



An Roinn Gnóthaí Eachtracha
Department of Foreign Affairs

Our Ref: Fol/Req/2021/196

27 October 2021

Dear Mr Coyle,

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:

Access to all records held by the Department, including internal and external correspondence, since the start of 2020 relating to hosting the America's Cup.

I refer also to the acknowledgement of your request which was sent to you on 30th August 2021.

I have identified 107 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant 23 records, to part grant 33 records and to refuse 51 records.

Please note a small number of records are not listed on the attached schedule as they are deemed to be restricted under section 42(F): a record held or created by the Attorney General or the Director of Public Prosecutions or the Office of the Attorney General or the Office of Director of Public Prosecutions, other than a record relating to general administration,

The records that have been refused have been refused under the following sections of the FOI act:

s. 28 (1) (a) Meetings of the Government – “A head may refuse to grant an FOI request if the record concerned— (a) 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,

The records refused under this provision contain information of this type

s. 28 (1) (C) Meetings of the Government – A Head may refuse to grant an FOI request if the record concerned “contains information for a member of Government. . . for use by him or her solely for the purpose of the transaction of any business of the Government”.

Again, the records refused under this provision contain information of this type.

s29.1.a - deliberative process, which states that;

A head may refuse to grant an FOI request –

- (a) 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 a member of the body or of the staff of the body for the purposes of those processes), and***
- (b) the granting of the request would, in the opinion of the head, be contrary to the public interest,***

In my opinion, it would be contrary to the public interest to release the records concerned, which contain details of the Department's deliberative processes, whilst the hosting of the Americas cup is still under active consideration.

s36 (1) (c), commercially sensitive information, which states that;

“a head shall refuse to grant an FOI request if the record concerned contains—

- (c) information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.”***

The release of records refused under this exemption could prejudice the outcome of negotiations relating to the hosting of the Americas Cup and therefore fall for refusal under this exemption.

s37 (1) - personal information. This exemption allows for the refusal of a record that “would involve the disclosure of personal information”. The redactions made under this exemption relate to names, addresses and contact details of individuals who are not Irish public servants. I am of the view that these do not affect the substance of the records and that there is no public interest benefit in releasing these details.

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

Sean Norton