



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

Our Ref: FOI Req 18-211

Date: 10 September 2018

Dear Requester,

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

“Information held by your department, including internal documentation and communications, and correspondence with the United States Government. Specifically, implications for U.S. corporations in Ireland posed by a potential conflict between the Control of Economic Activity (Occupied Territories) Bill 2018 and Part 760 of U.S. Export Administration Regulations (EAR), “Restrictive Trade Practices or Boycotts,” the United States Government maintains a system of criminal, financial and administrative penalties for U.S. owned entities that participate in foreign boycotts of Israel.”

I refer also to the acknowledgement of your request which was sent to you on 31 July 2018. Please note that, given that there are few if any such records held by the Department which refer explicitly to the exact legislative provision referred to in your original request, we have broadened the scope of our search to cover any references to a potential legal conflict between US legislation currently in force, and the Control of Economic Activity (Occupied Territories Bill) 2018.

I have identified 5 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant 2, part-grant 2, and refuse 1 of the records. Where access has been refused, the record is exempt from release under section 33 of the Act. I also note that several records have been excluded under Section 42(j) of the Act. Under this section, the Act does not apply to records given to a member of Government or a Minister of State for the purposes of proceedings in either House of the Oireachtas or any committee or subcommittee thereof.

Exemptions under Section 33 relate to the Security, defence and international relations of the State. I have refused or part-refused 1 record under Section 33(2)(b)(ii). These are mandatory exemptions under the legislation, and I am obliged to refuse access to information from records falling within those sections. The Department of Foreign Affairs and Trade is responsible for managing relations between Ireland and 178 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 this information would adversely affect the State’s relations by, among other things, introducing major doubts with regard to the security and confidentiality of our diplomatic communications. It is important to maintain that mutuality of trust in order to protect and promote Ireland’s interests internationally. My decision to refuse access to the information contained in this record is informed by my consideration of the likelihood that its release could result in negative consequences, and the likely severity of said consequences.

Under Section 28, I have also exempted from release information from one record. The information refused under Section 28 related to a meeting of the Government. This is a mandatory exemption under the Act.

Finally, under Section 18(1) – Access to Parts of Records –, I have exempted information from one record from release on the basis that the information was not relevant to your request.

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 +353 (0)14082857.

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,

A handwritten signature in blue ink, appearing to read 'Liam O'Flaherty', is written over a horizontal line.

Liam O'Flaherty
Middle East and North Africa Unit
Department of Foreign Affairs and Trade
+353 (0)1408-2260, liam.oflaherty@dfa.ie