your request. I have identified 278 records that fall within the scope of your request. I have granted or part-granted you access to 65 of these records as set out in the attached schedule, electronic copies of which are attached.

Under Section 29 of the Act, *Deliberations of FOI Bodies*, 161 of the 279 records scheduled have either been part-granted or refused. 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, the need for transparency in decision-making processes and the need for an open and accountable Civil Service. 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, disclose positions taken by the Department and would substantially impair the good relations we have with another State. On balance the public interest would not be best served by releasing these records.

The Department of Foreign Affairs and Trade is responsible for managing relations between Ireland and 178 countries. It operates in a complex and diverse international environment, in a variety of locations and under varying local laws and customs. In order to effectively carry out its 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 could reasonably be expected to be adversely affected. I have considered the possibility and likelihood that the release of records could result in negative consequences and their likely severity. In particular, their release could substantially impair the good working relations between this country and another State. In that light, I have refused access or part-granted access to 165 records under Section 33 of the Act, *Security, defence and international relations*. In the case of records refused under Section 33 (2) (b) (i) refusal of access is mandatory. The Embassy has had an official response from the Japanese authorities stating that no communications between the authorities and the Embassy should be disclosed citing a provision of the Japanese FOI Act equivalent which would serve to exclude such records.

For records which have been exempted under Section 36 of the Act, *Commercially sensitive information* I am obliged to refuse access to a record if it contains:

information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business and/or could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates. I am required to apply public interest arguments in favour of releasing or withholding the information. The factors I have considered include the need to enhance the transparency around the workings of the Department and to enable proper scrutiny of the processes of decision. However, I feel that releasing the information would have adverse business consequences for the organisations concerned, jeopardise the confidentiality of the Department's deliberative processes and impair the decision-making of the Department. On balance, I am satisfied that the public interest is best served by not releasing the records.

In Records 152, 153, 154, 217 and 273 I have exempted certain personal information under Section 37 (1) of the Act, *Personal 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. 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

James McIntyre
Counsellor
Finance Division
Department of Foreign Affairs & Trade