



An Roinn Gnóthaí Eachtracha
Department of Foreign Affairs

Our Ref: Fol/Req/21/121

Date: 25 June 2021

Dear Mr McDermott,

I refer to the request that you made on 1 June 2021 under the Freedom of Information Act 2014 for access to records held by this Department as follows:

I am requesting the release of any email correspondence between Ryanair or representatives of Ryanair and the Minister's office and/or his advisors (i.e. Laura McGonigle and Chris Donoghue) regarding the grounding of a Ryanair plane in Belarus on 23 May. I am also seeking any briefings given to the minister about this incident, and minutes or notes taken at any meetings between Ryanair and the minister/his advisors between 23 May and the present date regarding the same.

I also refer to the acknowledgement of your request, which was sent to you on 10 June. Regarding the first part of your request, 'email correspondence between Ryanair or representatives of Ryanair and the Minister's office and/or his advisors (i.e. Laura McGonigle and Chris Donoghue) regarding the grounding of a Ryanair plane in Belarus on 23 May,' no such records exist.

In respect of the second part of this request, 'any briefings given to the minister about this incident, and minutes or notes taken at any meetings between Ryanair and the minister/his advisors between 23 May and the present date regarding the same,' 11 records fall within the scope of this request and are listed in the schedule attached. As noted in the schedule, I have made the decision to refuse access to 8 of these records and to grant access to 3 records.

Records Refused

Records 1, 2, 3, 4, 5, 8 and 9 have been refused under the exemption set out in Section 33(1)(d) of the Act – Security, defence and international relations; the international relations of the State. **Section 33(1)(d)** refers to records which, if released, could reasonably be expected to adversely affect the international relations of the State.

The Department of Foreign Affairs is responsible for managing relations between Ireland and 178 countries in a complex and diverse environment. Successful diplomatic relations depend

upon the creation and maintenance of trust and confidence between governments and the representatives of those governments. This includes the essential ability for representatives of the Government to share views in confidence with international partners on sensitive issues of mutual concern. Based on the Department's direct knowledge and expertise in international relations, its strongly held position is that the mere granting of access to records that detail confidential briefings on international issues or reveal a Government representative's likely position(s) on those issues may adversely affect the State's relations.

As indicated in the schedule, the records 1, 2, 3, 4, 5, 8 and 9 relate to briefing materials for the Minister for Foreign Affairs intended for his use in the course of discussions with representatives of other states. I have considered the likelihood that the release of these records could result in negative consequences and have taken into account their likely severity. On balance, I am satisfied that the circumstances favour refusal rather than release in this case. It remains imperative that the Minister for Foreign Affairs can discuss matters of great import, both to the State and to the international community, frankly and openly in confidence with the representatives of other states. The release of confidential materials in this case would undermine that essential trust upon which the Department's work in maintaining and developing Ireland's international reputation depends.

Record 10 has been refused under Section 28(1)(c) – Meetings of the Government. 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. Record 10 contains advice intended for the Minister's use at a meeting of cabinet, and thus falls squarely under this mandatory exemption.

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,
Ciarán Doyle

Office of the Minister for Foreign Affairs
Department of Foreign Affairs
