



29th September 2021

Mr. Ken Foxe

Address given: ken@righttoknow.ie

Our Ref: FOI/Req/21/200

Dear Mr. Foxe,

I refer to your FOI request received on 1st September 2021, made under the Freedom of Information Act 2014, for access to records held by this Department, as follows:

“- copies of all records held referring or relating to the diversion of the government jet between airports in the UAE.

- copies of all records held referring or relating to restrictions placed on Air Corps crew from leaving their base in the UAE.

I would prefer to receive this information electronically, ideally in its original electronic format”.

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I refer also to the acknowledgement to your request sent to you on 8th September 2021.

I have identified eight records that fall within the scope of your request. The records are listed in the schedule attached.

I have made the decision to part-grant access to records 1 – 6. Where access has been part-granted, certain aspects of the records are exempt from release under Section 33 (1) (d) and Section 37 (1) and therefore have been redacted.

I have made the decision to grant access to record 7.

I have made the decision to refuse access to record 8. Where access has been refused, the records are exempt from release under section 33 (1) (d) and section 33(2)(b)(i).

Schedule of Records:

The schedule of records attached details the documents deemed relevant to your request. The schedule also indicates which material has been granted/part –granted and refused. Certain aspects of the records have been redacted for the following reasons:



Section 33 – Security, defence and international relations

I have decided to part-grant access to records 1-6. Certain aspects of these records have been redacted on the basis of exemptions provided for in the Act in Section 33 (1) (d) where ***“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.”***

I am of the view that release of certain aspects of records 1-6 could reasonably be expected to adversely affect the international relations of the State and this information has therefore been redacted. I have considered the possibility and likelihood that the release of the records could result in negative consequences and their likely severity. I am satisfied that the balance favors part-granting access to records 1-6

I have decided to refuse access to record 8 on the basis of exemptions provided for in the Act in Section 33(1)(d) and Section 33(2)(b)(i). Sub-section 33(2)(b)(i) applies to a record that contains a communication between the Minister of the Government or his or her Department or Office.....and another government or a person acting on behalf of another government’ Record 8 is a diplomatic communication between the Embassy of Ireland Abu Dhabi and the UAE authorities. A mutuality of confidence exists in the communication between this Department and our interlocutors. The Department needs to maintain this level of confidentiality in respect of diplomatic communications to enable it effectively discharge its functions. I am of the view that release of this record could reasonably be expected to adversely affect the international relations of the State and have decided to refuse access to this record.

Section 37. Personal Information

Certain aspects of records 1-6 have been redacted on the basis of exemptions provided for in the Act under Section 37 (1). While Section 37 (1) personal Information is a mandatory exemption I am still obliged to consider whether the public interest would be best served by releasing the records in full. I have taken into account the benefit to the public to be given access to correspondence in a manner which demonstrates transparency and accountability of the Department. I have particularly considered whether releasing the personal information which includes names and medical status of individuals would provide any additional benefit in this regard. I have weighted this against the right of the individuals to have their personal information remain private. The personal information which I have redacted does not have any bearing on the substance or details of the records, and does not diminish or alter the views expressed, and as such, I am satisfied that on



balance the decision to partially redact the records and remove identifiable personal information is correct.

Right of Appeal

Should you wish to appeal this decision, you may do so in writing to

Freedom of Information Unit,
Department of Foreign Affairs,
76-78 Harcourt Street,
Dublin 2

or by sending an 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

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,

Laura Goodwin
Protocol Division
Department of Foreign Affairs