

4 April 2019

Our Ref: Fol/Req/19/096

John Mooney

UK Sunday Times (Ireland edition)

Dear Mr Mooney

I refer to your request made under the Freedom of Information Act (2014) of 4 March for access to records held by this Department, as follows:

Copies of all notes, records, [and] briefing documents concerning meetings held with Ireland's Permanent and Deputy Permanent Representative to the European Union and the following parties, between 2017 and 2018:

- 1. Netflix, Monique Meche, Netflix's Vice- President for Global Public Policy*
- 2. Christian Wagner and Lie Junius of Google and 3. Kent Walker of Google [Combined]*
- 4. Sheryl Sandberg, Facebook*
- 5. Microsoft*
- 6. Mr Jon Zieger, Stripe*

Also

.....'all records sent to and from the Permanent Representatives Offices and

- 7. the Chinese government, and*
- 8. the technology firm Huawei between 2017 and 2018.'*

I am the Deciding Officer in this case. I have made an extensive search and have identified 58 records that fall within the scope of your request. I have made a decision to grant 51 of the records, part—grant 1 of the records, and refuse access to 6. Where access has been refused, the records are exempt from release under the Freedom of Information Act 2014. The attached schedules listing the records and decisions, citing the provisions of the law applied.

Section 29 – Deliberations of FOI bodies

In relation to Section 29(1)(a) of the Act, 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 and the need for accountability and transparency in the decision-making processes of public bodies. However given the source and nature of these records I am satisfied that their release would negatively impact on the decision-making and information-sharing process of this Department. As such, on balance I have decided the public interest would not best be served in releasing these records.

Section 30 – Functions and Negotiations of FOI Bodies

Under Section 30(1)(c) of the Act, release of these records would disclose positions taken by the Department. As outlined above, release of the information would have a significant 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.

Section 35 – Information obtained in confidence

With regard to records refused under Section 35(1)(a) and (1)(b) of the Act, this relates to information given in confidence on the understanding that it would be treated as confidential. This is also a mandatory exemption. I have considered your right to access information however I am satisfied that releasing the information would impair future sources of such information and impair the workings of this Department without any countervailing benefit to the broader public interest.

Section 36 – Commercially sensitive information

In relation to records exempted under Section 36(1)(b) of the Act I have taken the public interest into account, inter alia, the need to achieve openness, transparency and accountability in decision-making. 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 an open, accountable civil service. To ensure the companies concerned would not be unduly impeded in the effective pursuit of their business, I have decided the wider public interest is best served by refusing access to the commercially sensitive information contained within the scheduled records.

Section 40 – Financial and economic interests of the state

In relation to records exempted under Section 40(1)(b), 40(1)(c) and 42(b) of the Act I have taken the public interest into account and, on balance, I have decided the public interest would not best be served in releasing 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 20 working days of 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


Eddie Brannigan

First Secretary

Head of Press and Information unit

Permanent Representation of Ireland to the EU