



**Irish Aid**

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

Teach na hAbhainn  
23-27 Sráid Anraí  
Luimneach

Riverstone House  
23-27 Henry Street  
Limerick

19<sup>th</sup> December 2018

Mr. Cormac McQuinn  
Irish Independent,  
Independent House,  
27-32 Talbot Street,  
Dublin 1, D01 X2E1.

**Re: Freedom of Information Act, 2014 (FOI) request - part granting request  
227/17**

Dear Mr. McQuinn,

I refer to the request which you made on the 8<sup>th</sup> of November 2017 under the Freedom of Information Act 2014 for access to records held by this Department, as follows:

- \* Copies of all correspondence between Misean Cara and Irish Aid/Department of Foreign Affairs between the dates March 1, 2017 and November 8, 2017.**
- \* Copies of any documents enclosed/attached to the above correspondence.**

I refer also to my e-mail to you of 18<sup>th</sup> December (annex 2) in respect of a decision a decision made under section 38 of the Act (third party consultation with Misean Cara) communicated to Misean Cara that day. Release of the relevant documents is stayed pursuant to section 26 of the Act.

I have identified a good number of records that fall within the scope of your request that I have grouped under certain themes for ease of reference. These categories are listed in the schedule attached. I have made a decision to grant the documents under one category in full, part-grant the documents in five and refuse two categories. Where records have been part granted or refused, I have decided that exemptions apply and that the public interest does not favour release. I outline the decisions in more detail below.

The purpose of this letter is to explain the decision. This explanation has the following parts:

1. a schedule of all of the records covered by your request;

2. an explanation of the relevant findings concerning the records to which access is part-granted, and
3. a statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these three parts in turn.

### **1. Schedule of records**

A schedule is enclosed with this letter, it shows the documents that the Department of Foreign Affairs and Trade considers relevant to your request. It describes the categories of record and, where appropriate, refers to the sections of the FOI Act which apply to prevent release. The schedule also refers you to sections of the detailed explanation given under heading 2 below, which are relevant to the document in question. It also serves as a summary and overview of the decision as a whole.

### **2. Findings, particulars and reasons for decisions to deny access**

The sections of the Act which can apply to deny access to documents are known as its exemption provisions.

#### **Record 1 Part Granted**

#### **Correspondence around the 2016 Annual Report from Misean Cara to Irish Aid**

Like other Irish Aid funded NGOs, Misean Cara is required to provide an annual report on activity and progress under the previous year's grant. Attached in this correspondence are also a draft strategic plan and a results framework document which is essentially a spreadsheet report of results against targets.

I am not granting access to the draft strategic plan with reference to section 35 of the Act (information given in confidence). It was supplied explicitly in confidence and, what little public interest exists in draft planning of publicly funded entities, is more than offset by the public interest that the Department and grant applicants can discuss such drafts in confidence; moreover, the now finalised Strategic Plan 2017-2021 is available on Misean Cara's website at [Strategy 2017-2021 - Misean Cara](#).

I am not allowing access to the results framework. I regard this document as a technical performance-focused management tools, of limited public interest, the release of which is potentially harmful to ongoing contractual negotiation between Irish Aid and Misean Cara, insofar as this is a document which evolves through assessment of performance by Irish Aid and subsequent negotiations. The release could also be potentially harmful to the competitive position of Misean Cara in regard to other donors, actual or potential, through detailed management information being made available to the public at large and potentially to competitors for other funding sources.

I intend to release the Annual Narrative report to Irish Aid with minor redactions. The Annual Report outlines progress and developments over 2016 to the donor. It is addressed to Irish Aid rather than the public at large and much of the detail is contained in the annual statutory Directors' Report (see <http://www.miseancara.ie/wp-content/uploads/2017/06/Final-Misean-Cara-2016-Annual-Report.pdf>). Exemptions may apply to the release of such reports, including under section 36 of the Act. However, the public interest in the expenditure of public funds and in the work of Irish missionary organisations is quite significant and outweighs the exemptions and any public interest in not releasing. I have, however, redacted reference to sums of money which relate to individual locatable projects in 2016 as I think commercial prejudice can arise here in heightening commercial security risks, including potential for misappropriations and local personal security issues that the public interest (in such details) does not outweigh.

## **Record 2 Part Granted**

### **Correspondence around the 2017 Application for funding.**

This includes the application for multi-annual funding from 2017. I am releasing this correspondence and attachments with certain exceptions.

The application for funding is a record which could come within the exemption outlined in section 36 of the Act. Broadly, there is a clear and significant public interest knowing the broad use to which publicly granted funds are intended to be put. Given that the application has been processed and decided upon, the public interest is better served by release generally, subject to the exceptions outlined.

I am not releasing detailed biographies of Board members contained in the application but am releasing their names. I think the biographies are personal information within the meaning of the Act and within the exemption under section 37 (personal information) and indeed under that in section 35 (information given in confidence). There may be some public interest in knowing the abridged experience of charity trustees but I don't believe the public interest is better served by release.

I am not releasing the country visit planner annexed to the report in accordance with section 36 of the Act (commercial sensitivity). This annex outlines the monitoring and other visits intended to be conducted by the organisation. Foreknowledge of these visits coming into the public domain would appreciably heighten the risk of commercial loss; in potentially prejudicing the efficacy of audit and monitoring of projects and in exposing officers or agents to security risks. I think the public interest is minimal and is not better served by release.

