



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

FOI/Req/19/295

8 November 2019

Dear Mr. Hayes,

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:

**A copy of the report 'Lessons Learned Study on Recent European and Canadian Military Deployments to UN Peacekeeping Missions in Africa (2013-2019)' and any records related to the discussion of this report at a meeting held at the office of the Permanent Representative in Brussels on 9 Oct 2019. This includes minutes, agendas and emails, especially to or from Mr. Noel White, ambassador to the EU Political and Security Committee.**

I refer also to the acknowledgement of your request which was sent to you on 21<sup>st</sup> October 2019.

I have identified 39 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant two, part-grant five and refuse 32 of the records. The purpose of this letter is to explain that decision.

**Findings, particulars and reasons for decisions to deny access**

The sections of the Act which can apply to deny access to records are known as its exemption provisions. Access to certain documents has been refused based upon the following exemption provisions in the Act relating to "Functions and negotiations of FOI bodies" under section (30)(1)(b) and "Security, defence and international relations" under sections (33)(1)(d), (33)(2)(a), (2)(b)(i) and (ii), and (33)(3)(c)(ii).

**Functions and negotiations of FOI bodies**

Section 30(1)(b) states:

(1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—

(b) have a significant, adverse effect on the performance by an FOI body of any of its functions relating to management (including industrial relations and management of its staff)

I have considered section 30(1)(b) of the Act in my decision not to release records 2, 27 and 32. 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 for decision-making to be scrutinised.

I have also considered the possibility and likelihood that the release of these documents could result in negative consequences, and prejudice the ability of the Permanent Representation of Ireland to the European Union to effectively discharge its functions, and this is particularly the case in respect of these diplomatic communications.

On balance, I am therefore satisfied that the public interest would not be better served by the release of these records.

Security, defence and international relations

Section 33(1)(d), (2)(a) and (b)(i) and (ii), and (3)(c)(ii) state:

(1) A head may refuse to grant an FOI request in relation to a record (and in particular but without prejudice to the generality otherwise of this subsection, to a record to which subsection (2) applies) if, in the opinion of the head, access to it could reasonably be expected to affect adversely—

(d) the international relations of the State.

(2) This subsection applies to a record that—

(a) contains information that relates to the tactics, strategy or operations of the Defence Forces in or outside the State, or

(b) contains a communication between a Minister of the Government or his or her Department or Office and a diplomatic mission or consular post in the State or of the State or a communication between the Government or an officer of a Minister of the Government or another person acting on behalf of such a Minister and another government or a person acting on behalf of another government—

(i) other than where such information was communicated in confidence or relates to negotiations between the State and the other state in question or in relation to such a state, or is a record of that other state containing information the disclosure of which is prohibited by that state, or

(ii) other than a record containing analysis, opinions, advice, recommendations and the results of consultations or information the release of which, in the opinion of the head, could reasonably be expected to affect adversely the international relations of the State,

in which case (that is to say, either of the cases falling within subparagraph (i) or (ii)), the request shall be refused.

(3) A head shall refuse to grant an FOI request if the record concerned—

(c) contains information communicated in confidence—

(ii) from, to, or within an international organisation of states or a subsidiary organ of such an organisation or an institution or body of the European Union, or relates to negotiations between the State and such an organisation, organ, institution or within or in relation to such an organisation, organ, institution or body, or is a record of such a body containing information the disclosure of which is prohibited by the organisation, organ, institution or body.

Under Section 33 of the Act, 33(3)(c)(ii) is a mandatory exemption under the legislation and I am obliged to refuse access to records falling under that section. I have also exempted records under sections 33(1)(d), 33(2)(b)(i) and (ii) of the Act. The Department of Foreign Affairs and Trade is responsible for managing relations between Ireland and 192 countries. Based on the Department's direct knowledge and expertise in international relations, its strongly held position is that the mere granting of access to records will adversely affect the State's relations by introducing major doubts with regard to the security and confidentiality of our diplomatic communications. It is important to maintain that mutuality of trust to protect and promote Ireland's interests internationally. I have considered the possibility and likelihood that the release of the records could result in negative consequences and their likely severity. I am satisfied that the balance favours refusal rather than release.

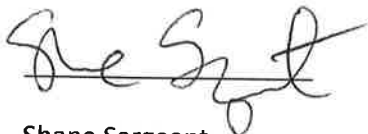
I have also considered section 33(2)(a) of the Act in my decision not to release record 5. The record falling under this exemption cannot be released as it contains details of Ireland's participation in peacekeeping operations abroad which if released into the public domain could undermine Ireland's approach to peacekeeping operations. I am satisfied that the balance favours refusal rather than release.

### **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



Shane Sargeant  
Head of Press and Information Unit  
Permanent Representation of Ireland to the EU