



An Roinn Gnóthaí Eachtracha
Department of Foreign Affairs

Our Ref: FOI/Req/21/066

31 March 2021

Dear Mr ,

I refer to your recently submitted request for information, made under the terms of the Freedom of Information Act 2014, in which you requested the following:

Recently you published an internal review of the management of the election observation roster.

I wish to be furnished with records concerning how the rights of persons, with disabilities, were considered by the review in terms of (1) the management of the roster, (2) an account of the arrangements made for reasonable accommodation in the planning of the application form and conduct of the 2018 competition, and (c) any correspondence between the officials preparing the competition and any other officials inside or outside the DFA in regard to making arrangements for reasonable accommodation in the 2018 competition, and in the subsequent roster which was mustered.

In terms of the election observers interviewed for your recent review (1) how were they selected, (2) could you provide redacted notes of the interviews- the request is not for any information which would identify any individual but rather to allow an assessment of the conduct of interviews, and (3) please clarify whether any disabled observers were interviewed.

As a disabled person who has been an international observer on this roster in the past, and one who intends to be a candidate in the future, I have a special and weighty interest in requesting this information

I also refer to the acknowledgement of this request sent on 12 March 2021.

I have identified 4 records which fall within the scope of your request. These are records of interviews held as part of the review. The records are listed in the schedule attached. I have made a decision to refuse access to these 4 records under Section 30 (1) (a) (Functions and negotiations of FOI bodies), and Section 35 (1) (a) (Information obtained in confidence), of the FOI Act.

Section 30 (1) (a) states that;

‘a Head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to— (a) prejudice the effectiveness of tests, examinations, investigations, enquiries or audits conducted by or on behalf of an FOI body or the procedures or methods employed for the conduct thereof,’

The “Review of the Management of the Election Observation Roster” was compiled by the Evaluation & Audit Unit of this Department and involved interviews with relevant stakeholders. All interviewees were given an assurance that their input would be treated as confidential. In addition to the breach of trust, in my opinion, if details from these confidential interviews were to be released to a third party, this could reasonably be expected to lead to;

- An unwillingness by relevant parties to participate in similar audits in the future.
- A reluctance by participants to express themselves freely, honestly and frankly.
- A loss of ability of the E & A Unit to effectively carry out its work.

Section 35 (1) (a) states that;

‘a Head shall refuse to grant an FOI request if— (a) the record concerned contains information given to an FOI body, in confidence and on the understanding that it would be treated by it as confidential (including such information as aforesaid that a person was required by law, or could have been required by the body pursuant to law, to give to the body) and, in the opinion of the head, its disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further similar information as aforesaid should continue to be given to the body,’

As mentioned, all interviewees were given an assurance that their input would be treated as confidential. In my opinion it is appropriate to refuse release of the records under Section 35 (1) (a), as;

- Their disclosure could reasonably be expected to prejudice the giving of further similar information to the E & A Unit by the same or other persons
- It is important to this Department that further similar information should continue to be given to the E & A Unit

For the reasons outlined above, I am of the view that the public interest would, on balance, be better served by refusing to grant than by granting the release of these records.

In relation to your question as to how election observers were selected for interview, there was no specific selection criteria involved. You also asked whether any disabled observers were interviewed. It is not known whether any of the observers interviewed were disabled or not. As there is no record of this, I am obliged to refuse this request under Section 15 (1) (a) – “the record concerned does not exist”.

The records you refer to in part (c) of your request did not form part of the review. I believe your request for these records was already dealt with by way of response to your FOI request, FOI/Req/19/122, on 26 April 2019. I am therefore refusing this request under Section 15 (1) (i) “the request relates to records already released” to you.

In closing, I would like to draw your attention to Recommendation B2 on page 39 of the Review;

“A reasonable accommodation request box should be included in all future DFA mustering of volunteer rosters.”

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,

David Ormond
FOI Section
Department of Foreign Affairs