I am not releasing the audit recommendations update annexed to the application on grounds of commercial sensitivity. This document updates Irish Aid on progress on earlier audit recommendations. Release of the document into the public domain could prejudice the outcome of contractual negotiations with Irish Aid (which currently occur annually) and prejudice the competitive position of Mísean Cara vis à vis other potential donors. The public interest is not better served by release, in my opinion.

I also redact short sections on detailed fundraising plans as this may prejudice MC's competitive position in terms of fundraising by highlighting plans to target donors that may be of interest to competitors. The public interest in such information is not strong and the public interest is not better served by release.

I have considered separately but am not releasing a "Results Framework Discussion Document" for the same reasons outlined above in respect of Record 1 (third paragraph)

### **Record 3 Part Granted**

#### **Correspondence concerning contract and multi-annual funding agreement.**

This correspondence contains the 2017 annual financial contract, the three-year Memorandum of Understanding between Irish Aid and Mísean Cara and the programme cycle management guidelines from Irish Aid.

I am releasing the documentation with the exception of bank details of Mísean Cara (which should speak for itself) and the multi-annual benchmarks contained in the Memorandum of Understanding. These are bespoke benchmarks to be achieved in the lifetime of the multi-annual agreement and particularly commercially sensitive in that release into the public domain could potentially prejudice future annual contract negotiations and the competitive position of the organisation vis à vis potential funders. There is a public interest in knowing the broad milestones to be achieved under multi-annual funding but it is not enough to favour release, in my view.

An abridged 2017 budget arises in correspondence which I am also releasing in the circumstances.

### **Record 4 Part Granted**

#### **Correspondence concerning reporting against OECD DAC codes**

There is a significant amount of back-and-forth correspondence on the reporting of financial expenditure against OECD Development Assistance Committee expenditure codes. Most of this is provided.

I am not releasing the spreadsheet reports. These are particularised reports outlining sums of money transferred to individual congregation projects in 2016 together with associated report coding. In the general sense, we want to be transparent about organisations receiving public funds and this includes Misesan Cara members. However, this information is available in the publicly available 2016 Directors' Report of Misesan Cara. These DAC reports, in the format presented, identify individual projects in specific locations and so I think the commercial and security risk of releasing information involving such location-specific cash transfers outweighs any additional public interest not satisfied by other reporting. Additionally, any correspondence on such particular transfers is similarly redacted.

#### **Record 5    Granted**

##### **Representations by Misesan Cara to Ministers**

These are representations to the Minister for Foreign Affairs and Trade and the Minister of State for Diaspora and International Development, the replies thereto and any associated correspondence.

#### **Record 6    Part Granted**

##### **Miscellaneous Correspondence**

This are e-mails between Irish Aid and Misesan Cara on miscellaneous matters such as a strategy launch or calls for information. These are released for the most part with minor redaction of personal information of a telephone caller for which the public interest favours privacy without any countervailing public interest in the identity of a caller seeking information.

#### **Record 7    Refuse**

##### **Items of Briefing from Misesan Cara**

This category relates to two instances of detailed background briefing on issues related to a member's work requested by Irish Aid for internal briefing on one member's work in Malawi and on members' work with vulnerable children generally.

I am not releasing this correspondence. As formatted in correspondence, this is detailed project information containing information around recent cash transfers and the location of projects in receipt of funding. There is a potential risk to the security of projects, particularly those involving vulnerable children, allowing this level of detail into the public domain. There is certainly public interest in the types of projects funded and such information might be otherwise available but in its format in correspondence (the subject of the Fol request), the public interest does not favour release.

## Record 8 Refuse

### **Correspondence on the strategic partnership between Irish Aid and Mísean Cara**

This relates to correspondence on ongoing strategic management of the Irish Aid funded Mísean Cara programme and consists of one item of correspondence during the time frame requested. Release of this document could reasonably be expected to disclose positions taken or to be taken by Irish Aid in ongoing negotiations with Mísean Cara and is, thus, refused. There is a public interest in ascertaining the parties' positions but, in my view, more so in that FoI body negotiators can reserve their positions in negotiations. There is also an issue of commercial sensitivity involved in the potential for public release to prejudice negotiations on the part of Mísean Cara. The public interest favours withholding the document.

### **Right of Review**

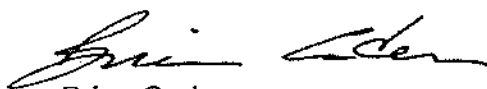
Since this is a decision on a request to which Section 38 applies, review of the decision lies with the Information Commissioner. In the event that you are not happy with this decision you may make an 'application for review' of this decision to the Information Commissioner no later than 2 weeks from this notification (or such other period as the Commissioner may determine). There is a fee of €50, €15 if a medical card holder and payment should be made by way of bank draft, money order, postal order or personal cheque: crossed and made payable to the 'Office of the Information Commissioner'. Alternatively you can make payment on-line which can be located at: <http://www.oic.gov.ie/apply-for-a-review/fees-for-a-review/>

In the event that you need to make such an 'application for review' you can do so by writing to:

The Office of the Information Commissioner,  
18 Lower Leeson Street,  
Dublin, 2.  
DO2 HE97

Should you write to the Information Commissioner for review, please either refer to this letter or enclose a copy. Alternatively you may appeal using the Office of the Information Commissioner on-line application form which can be located at <http://www.oic.gov.ie/apply-for-a-review/what-we-can-review/> Otherwise, should you wish to discuss the above, please contact me at 061-774022 or [brian.caden@dfa.ie](mailto:brian.caden@dfa.ie)

Yours sincerely,



Brian Caden  
Higher Executive Officer