



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

Our Ref: FOI/Req/18/133

06 July 2018

Dear Requester

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:

Under FOI I would like copies of all correspondence and memos relating to the decision to support the Frontline Defenders charity since 2010.

Please provide records showing the total amount given to the charity in each year and any records relating to the assessment of the quality of the work carried out by the charity and any concerns about the corporate governance issues.

I refer also to the acknowledgement of your request which was sent to you on 29 May 2018 and the subsequent requests for an extension.

I have identified 91 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant 36, part-grant 10 and refuse 45 of the records. Where access has been refused or part-granted, the information is exempt from release under Refusal on administrative grounds to grant FOI requests-*Section 15(1)(d)*; Deliberations of FOI Bodies –*Section 29(1)(a)*; Functions and Negotiations of FOI bodies *Section 30(1)(a) and (b)*; Security, defence and international relations *Section 33(1)(d)*; Commercially sensitive information *Section 36(1)(b)*; Law enforcement and public Safety *Section 32(b)*.

Front Line Defenders, an Irish NGO, was established in 2001 with the specific aim of protecting human rights defenders at risk (HRDs). The organisation has played a key role in raising the profile and importance of protecting HRDs internationally. In 2016, Front Line Defenders was one of thirteen organisations that qualified for participation in the second Programme Grant funding scheme that is running from January 2017 to December 2021.

Year & Scheme	Details of project	Location	Year & funding
2008 Block Grant Scheme	Protection Programme for Human Rights Defenders at Risk	Global	2010 - €450,000 2011 - €225,000
2012 -2016 Programme Grant I	Protection Programme for Human Rights Defenders at Risk	Global	2012 - €504,394 2013 - €504,394 2014 - €494,966 2015 - €483,690 2016 - €483,690
2017 Programme Grant II	Protection Programme for Human Rights Defenders at Risk	Global	2017-€507,731
Total DFAT funding to Frontline 2010-2017			€3,653,865

Refusal on administrative grounds to grant FOI requests-Section 15(1)(d)

I have refused access to 12 records under section 15(1)(d) refusal on administrative grounds as the documents, Annual Reports and Financial Statements, the names of the Board of Trustees and Frontline Defenders Strategic Plan are in the public domain.

Deliberations of FOI Bodies –Section 29(1)(a)

In reviewing the release of the records, I considered the right of the public to have access to information/obtain reasons for decisions; the accountability of administrators and scrutiny of decision making processes and the use of public funds. In considering non-disclosure, I took into account the fact that release could impair future decisions by giving insight into the ongoing criteria by which the Department appraises applications, and in doing so compromise the competitive nature of the Department’s funding scheme, particularly the mechanism through which Front Line Defenders receives funding. I am satisfied that the balance favours refusal rather than release on this occasion and in that light I have refused/part granted access to 27 records under Section 29(1)(a).

Functions and Negotiations of FOI bodies Section 30(1)(a) and (b)

I have considered Section 30(1)(a) and (b) of the 2014 Act in making my decision not to release or part-grant certain information in 41 records. In my view, the release of the exempted information at this time could prejudice the decision making process/impair future decisions. In weighing these adverse consequences against the public interest, I have again considered 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 processes to be adequately scrutinised. I am satisfied that the balance favours refusal rather than release on this occasion.

Law Enforcement and Public Safety-Section 32 (1)(b)

I have refused access to 4 records under Section 32 (1)(b) taking into consideration the life and safety of Human Rights Defenders. One of the key objectives of Front Line Defenders work is the provision of rapid, practical and effective support to human rights defenders at risk. The release of information contained in these documents may impair the safety and security of some Human Rights Defenders. I have considered the right of the public to have access to information and the need for effective mechanisms to maintain public confidence in public bodies. On balance I am satisfied that the public interest is best served by not releasing the records.

Security, defence and international relations Section 33(1)(d)

I have refused access to one record under section 33(1)(d) security defence and international relations. This Department is responsible for managing relations between Ireland and 178 countries and the successful conduct of such relations depends upon the creation and maintenance of trust and confidence between governments and other interlocutors. Not maintaining the mutuality of trust with regard to communications between or about States could reasonably be expected to adversely affect our international relations. For these reasons, I consider that the public interest in not granting access to the exempted information at this time outweighs the public interest in releasing it.

Commercially sensitive information Section 36(1) (b) and (c)

I have refused/part granted access to 44 records under Section 36, 41 records under Section 36(1)(b) and 3 records under Section 36(1)(b) and (c) of the Act given the commercially sensitive nature of the information they contain. The following was taken into consideration for disclosure of the records: the accountability of administrators and scrutiny of decision making processes and the use of public funds; the need for the public to be better informed and more competent to comment on and assess public affairs and policies and practices; the need for effective mechanisms to maintain public confidence in Government bodies by access to information on their performance of functions and the right of the public to have access to information/obtain reasons for decisions. On the other hand, I took into consideration the fact that Front Line Defenders actively seeks funding from other donors; that Front Line Defenders could reasonably expect to be at a financial loss as a direct result of release of the information and that Front Line Defenders could reasonably expect its competitive position to be jeopardised if the information is released. On balance I am satisfied that the public interest is best served by not releasing the records.

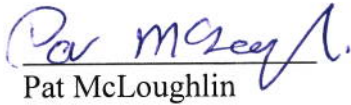
Right of Appeal

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 02

DX45 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


Pat McLoughlin