



Information Officer
Department of Justice and Equality
51 St Stephen's Green
Dublin 2

13th June 2017

Access to information request under the Freedom of Information Act 2014

Dear Minister,

1. As the Executive Director of the Irish Council for Civil Liberties (ICCL), an independent human rights organisation concerned with the promotion and protection of human rights in Ireland, I submit this request for information on behalf of ICCL, and in furtherance of the aims and objectives of ICCL.
2. Please find enclosed an access to information request submitted in terms of the Freedom of Information Act 2014. The documents sought concern international data-sharing arrangements between Ireland and any other country. The arrangements through which the Irish government shares and receives foreign intelligence surveillance with other governments dramatically implicate the privacy of every person, both nationals and non-nationals. However, to date, those arrangements are largely shrouded in secrecy.
3. In terms of this access to information request, the following records are sought:
 - 3.1. 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.
 - 3.2 All policies, guidelines, opinions, reports and memoranda concerning:
 - 3.2.1 The circumstances in which Ireland may share foreign-intelligence surveillance data with another country.

- 3.2.2 Any limitations on the sharing of foreign-intelligence surveillance data with other countries.
- 3.2.3 The circumstances in which Ireland may request or otherwise acquire from another country electronic-surveillance data.
- 3.2.4 Any limitations on the acquisition (whether by request or otherwise) of electronic-surveillance data from another country.
- 3.2.5 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.
- 3.2.6 The circumstances, if any, in which Ireland may request or otherwise acquire electronic-surveillance data from another country.

4. It must be emphasised that:

- 4.1. I submit that I am lawfully entitled to the information sought both in terms of the Constitution and the Freedom of Information Act 2014.
- 4.2. It is submitted that there are no justifiable grounds of refusal as contemplated under Freedom of Information Act.
- 4.3. In the event that any ground of refusal is sought to be relied upon in response to this request:
- 4.4. If the record is in the possession of another public body, you should transfer this request to the information officer of that public body as soon as reasonably possible, and at most within 14 days after receiving this request.

5. I wish also to draw your attention to the decision of the European Court of Human Rights in the case of *Magyar Helsinki Bizottság v. Hungary*, Application no. 180030/11, judgment of 8 November 2016. In that case, the Court found a violation of Article 10 of the European Convention on Human Rights and Fundamental Freedoms, finding in particular that the right to freedom of expression under Article 10 encompasses a right to seek and receive certain types of information under schemes such as the Freedom of Information Act, and that denial of requests for information could constitute an interference with that right.

ICCL notes in particular that the judgment in that case went on to consider whether a denial for a request for information could be justified as being necessary in a

democratic society; finding in that case that broad an overly broad legislative authority to deny requests was disproportionate and did not adequately take into account the freedom of expression rights of the applicants.

6. As such, I submit that I am entitled to the complete record of the information sought. Please find enclosed together with this letter: a completed copy of a Form as contemplated under the Freedom of Information Act 2014.
7. Should you require any further information, please feel free to contact me at liam.herrick@iccl.ie I look forward to hearing from you.
8. All rights are reserved.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Liam Herrick', written over a horizontal line.

Liam Herrick

Executive Director
ICCL



**Irish Council for
Civil Liberties**

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Freedom of Information Officer,
Defence Forces Headquarters,
Department of Defence,
Station Road,
Newbridge
Co. Kildare

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Liam Herrick

Executive Director
ICCL



The Freedom of Information Officer, An Garda Síochána,
Athlumney House
IDA Business Park
Johnstown
Navan
C.o Meath.

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