



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

Our ref: FOI/Req/19/317

28 November 2019

Dear Ms. Scott,

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

'1. A breakdown of all arrests/detentions/criminal charges/court appearances of Irish citizens in foreign jurisdictions from 2016 to date in 2019 as brought to the attention of the department.

2. The breakdown should include number of people, genders, ages, countries in which their cases occurred, nature of (alleged) crime/offence, status of custody as of present time. I am aware of the confidentiality of departmental dealings in such circumstances and am satisfied to have identities redacted or omitted.

3. Copy of all correspondence, memos, emails, reports and/or briefing papers held by the department within the last two years relating to the issue of Irish citizens arrested or processed through foreign criminal justice systems (individual identifying content to be omitted).'

The policy of the Department of Foreign Affairs and Trade is to provide assistance to any Irish citizen arrested, where they request such assistance, in a nonjudgemental manner, irrespective of any alleged offence.

Consular Assistance provided by this Department to Irish prisoners and detainees abroad includes facilitating contact with family and relatives at home; providing information about prison arrangements; arranging for funds sent by family or relatives to be made available to a prisoner or detainee (subject to prison regulations); seeking to ensure that a prisoner or detainee is not discriminated against in any way on account of their nationality; seeking to ensure Irish prisoners and detainees have access to appropriate legal representation; and seeking to ensure that local authorities fulfil their obligations in relation to ensuring the health and well-being of Irish citizens in detention.

I have identified 1,330 instances of Irish Citizens arrested abroad and 216 instances of Irish Citizens imprisoned, which were brought to the attention of the Department of Foreign Affairs and Trade, during the period 1 January 2016 to 27 November 2019 inclusive

Attached to this letter is a statistical report containing information of both arrests and imprisonments of Irish Citizens abroad, as per sections 1 & 2 of your request. These statistics include the number of Citizens seeking assistance in each case, the respective jurisdictions, the charges pertaining to these cases, and a breakdown of the gender of citizens seeking assistance.

The statistics provided have been prepared, separate and distinct from each other to ensure that the data provided, does not disclose specific and identifiable information of any individual case thereby ensuring the rights of an individual's personal data.

I have duly considered your request for information on court appearances in foreign jurisdictions, status of custody as of present time and the ages of the Citizens requesting consular assistance in such instances. Following this analysis, I have made the decision to refuse the release of this information under the following sections of the Freedom of Information Act; Section 35, Information Obtained in Confidence, and Section 37, Personal Information.

Concerning part 3 of your request, an extensive analysis of all correspondence held in such cases was undertaken by the Consular Assistance Unit in Dublin. Following this analysis, I have made the decision to refuse the release of all documentation in relation to your request under Section 35, Information Obtained in Confidence, and Section 37, Personal Information.

Section 35 (1) (a) of the Act applies when ***“the record concerned contains information given to the body in confidence and on the understanding that it would be treated as confidential. Its disclosure would be likely to prejudice the giving of further similar information from the same person or other persons and it is of importance to the body that such further similar information as aforesaid should continue to be given to the body.”***

I have considered whether the public interest would be best served by releasing the requested records to you. I have also 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 weighed this against the right of individuals to have their personal information remain private and have found that there is a clear prerogative to refuse the release of information, where such information is given by an individual on the understanding that it is given in confidence.

Section 37 (1) applies when ***“access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual).”*** This is a mandatory exemption and I am obliged to refuse access to the record.


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 weighed this against the right of individuals to have their personal information remain private and have found that there is a clear prerogative to refuse the release of records containing personal information.

Right of Appeal

Should you wish to appeal this decision, you may do so in writing to the Freedom of Information Unit, the 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 014082857.

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 staff of this Department.

Yours Sincerely

A handwritten signature in black ink, appearing to read "David O'Shea". The signature is written in a cursive style with a horizontal line underneath.

David O'Shea
Consular Assistance Manager