



**An Roinn Gnóthaí Eachtracha**  
**Department of Foreign Affairs**

Our Ref: Fol/Req/21/088

Date: 25 May 2021

Dear Mr Higgins,

I refer to the request that you made on 8 April 2021 under the Freedom of Information Act 2014 for access to records held by this Department, and to the amendment to this request agreed on 28 April, narrowing the scope of this request to that specified as follows:

- 1.) *All documents, including briefings, minutes, reports, memos and/or correspondence between March 22<sup>nd</sup> and April 8<sup>th</sup> 2021 regarding mandatory hotel quarantine, exchanged between the Department of Foreign Affairs and the Department of Health.*
- 2.) *All correspondence including letters, emails and text messages between Minister Simon Coveney and Minister Stephen Donnelly from March 22<sup>nd</sup> to April 8<sup>th</sup> regarding mandatory hotel quarantine.*

As noted in the schedule, I have made the decision to refuse access to 18 records, to grant access to 1 record and to part-grant access to 6 records.

**Records Refused**

Records 1, 2, 3, 4, 5, 6a, 6b, 13b, 14, 19, and 20 have been refused under the exemption set out in Section 29(1) of the Freedom of Information Act 2014. Section 29(1)(a) holds that a head may refuse to grant an FOI request if the record concerned contains matter relating to the deliberative processes of an FOI body (including opinions, advice, recommendations, and the results of consultations, considered by the body, the head of the body or of the staff of the body for the purpose of those processes) and (b) the granting of the request would, in the opinion of the head, be contrary to the public interest, and, without prejudice to the generality of paragraph (b), the head shall, in determining whether to grant or refuse to grant the request, consider whether the grant thereof would be contrary to the public interest by reason of the fact that the requester concerned would thereby become aware of a significant decision that the body proposes to make.

Records 1 and 19 detail deliberations on a wide range of operational measures for the Mandatory Hotel Quarantine system, including advice on the basis for codifying limited exemptions and deferral of payment mechanisms as well as the applicability of the measures to transit passengers, between the Department of Foreign Affairs and the Department of Health. I have weighed up the potential value to the public interest in releasing these records and have determined that the public interest is best served in refusing release in both cases. In interdepartmental deliberations such as these regarding Mandatory Hotel Quarantine, there is a need to preserve confidentiality in certain instances to safeguard the integrity of the ongoing deliberations essential to managing this public health measure. I believe this is the case in respect of my refusal to grant access to these particular records, such that their release could serve to contaminate the decision-making process for aspects of the Mandatory Hotel Quarantine system that must be managed efficiently between departments.

Record 2 and aspects of record 20 detail the deliberations between the Department of Health and the Department of Foreign Affairs on the basis for and operation of the very limited set of exemptions, including possible medical exemptions, to Mandatory Hotel Quarantine. The issuing of limited exemptions to the Mandatory Hotel Quarantine system on strict grounds, and the deliberations between bodies to safeguard that process, is essential to the adequate operation of the measure. In my view, premature release of record 2 and the relevant portions of record 20 that are in scope of this request, would impair the integrity and viability of this ongoing decision-making process to a significant degree with no clear countervailing benefit to the public interest. The remainder of record 20 does not deal with Mandatory Hotel Quarantine and is out of scope for this request.

Records 3, 4, 6a, and 6b outline exchanges between the Department of Foreign Affairs and the Department of Health on the deliberative process for the issue of deferral of payment certificates and the authorisation of the same by the Department of Foreign Affairs for Mandatory Hotel Quarantine. To maintain the proper operation of Mandatory Hotel Quarantine with requisite cooperation between government departments, it is necessary to ensure that the extraordinary provisions in place to permit deferral of payment in exceptional cases remain confidential so decisions can be made appropriately by the relevant authorities. In my view, the public interest is best protected by preserving the confidentiality of these deliberations and the criteria for authorisation of deferral of payment certificates. This includes record 6b, an attachment to record 6a, which includes details of these sensitive authorisation criteria for the Department of Foreign Affairs.

