



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

Our Ref: FoI/Req/20/176 Mills

Date 11/12/2020

Dear Mr. Mills,

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:

1. All agenda materials, briefings, minutes, reports, and correspondence relating to or sent back from the IHRA plenary meeting in Bucharest (23-26 May 2016).
2. All records, emails, letters, meeting minutes, phone call notes, briefing documents, relating to the visit in June 2019 of Rabbi Andrew Baker to your department.
3. All records, emails, letters, meeting minutes, phone call notes, briefing documents, relating to the visit in January 2020 of Rabbi Andrew Baker to Ireland.

I refer also to the acknowledgement of your request which was sent to you on 10/09/2020 and to the ongoing communication between us with regard to extending the date of reply.

There are three parts to this FOI. For Part 1 and Part 2, I have completed two separate schedules of records. This has not been necessary for Part3.

Part 1: I have identified **34** records that fall within the scope of your request. The records are listed in the schedule for Part 1 attached. I have made a decision to grant 21 of the records, part-grant 1 record and refuse 12 of the records. I outline below the reasons for refusal.

Section 33 (1) (d)

Documents: 8, 9, 10, 11, 12, 13, 14, 18 (Part Released), 20, 22, 23, 24, 25 (Part Released)

I have decided to refuse a number of documents under Section 33 (1) (d) the international relations of the State. Section 33 (1) (d) of the FOI Act states that “a head may refuse to grant an FOI request in relation to a record. . .if, in the opinion of the head, access to it could reasonably be expected to affect adversely – the international relations of the state”. The documents refused under this Section contain references to, details of, and discussions about the positions of other Member States of the International Holocaust Remembrance Alliance (IHRA). The Department of Foreign Affairs operates in a complex and diverse international environment. In order to be able to act effectively and in the interests of the citizens of the

State, we need to be able to communicate effectively with international partners. The release of this documentation would undermine our ability to interact with such partners. I have considered the possibility and likelihood that the release of these records could result in negative consequences, and prejudice the ability of this Department to effectively discharge its functions and engage with outside interlocutors and stakeholders. To do otherwise would risk compromising the State's capacity to engage with international partners through diplomatic and other channels. I have therefore decided that refusals must be made for these reasons and I have applied the exemption as appropriate to the documents listed above.

In relation to Document number 18, I have redacted one of the associated attachments under Section 33 (1) (d) and this document has therefore been part released.

Also under Section 33 (1) (d), I have redacted document 25 where it contains details or indications of the position of other Member Countries so this has also been part released.

Section 33 (2) (b) (ii)

Documents: 8, 9, 10, 11, 12, 13, 14, 20, 22, 23, 24

I have decided to refuse a number of documents under Section 33 (2) (b) (ii). Section 33 (2) (b) (ii) states that access to a record that contains a communication between a Government Department and a diplomatic mission shall be refused if it contains "analysis, opinions, advice, recommendations and the results of consultations or information the release of which, in the opinion of the head, could be expected to affect adversely the international relations of the State." Documentation refused under this Section are mandatory exemptions. I have reviewed the documents referred to and noted that they contain analysis, opinions and advice shared in confidence between Government officials, from the Department of Foreign Affairs and from diplomatic missions, that I am obliged to refuse under this Section. The documents I have refused are listed above.

Section 33 (3) (c) (ii)

Documents 11, 12, 13, 14, 18 (Part Released), 20, 22, 23, 24, 25 (Part Released)

I have decided to refuse a number of documents under Section 33 (3) (c) (ii). Section 33 (3) (c) (ii) states that "A head shall refuse to grant an FOI request if the record concerned- . . . contains information communicated in confidence- . . . from, to, or within an International Organisation" where access to the record is prohibited by the organisation. The documentation I have refused under this section relates to direct reporting from, and discussion about, the plenary meeting of IHRA. The IHRA plenary meeting takes place under "Chatham house rules" and opinions put forward at the plenary are therefore given in confidence meaning disclosure of the information is prohibited by the organisation. The Chatham house rules concept allows Member Countries to speak more freely and Ireland's standing in the organisation would potentially be diminished if we were to release such details. It also links to the fact that Member Countries' views are reflected in the documentation that I am refusing, the release of which would have a potentially detrimental impact on our international relationship with those countries.

Also refused under this Section is correspondence sent directly to IHRA by other IHRA Member Countries.

In relation to Document number 18, I have redacted one of the associated attachments because it contains details of discussions at the IHRA plenary and this document has therefore been part released.

Document 25 has also been partly released. The document contains a communication between Ireland and IHRA and has been redacted where it contains details or indications of the position of other Member Countries.

Part 2: In relation to Part 2, I have identified **41** records that fall within the scope of your request. The records are listed in the schedule of Part 2 attached. I have made a decision to grant **10** records, part-grant **29** records, and refuse **2** records.

Of the 29 records part-granted, 28 have been edited to remove only the personal details of the individuals concerned under Section 37 (1) of the Act, Personal Information.

One record has been part-granted under Section 33 of the Act, which relates to the security, defence and international relations of the State. I have redacted pages 2-5 of said record under Section 33 (1) (d).

In making the decision to partially exempt this record, I have considered the public interest. This Department is responsible for managing relations between Ireland and 178 countries, in a complex and diverse environment. Based on the Department's direct knowledge and expertise in international relations, its strongly held position is that the granting of access to these scheduled records will adversely affect the State's relations by introducing major doubts with regard to the security and confidentiality of our diplomatic communications and the effective conduct of its functions by this Department. I am therefore satisfied that the balance favours refusal rather than release.

2 records have been exempted on administrative grounds under Section 15 (1) (d) of the Act, which states that a request may be refused if the information is already in the public domain. I have, however, included links in the schedule to the relevant documents for ease of reference.

Part3: This record is being refused under Section **15 (1) (a)** *the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken* .

It is our belief that the visit referred to did not take place.

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, (€10 for medical card holders). A copy of the medical card should be provided to avail of the reduced fee. For methods of payment, please contact FOI Unit at foi@dfa.ie, or 01-4082618.

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

Ciaran Potter
Human Rights Unit