



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

Our Ref: Fol/Req/19/201

24 July 2019

Dear Ms Ní Aodha

I refer to the request which you have made under the Freedom of Information Act 2014 (the "Act") for access to records held by this Department, as follows:

1. *Correspondence from heads of state, ministers, or ambassadors from France, Germany, Belgium, Poland, Denmark and the Netherlands about the Irish border and Brexit, sent between 1 March - 25 June 2019.*
2. *The minutes of any meetings between the Minister/Department and heads of state, ministers, or ambassadors from France, Germany, Belgium, Poland, Denmark and the Netherlands regarding the same between the same dates.*

I have identified 16 documents that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision not to grant access to the scheduled documents listed on the basis sections 33(1)(c), 33(1)(d), 33(2)(b)(i), and 35(1)(a) of the Freedom of Information Act 2014", as amended.

For records exempted under Section 33- *Security, defence and international relations*, as referenced in the schedule I have considered the possibility and likelihood that the release of the records could result in negative consequences for Ireland's international relations and their likely severity. The Department of Foreign Affairs and Trade operates in a complex and diverse international environment. A mutuality of confidence exists in the communication between this Department and our interlocutors, particularly in respect of diplomatic communications. I have considered the possibility and likelihood that the release of these records could result in negative consequences, and prejudice the ability of this Department to effectively discharge its functions. To do otherwise would risk compromising the State's capacity to engage with international partners through diplomatic and other channels. This is particularly the case where records relate to analysis, actions and information obtained in confidence from external interlocutors who are engaging on what is still a live issue. On balance I am satisfied that the balance favours refusal rather than release.

For records exempted under Section 35- *Information obtained in confidence*, as referenced in the scheduled, I have taken into account the benefit to the public to be given access to correspondence that was provided in confidence and on the understanding that it would be

treated as confidential and am satisfied that granting of access to the scheduled records would be likely to prejudice the confidence of distributing further similar information from these sources, particularly where such information intersects with Section 33, described above. With these considerations I am satisfied that again, the balance favours refusal rather than release.

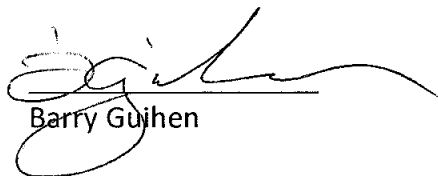
While Section 37(1)-*Personal Information* is a mandatory exemption, I am still obliged to consider whether the public interest would be best served by releasing the records in full. I have taken into account the benefit to the public to be given access to correspondence in a manner which demonstrates transparency and accountability of the Department. I have particularly considered whether releasing the personal information, which includes names, addresses, email addresses etc., and would provide any additional benefit in this regard. I have weighed this against the right of individuals to have their personal information remain private. The personal information which I have redacted does not have any bearing on the substance or detail of the records, and does not diminish or alter the views expressed, and as such, I am satisfied that on balance the decision to partially redact the records and remove identifiable information is correct.

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. 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, 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



Barry Guihen