



Our Ref: FOI/Req/2020/208

1st December 2020

Dear Mr Duffy,

I refer to the request which you made by email on the 3rd of October 2020 under the Freedom of Information Act 2014 (the FOI Act), as follows:

Please furnish me with an electronic copy of the full list of the members of this roster, and the number of any individuals who are considered reserved by Irish Aid for same

Determination

Under the sections below of the FOI Act, I am refusing to disclose the names of roster members.

Section 37 – Personal Information

For the purposes of the Act, I consider the names of the roster members to be personal information within the meaning of Section 37.

Under Section 2 of the FOI Act, “personal information” includes information about an identifiable individual that is held by an FOI body on the understanding that it would be treated by that body as confidential. A person’s name is considered as personal information. Under Section 37(1), access to a record shall be refused if it would involve the disclosure of personal information relating to individual(s) other than the requester. Prima facie, the records requested relate to individuals other than yourself.

However, under Section 37(5)(a), a record that would otherwise be refused to be granted may still be granted where the public interest, that it be granted, outweighs the public interest that the right to privacy of the individual, to whom the personal information relates, should be upheld.

I have, therefore, considered the public interest in granting access to the relevant records, and have given consideration to the right of citizens to access information regarding the Rapid Response roster, including with due regard to data protection legislation. I have considered whether there is a public interest in demonstrating accountability and transparency in the administration of a roster managed from public funds, including consideration of including

the list of names of the roster in a public record. I have balanced this right with citizens' rights to have their personal data protected, and the Department's obligation under the FOI Act to not release personal data without consent or a legitimate reason.

I do not consider that the public interest that the request should be granted outweighs the public interest that the right to privacy of the individual to whom the information relates should be upheld. The names of Roster members is personal information that the Roster members have not consented to be released.

Section 35 – Information Obtained in Confidence

For the purposes of the Act, I consider the names of the roster members to be Information Obtained in Confidence.

Applicants in the most recent recruitment round of the Roster in 2018 were provided with the 2018 Rapid Response Roster recruitment booklet, which states that all applications are confidential. I am satisfied that all those who applied to the Roster therefore did so with the expectation and on the understanding that their applications would be kept confidential and would not be disclosed.

Section 35(1)(a) of the FOI Act provides that a head may refuse to grant an FOI request if the record concerned contains information given to the Department in confidence and on the understanding that it would be treated as confidential.

However, as in Section 37 of the FOI Act, a record that would otherwise be refused to be granted may still be granted where the public interest that it be granted outweighs the public interest that information submitted in confidence can be disclosed.

I cannot see the public interest in such a disclosure, especially when weighed against the need for this FOI body to be seen to keep information supplied in confidence, confidential.

Furthermore, Section 35(1)(a) provides for the refusal to grant a FOI request if the disclosure of information would impair future sources of information, or impair decision-making of the FOI body without a countervailing benefit to the public. I am of the opinion that disclosure of information given in confidence, on the express condition that it would remain confidential, would impair the Department's ability to receive confidential information in the future and disclosure would prejudice future recruitment processes. Members of the roster are deployed to respond to emergencies in difficult and challenging environments often in high risk volatile regions. I am of the view that the release of such data by the Department, received in confidence, may result in future recruitments of the Roster not attracting the calibre of applicant that our UN partners require. As such, I find that personal information contained in confidential applications to the Roster should be kept confidential.

Accordingly, having considered the nature of the information requested, I am refusing the release of these records as this would contravene the express obligation of confidentiality under which all applicants submitted their applications to join the roster, as well as for the consequences this would have for the Department.

Section 32 - Law enforcement and public safety

I also considered Section 32, in particular where it relates to personal safety. The Act provides that release of a record may be refused if access to the record concerned could, in the opinion of the head, reasonably be expected to endanger the life or safety of any person. Members of the roster deploy to challenging, complex and difficult environments.

In addition, I have also had regard to the fact that the rapid response roster sits in the context of digitised lives and the potential for intense social media curiosity.

Having considered these factors, I am of the view that disclosure of the names of the roster members could result in a risk to safety of roster members.

In reaching this decision, I also had regard to the well-grounded concern that the Department holds that the disclosure of this personal data could be used to target or harass members of the Roster. The security of the members of the roster is of paramount concern to the Department and accordingly certain personal information will not be placed in the public domain.

Second aspect of request

In your request, you also sought ‘the number of any individuals who are considered reserved by Irish Aid for same’, which you clarified to me in a subsequent email.

I wish to state that no such reserve list is maintained for the roster and therefore no such record exists.

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,
Gerard Keane

Higher Executive Officer

Humanitarian Unit |Development Cooperation and Africa Division| Irish Aid | **Department of Foreign Affairs & Trade** | Riverstone House, 23-27 Henry Street, Limerick|

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