

AN ROINN DLÍ agus CIRT agus  
COMHIONANNAIS  
51 Faiche Stiabhna  
Baile Átha Cliath 2  
Teileafón/Telephone: (01) 602 8202  
Ríomhphoist/e-mail: foi@justice.ie



DEPARTMENT OF JUSTICE and  
EQUALITY  
51 St. Stephen's Green  
Dublin 2  
Eircode : D02 HK52

Our Reference Number: 156/356/2017

Date: 14/06/2017

Mr. Liam Herrick  
Irish Council for Civil Liberties  
9-13 Blackhall Place  
Dublin 7

**Re: Your Freedom of Information request**

Dear Mr. Herrick,

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

**Acknowledgement**

Your request dated 13/06/2017 was received by this Department on 14/06/2017. The officer handling your request is Aisling Brennan. A final decision on your request would normally be sent to you within 20 working days of receipt of your request. This means that you can expect to receive your decision by 12/07/2017.

There are some limited situations under the FOI Act which could mean that the period for a final decision may be longer than the normal 20 working days. If this occurs in the case of your request, we will promptly advise you in writing.

**Non reply by us deemed to be a refusal**

If you have not heard from us once the allotted time has expired, you are automatically entitled to appeal to this Department for a review of the matter. This review proceeds on the legal basis that the initial request was refused once the specified time for responding to it has expired. The review is a full and new consideration of the matter carried out by a more senior member of staff of this Department.

Should you want to make such an appeal, you can do so by writing to me at the address given above. You should state that you are appealing because an initial decision was not sent to you within the time permitted. In that event, you would normally have 20 working days (after the initial decision should have been sent to you) in which to make the appeal. This Department will, however, allow the appeal to be made late in appropriate circumstances.

Yours sincerely,

Aisling Brennan  
Freedom of Information Officer  
Department of Justice and Equality



Please note that with effect from 27th February 2015 all non personal requests received by the Department of Justice & Equality, in the preceding 4 weeks, will be published on our website. The

information will contain the FOI reference number, the name of the requester and a brief description of the request.

RECEIVED  
18 JUL 2015

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51 St. Stephen's Green  
Dublin 2  
Eircode : D02 HK52  
Facsuimhir/Fax: (01) 661 5461

**Our Reference Number: 156/356/2017**

Mr. Liam Herrick  
Irish Council for Civil Liberties  
9-13 Blackhall Place  
Dublin 7

**Re: Your Freedom of Information request**

Dear Mr. Herrick,

I wish to acknowledge your letter dated 3 August 2017 received in this Department, in which you have appealed your Freedom of Information request due to non response.

Your appeal is currently being considered and a decision in relation to same should be made by 28 August 2017.

Yours sincerely,

Aisling Brennan  
Information Officer  
10 August 2017





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Mr Liam Herrick  
Executive Director  
Irish Council for Civil Liberties  
9-13 Blackhall Place  
Dublin 7  
D07 P2NX



**Our Ref: 156/356/2017**

Dear Mr Herrick,

I refer to your request, which you have made under the Freedom of Information Act 2014, for access to

- All agreements, memoranda of understanding and/or other arrangements with foreign countries concerning the sharing between Ireland and any other country, or international institution, of foreign-intelligence surveillance data.
- All policies, guidelines, opinion, reports and memoranda concerning:
  - The circumstances in which Ireland may share foreign-intelligence surveillance data with another country.
  - Any limitations on the sharing of foreign-intelligence surveillance data with other countries.
  - The circumstances in which Ireland may request or otherwise acquire from another country electronic-surveillance data.
  - Any limitations on the acquisition (whether by request or otherwise) of electronic-surveillance data from another country.
  - Any limitations on Ireland's retention, use, or dissemination of electronic-surveillance data requested or otherwise acquired from another country, including the use of such data or data derived from it in civil, criminal, administrative, or other proceedings.
  - The circumstances, if any, in which Ireland may request or otherwise acquire electronic-surveillance data from another country.

#### **Decision**

A decision in your case has been taken by an Assistant Principal Officer.

A thorough search was undertaken on foot of your request. Consultation was undertaken with appropriate staff members in the Department to identify if records of the type sought by you exist and, if so, where they might be located.

These searches produced a total of 1 record that has been identified as coming within the scope of your request.

This record has been considered for release by the decision maker who has decided to refuse its release.

#### **Reasons for Refusal**

The decision maker has concluded that the record concerns matters that may prejudice or impair the prevention, detection or investigation of offences.

The decision maker has therefore refused the record under Section 32(1)(a)(i) of the Freedom of Information Act 2014.

Section 32(1)(a)(i) provides

32. (1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to:

(a) prejudice or impair

(i) the prevention, detection or investigation of offences, the apprehension or prosecution of offenders or the effectiveness of lawful methods, systems, plans or procedures employed for the purposes of the matters aforesaid,

In addition, the decision maker has concluded that as this record is a confidential and international instrument for law enforcement its release would affect adversely the security of the State and international relations of the State.

Accordingly, the decision maker has also refused release of the record under Sections 33(1)(a) and (d) of the Act.

Sections 33(1)(a) and (d) provide

33. (1) A head may refuse to grant an FOI request in relation to a record (and in particular but without prejudice to the generality otherwise of this subsection, to a record to which subsection

(2) applies) if, in the opinion of the head, access to it could reasonably be expected to affect adversely

(a) the security of the State,

(d) the international relations of the State.

**Rights of review**

I note that you have already submitted an appeal to us and we will process it. The review undertaken will involve a complete reconsideration of the matter by a more senior member of the staff of this Department and the decision will be communicated to you within 15 working days.

A separate letter will issue to you in this regard.

Yours sincerely,



Aisling Brennan  
Information Officer  
11 August 2017

Schedule of Records – Summary of Decision-making -  
 FOI Request Reference: 156/356/2017

Rec. No	Brief Description	Date of record	No. of pages	Decision:	Basis of Refusal:
1	Arrangement between the Terrorist Screening Center of the United States of America and the Garda Síochána for the exchange of terrorism screening information	17/02/2012	16	Refused	32(1)(a)(i), 33(1)(a) and 33(1)(d)

