



An Roinn Gnóthaí Eachtracha agus Trádála
Baile Átha Cliath 2

Department of Foreign Affairs and Trade
Dublin 2

Our Ref: FOI/Req/16/167
Michael Sheils McNamee,

Dear Mr Sheils McNamee,

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 written communications, both electronic and physical, between the Department and representatives and officials from the British State
- These to be limited only to communications that refer to Britain's exiting the European Union.

I refer also to the acknowledgement of your request which was sent to you on 11 November 2016.

I have identified 5 records which fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant two of the records and refuse three.

Where access has been refused, the records are exempt from release under the following sections of the Act:

- Section 15(1)(d) applies to records which are already in the public domain, and for this record I have included a link to the documents in question.
- Section 33(1)(c) applies to records which if released could adversely affect "matters relating to Northern Ireland".
- Section 33(1)(d) applies to records which if released could adversely affect "the international relations of the State".
- Section 35(1)(a) applies to records which contain "information given to an FOI body, in confidence and on the understanding that it would be treated by it as confidential [...] and [...] its disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further similar information [...] continue to be given to the body".

Under Section 33 of the Act, I have considered the possibility and likelihood that the release of these records could adversely affect matters relating to Northern Ireland and the international relations of the State. I have also considered the public interest for records exempted under Section 35 of the Act. 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 to preserve a mutuality of confidence in the communication between this Department and our interlocutors. The Department is regularly provided with information on the basis that it be treated confidentially. Access to such information is essential in allowing the Department to fulfil its role and the release of such material could reasonably be expected to preclude further access to such information. The release of these records would

likely result in negative consequences for the Department and prejudice its ability to effectively discharge its functions. On balance, I am satisfied that the wider public interest is better served by not granting access to these records.

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



Kate Oliver