



**An Roinn Gnóthaí  
Eachtracha agus Trádála**  
Department of  
Foreign Affairs and Trade

Our Ref: Fol/Req/2019/160

Date 20 May 2019

Dear Mr. O'Connell,

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:

**'Copies of all correspondence, documents and minutes of meetings related to so-called IS bride Lisa Smith between the period 01 March 2019 and the present day.'**

I refer also to the acknowledgement of your request which was sent to you on 8 May 2019.

I have identified 82 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to part-grant the release of 19 records and refuse the release of 63 records.

In relation to the 19 records, the release of which has been part-granted, personal information has been redacted from all records under Section 37(1). Further information has been redacted from record number 35, under Section 28, as it relates to discussions at Cabinet. While Section 37(1) Personal Information is a mandatory exemption I am still obliged to consider whether the public interest would be best served by releasing the records in full. I have taken into account the benefit to the public to be given access to correspondence in a manner which demonstrates transparency and accountability of the Department. In the main, the information redacted relates to personal contact information and does not affect the substance of the record. I have particularly considered whether releasing the personal information would provide any additional benefit in this regard. I have weighed this against the right of individuals to have their personal information remain private and have found that there is a clear prerogative for this information to remain private.

I have decided to refuse the release of 61 records in accordance with section 30(1)(c) of the Act, on the basis that access to the records concerned could reasonably be expected to disclose positions taken, or to be taken, or plans, procedures, criteria or instructions used or followed, or to be used or followed, for the purpose of any negotiations carried on or being, or to be, carried on by or on behalf of the Department in relation to this highly sensitive

consular case. On balance, I believe the public interest test rests in not releasing these records at this time.

As these 61 records also relate to a deliberative process, I am also refusing the release of these records under 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, I am satisfied that the release of these records would negatively impact on the decision making and information sharing process of this Department and would adversely affect the ability of this Department to continue its work on this sensitive case and with the same interlocutors.

67 records have been refused release under section 37 (1) of the Act, as I believe that their release would involve the disclosure of personal information.

32 records have been refused release under section 32 (1) (b) of the Act as I believe their release could reasonably be expected to endanger the life or safety of an individual.

40 records have been refused release under section 33 (1) (d) as I believe their release could reasonably be expected to affect adversely the international relations of the State. International relations is the cornerstone of the work of the Department of Foreign Affairs & Trade. Our ability to conduct business with our international partners in confidence with regard to sensitive matters is fundamental to the conduct of international relations. I believe that the release of these records, which pertain to a highly sensitive consular case, would adversely affect the international relations of the State and the States' ability to engage with international partners in this and future sensitive consular cases.

One records has been refused release under section 33 (2) (b) (ii). This is a mandatory exemption where the record is a diplomatic communication and where release of the information could reasonably be expected to affect adversely the international relations of the State.

45 records have been refused release under section 35 (1) (a) as the records contain information given in confidence and on the understanding that it would be treated as confidential. I believe that the release of this information would prejudice the giving of further similar information to the Department, which would have a major impact on the Department's ability to manage this sensitive consular cases as well as future complex cases. I believe that it is of vital importance to the work of the Department that further similar information should continue to be provided.

Two records have been refused release on administrative grounds under S 15 (1) (d) on the basis that these records are already in the public domain.

### **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@dfa.ie](mailto:foi@dfa.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@dfa.ie](mailto:foi@dfa.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

A handwritten signature in cursive script, appearing to read 'Cathy Barnicle', written over a horizontal line.

Cathy Barnicle  
Consular Division