



9 December 2020

Our Ref: FOI/Req/20/209

Dear Mr Foxe,

I refer to the request which you have made under the Freedom of Information Act 2014 for access to records held by this Department:

A copy of the pre-budget submission from your Department to the Department of Finance ahead of Budget 2021. A copy of any cover, explanatory or accompanying letters sent by the Minister or Secretary General of your Department along with the pre-budget submission.

I refer also to the acknowledgement of your request which was sent to you on 11 November 2019.

The Department holds 6 records of email communications and 1 record of a letter between senior officials of this Department and relevant interlocutors in the Department of Public Expenditure & Reform relating to the Department's pre-budget submission ahead of Budget 2021. The records are listed in the attached schedule. I have made the decision to release five of the records in full and to partially release two records. There were no letters sent by the Tánaiste or either of the Ministers of State attached to the Department.

Record 1: I have made a decision to refuse access to part of record 1 under Section 36 (1) (b) of the FOI Act. This Section of the Act states that a responding officer:

“shall refuse to grant an FOI request if the record concerned contains financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her business or otherwise in his or her occupation”.

Record 5: I have also applied Section 29(1) (a) of the Freedom of Information Act to parts of record number 5. This exemption stipulates that a responding officer may refuse to grant access to records containing matters relating to the deliberative process of a public body. I have considered whether the public interest would be better served by releasing the parts of the record in question in terms of the right of the public to have access to information and the need for accountability and transparency in the decision making processes of public bodies. However, I am satisfied that their release would negatively impact on the decision making and information sharing process of this Department. I believe the release of these records, and the insight they give on politically sensitive issues, would adversely affect the ability of this Department to continue its work on these issues and with the same interlocutors. On balance, I have decided the public interest would not best be served in releasing these parts of record number 5.



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@dfat.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@dfat.ie, or 01-4082857.

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,

A handwritten signature in black ink, appearing to read 'Peter O'Brien'.

Peter O'Brien
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