



An Roinn Gnóthaí Eachtracha
Department of Foreign Affairs

Our Ref: Fol/Req/090

Date: 28th May 2021

Dear Mr. Power,

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:

'1. Internal correspondence within the department, in relation to proposals to extend mandatory hotel quarantine to the United States, and European countries including France, Germany, Italy, between 28th March and 14th April.

2. Correspondence between DFA officials and the Department of Health, in relation to proposals to extend mandatory hotel quarantine to the United States, and European countries including France, Germany, Italy, between 28th March and 14th April... '

I refer also to the acknowledgement of your request, which was sent to you on 23rd April.

I have identified 65 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant 3, part-grant 4 and refuse 58 of the records.

Where access has been part-granted, the records have been redacted and are exempt from release under Section 37(1) (access would involve the disclosure of personal information). 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 the transparency and accountability of the Department. In the main, the information redacted relates to personal contact information and does not affect the substance of the record. I have particularly considered whether releasing the 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.

There are 36 records that have been refused on the basis of Section 33(1) (d), for which records may be refused if their disclosure would adversely affect the international relations of the state. These records contain discussions and information around the inclusion of States on the list of countries from which passengers arriving would have to quarantine. It is my opinion that

the release of these records would have an adverse effect on the international relations of the state.

There are 33 records that have been refused on the basis of Section 33(2)(b)(ii). It concerns records that are diplomatic communications that contain advice, opinions or other information the disclosure of which would adversely affect our international relations. The records contain information communicated from a diplomatic mission, in confidence, to the department. They contain advice and opinions, the release of which could reasonably be expected to affect adversely the international relations of the state. This is a mandatory exemption. This includes information from the Department's missions abroad and from foreign diplomatic missions accredited to Ireland. These trusted channels of communication are vital for the functioning of the work carried out by the Department of Foreign Affairs and its missions. Such information was communicated in confidence and I believe that the release of this information would prejudice the giving of further similar information to the Department, which would have an impact on the Department's ability to carry out its work and engage with international partners in the future. This would harm our capacity to conduct international relations, should the contents of such conduits for communication be disclosed. Diplomats need to be able to share frank opinions and give advice. I believe that it is of vital importance to the work of the Department, that further similar information should continue to be provided to enable the department to carry out its work, and as such, the records have been refused.

Record 46 is also exempt under Section 33(3)(c)(ii). It contains correspondence shared with the Department in confidence that was sent from a Department of the Government to the European Commission. This correspondence was sent in confidence on the understanding that it would not be disclosed.

There are 14 records that have been refused on the basis of Section 29 (1) , which allows for the refusal of the record if it contains matter relating to a deliberative process of an FOI body. The records include opinions and recommendations, advice to ministers and briefing material for the purposes of deliberation and decision making regarding the designation of states. The process of the designation of states for the purposes of mandatory hotel quarantine is a dynamic and ongoing process, which has not yet concluded. I have considered the public interest in the release of these records on the grounds that the public have a right to access information and their disclosure could reveal reasons for the decisions. I have also considered that the release of these records during the deliberative process could impair future decisions and contaminate the decision making process. This process is of immense importance to the public health and safety and affects greatly the State's international relations. Consequently, I have decided to refuse these records.

There are 7 records that have been refused on the grounds of Section 28(1)(c) which permits the refusal of records which contain information and advice for a member of the Government for use solely for the purpose of the transaction of any business at a meeting of Government. The refused records contain correspondence of a consultative nature between Ministers regarding the proposal to designate certain states prior to a decision being taken.

In response to the COVID-19 pandemic, the Government has put in place a number of temporary measures including the introduction of mandatory hotel quarantine for persons who have travelled from or been present in certain countries and territories (Designated States) in the 14-day period prior to arrival in Ireland. The aim of mandatory hotel quarantine is to protect the progress that has been made in Ireland in suppressing the virus, and the achievements of the vaccination programme which is currently being rolled out. Decisions on mandatory hotel quarantine, including the decision to designate certain countries and territories, are taken by the Minister of Health on the basis of advice and recommendations from Public Health Authorities and the Expert Advisory Group. The Minister of Health, in exercising his powers to designate countries and territories consults with the Minister for Foreign Affairs, the Minister of Transport and the Minister of Justice.

At all times, the Government's response to international travel has been guided by the advice of public health officials, and their assessment of the overall epidemiological situation and the risks posed.

The Department of Foreign Affairs and its diplomatic missions continue to provide consular assistance and advice to citizens abroad, including on the various public health measures for international travel in place throughout the pandemic.

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 cardholders). 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,
Claire Thompson