Record 5 contains correspondence between the Secretary General of the Department of Foreign Affairs and an Assistant Secretary and the Secretary General of the Department of Health on the operation of Mandatory Hotel Quarantine. The substance of this record contains advice and the result of consultations regarding good collaboration between the Departments of Foreign Affairs and Health in establishing the Mandatory Hotel Quarantine system and management of its operation. However, given the matters discussed remain under some deliberation or may possibly be raised in the future collaboration between departments, I have made the decision to refuse access to this record on the grounds that its

release could impair a future decision in relation to the operation of the quarantine system and its associated mechanisms.

Record 13b contains the minutes of an interdepartmental steering group meeting on 1 April for the management of Mandatory Hotel Quarantine. This record contains opinions, advice, recommendations, and the results of consultations between government departments on the operational particulars of Mandatory Hotel Quarantine, including many issues that remain under deliberation for the adequate management of the system. Given so many of the issues detailed in this record remain live considerations, I believe release of the record at this time could contaminate the decision-making process at further meetings of the steering group. It is also important to consider the specific and unique circumstances at which these minutes were recorded – a meeting of senior officials across government managing a critical process to safeguard the safety and security of the public and the public health situation during a global pandemic. I have further determined that it is also strongly in the public interest to refuse this record on the grounds that preserving its confidentiality best serves that interest.

Record 14 contains correspondence from an Assistant Secretary at the Department of Health to the Department of Foreign Affairs regarding possible future considerations for the operation of the Mandatory Hotel Quarantine system. Given the forward-looking nature of this record on matters that may at some point be considered by Government, I have concluded that the public interest is best served in refusing access on the grounds that a premature release could prejudice or impair any future decision on the issue at hand.

Records 7 and 8 fall under the exemption set out in Section 28(1)(a) of the Freedom of Information Act 2014. Section 28(1)(a) holds that a head may refuse to grant an FOI request if the record concerned has been, or is proposed to be, submitted to the Government for its consideration by a Minister of the Government or the Attorney General and was created for that purpose. Records 7 and 8 are letters written by Ministers of the Government proposed to be submitted to the Government for its consideration of the implementation of Mandatory Hotel Quarantine.

Record 9b is an official signed exemption letter for use by posted diplomats of the Department of Foreign Affairs when conducting specified essential travel. Due to the risk of forgery or misuse if publicly released, this record has been refused under Section 31(1)(a)(iii) – Law enforcement and public safety. Similarly, record 9c is an official signed exemption letter for use by exempted persons for the purpose of undertaking specific essential travel and has also been refused under Section 31(1)(a)(iii). Section 31(1)(a)(iii) determines that a head may refuse to grant an FOI request if access to the record concerned could reasonably be expected to prejudice or impair lawful methods, systems, plans or procedures for ensuring the safety of the public and the safety or security of persons and property. In my view, there is no benefit to the public interest in releasing these records, and the real risk of their misuse if publicly disclosed could lead to compromise of the integrity of the strictly controlled exemption process for Mandatory Hotel Quarantine.

Records 10, 11, and 12 fall under the exemption of Section 28(1)(c) of the Act. Section 28(1)(c) specifies that a head may refuse to grant an FOI request if the record contains

information (including advice) for a member of the Government, the Attorney General, a Minister of State, the Secretary General to the Government for use by him or her solely for the purpose of the transaction of any business of the Government at a meeting of the Government. Records 10, 11, and 12 contain correspondence between the private secretaries of the Ministers for Foreign Affairs and Health respectively. This correspondence conveys advice intended for a member of the Government, to be used at a meeting of the Government, and thus falls clearly under this exemption.

### **Records Part-Granted**

Where material has been partially granted in respect of records 9a, 13a, 15, 16, 17, and 18, the exemption from release under Section 37(1) Personal information applies to each. While Section 37(1) 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.

Where information has been redacted, it has been kept to the absolute minimum necessary to ensure that personal information has not been disclosed. The redactions applied relate to email addresses and contact details only and do not affect the overall substance of the records. I have also considered whether releasing the very limited amount of redacted personal information would provide any additional benefit in this regard. I have weighed this against the right of individuals to have their personal information remain private and have found that there is a clear prerogative for this information to remain private.

### **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](mailto: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](mailto: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,  
**Ciarán Doyle**

Office of the Minister For Foreign Affairs  
Department of Foreign Affairs

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