



Our Ref: FOI/Req/20/198
To. Mr Sebastian Kevany

4 Dec, 2020

Dear Mr Kevany

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:

- Financial interactions between DFA / Irish Aid and CHAI since 2010?
- Records of exchanges, meeting minutes, and other communications?
- Records of the returns on investment to Ireland from CHAI donations?

I refer also to your email 23 November when you confirmed that you would refine the scope of your request to 2018-2020 and agreed an extension to 7 Dec 2020. I have prepared my response based on these criteria. I have identified forty records that fall within the scope of your request. The records are listed in the schedule attached. Due to the COVID-19 restrictions access to some documents and files is not possible.

With regard to your first question there are twelve records pertaining to the financial interactions between DFA/Irish Aid and CHAI between 2018 and 2020. Due to the aforementioned COVID-19 restrictions it is not possible to access these records at this time, therefore I have made a decision to create a record that provides an overview of these transactions. This record is attached.

With regard to your second question I have identified twenty-eight records of exchanges, meeting minutes and other communications. I have made a decision to refuse twenty-eight records. Where access has been refused the information is exempt from release under Information provided in confidence *Section 35(1) (a)* and Commercially sensitive information *Section 36(1)(b)* as set out in the attached schedule.

With regard to your third question regarding records on the returns on investment to Ireland from CHAI donations, no such records exist.

Information Provided in Confidence

I have considered Section 35 (1) (a) of the Act in my deliberations. This exemption has been applied in relation to twenty-eight documents which relate to confidential communications involving all aspects and stages of the CHAI – DFA partnership cycle. I have given consideration to the public's right to access information. Organisations in partnership arrangements with the Department of Foreign Affairs, which are providing this information have a reasonable expectation that it will be handled confidentially, as it was given in confidence. If these documents were to be released it could prejudice the provision of such information in the future. It is important that such information can continue to be shared on an open basis. On that basis, these twenty-eight documents have been refused for release.



Commercially sensitive information

I have refused access to twenty-eight records under Section 36(1)(b) of the Act given the commercially sensitive nature of the information they contain. The following were taken into consideration for disclosure of the records: the accountability of administrators and scrutiny of decision making processes and the use of public funds; the need for the public to be better informed and more competent to comment on and assess public affairs and policies and practices; the need for effective mechanisms to maintain public confidence in Government bodies by access to information on their performance of functions and the right of the public to have access to information/obtain reasons for decisions. On the other hand, I took into consideration the fact that CHAI actively seeks funding from other donors; that CHAI could reasonably expect to be at a financial loss as a direct result of release of the information and that CHAI could reasonably expect its competitive position to be jeopardised if the information is released. On balance I am satisfied that the public interest is best served by not releasing the records.

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, 76-78 Harcourt Street, Dublin 02 DX45 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. For methods of payment, please contact FOI Unit at foi@dfa.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

Emma Warwick