



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

Mr. Pat Carey

Our Ref: FOI/Req/2020/065

13 August 2020

Dear Mr. Carey,

I refer to the request that you have made under the Freedom of Information Act 2014 for access to records held by this Department, amended on 27 March as follows:

A list of all flights by US military aircraft through Irish airspace in the period from 1 March 2003 to 31 December 2004 with the following details for each flight;

the departure point and destination of the aircraft and the steps taken to ascertain and verify this information if the aircraft was travelling to or from a military exercise or operation and the steps taken to ascertain and verify this information

the times at which the aircraft entered and left Irish airspace the reasons the aircraft was using Irish airspace and the steps taken to ascertain and verify this information if the flight was given permission to enter Irish airspace in advance of entering it. If so, when was this permission sought and when was it granted. whether the aircraft was carrying arms, ammunitions, or explosives and the steps taken to ascertain and verify this information, information on the personnel on board the aircraft.

I also refer to our exchange of emails of 24 and 27 March where you agreed to amend the reference period from 01 January 2001 to 31 December 2010 to 1 March 2003 to 31 December 2004. Following a search of our files, I wrote to you again on 23 June where I provided you with information on the number of flights involved and on the 1959 agreement between Ireland and the United States on overflights of military aircraft. I advised that the request remained voluminous and offered to assist you in considering how the request might be made more specific. As you have not indicated that you wish to consider this offer, I have now made a more complete review of your request.

Decision

The searches carried out have been limited to electronic records as remote working continues for the majority of Public Service employees in Ireland and will continue during the government's roadmap for the reopening of society and business. I directed you to the following response to a Parliamentary Question in 2004 on the number of overflights of foreign military aircraft which took place over Irish airspace. For the years 2003 and 2004, the number of foreign military flights (encompassing all States) totalled 6,801.

The resources required to review the files stored in our Archives covering the time period in your revised request to collate the requested information would “***cause a substantial and unreasonable interference with or disruption of work***” of the International Security Policy Unit

Having reflected on the broad scope of your request and the volume of records to be retrieved I have made a decision to refuse it under Section 15(1)(c) of the FOI Act:

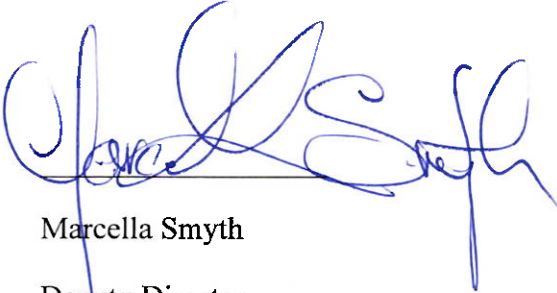
15(1) A head to whom an FOI request is made may refuse to grant the request where –
(c) in the opinion of the head, granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, require the retrieval and examination of such number of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of work (including disruption of work in a particular functional area) of the FOI body concerned.

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



Marcella Smyth
Deputy Director
International Security Policy