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Mr. Ronan Manly

4 September 2015

Re: FOI request 2015-000132

Dear Mr. Manly,

I refer to the appeal which you made under the Freedom of Information Act 2014 (the “**Act**”), dated 18th August 2015, seeking a review of the earlier decision of this body dated 20th July 2015.

I am a more senior member of staff than the original decision maker in this case and I have decided on 2nd September 2015 to **vary** the original decision on your request. The internal review is an entirely new and separate decision on your request, and is explained as such below. Your original request, sought access to certain records, the details of which together with the aspect on which you have sought this internal review are set out in the Appendix to this letter. In making my decision, I have had regard to the original request, the records which were located as part of that request, and the appeal letter which you submitted in this regard.

I enclose for your attention a schedule of these records and I refer you to the later part of this letter for a further explanation of my findings.

Decision

I have identified two records which fall within the scope of the first part of your request, namely the 2009 and 2010 statements received from Bank of England. I have decided to vary the original decision in respect of releasing the main text of these statements.

Access to these records was previously refused under section 40(1) and 40(2) of the Act. In my opinion, disclosing the total gold holdings in the Bank of England from



which an estimate of the gold holdings in the Currency centre could be deduced would not unduly increase the security threat to the Currency centre when compared to the value of banknotes issued into circulation¹ by the Central Bank. Therefore, in my view, the disclosure of the number of gold bars and fine ounces held in the Bank of England in 2009 and 2010, as recorded in the two statements, is unlikely to have a 'serious adverse effect' on the financial interests of the State.

Please note that I have redacted some data from the records provided under Section 32(1)(c). This redacted data includes confidential authentication/verification codes used to transmit secure electronic messages via SWIFT (this is the means by which the statements were received). The public disclosure of these codes could result in the codes potentially being used to fabricate SWIFT messages, 'hack' the SWIFT network and/or the Central Bank's SWIFT connection. Section 32(1)(c) of the Act provides that a head may refuse to grant an FOI request if access to the record concerned could reasonably be expected to facilitate the commission of an offence. In my opinion, the release of the redacted SWIFT codes could facilitate the commission of an offence.

With regard to the second part of your request, I am satisfied that there is no record detailing the weight list, bar list, or bullion weight list, that uniquely identifies the bars of gold held on behalf of the Central Bank of Ireland by the Bank of England for the period 2009/10. I am advised that the Bank of England is unable to provide holdings bar lists which are past dated. Accordingly, I have decided to affirm the original decision in respect of the second part of your request and agree with the original decision that section 15(1)(a) of the Act applies, on the grounds that "*the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken*".

You were also advised verbally by the original Decision Maker that a redrafting of note 10 to the Statement of Accounts took place in 2010 to provide a more accurate reflection of the external gold holdings of the Central Bank of Ireland. The Decision Maker confirmed in the decision letter dated 20 July 2015 that in both 2009 and 2010 all gold holdings held externally were with the Bank of England. I have confirmed that the Decision Maker advised you correctly in this regard.

Access Arrangements

You have sought access to the records by means of email and I consider this an appropriate form of access in this case. Accordingly, the records described as granted are now enclosed.

Rights of appeal

¹ As per 2009 Annual Report, the Central Bank issued 412 million banknotes, value €12,906m, into circulation in 2009.



You may appeal this decision by writing to the Information Commissioner at 18 Lower Leeson Street, Dublin 2. If you wish to appeal, you must usually do so not later than 6 months from the date of this notification. Should you write to the Information Commissioner making an appeal, please refer to this letter. If an appeal is made by you and accepted, the Information Commissioner will fully investigate, consider the matter and issue a fresh decision.

Please do not hesitate to contact me by telephone at 01 _____ should you wish to discuss this matter further.

Yours sincerely,

Senior Manager – TARGET & Collateral Management



Appendix

Original request:

A copy of documents (such as paper records, records held electronically, email correspondence) containing the following information:

Details of the gold holdings of the Central Bank of Ireland during 2009 which consisted of “deposits with foreign banks” as specified on page 77 of the 2009 Annual Report:

- the names of the foreign banks that the Central Bank of Ireland gold was deposited with during 2009, the duration of these gold deposits during 2009, details of the interest earned on these gold deposits, and information on the dates on which these gold deposits ended (since the gold holdings were not on deposit in 2010).

Details of the gold holdings of the Central Bank of Ireland during 2010 which consisted of “gold bars held at the Bank of England” as specified on page 98 of the 2010 Annual Report.

- A document, such as a weight list, bar list, or bullion weight list, that uniquely identifies the bars of gold held on behalf of the Central Bank of Ireland by the Bank of England. This list would include (for each bar), details such as bar brand, bar serial number (serial number from refiner, not Bank of England number), year of manufacture of bar, gross weight, fineness, fine ounces.
- Information or correspondence that discusses the rationale for switching the Central Bank of Ireland’s gold holdings from “deposits with foreign banks” in 2009 (see above) into “gold bars held at the Bank of England” in 2010.

Details of Appeal:

1. There was no proof proved by Mr C... as to how releasing a statistic stating the number of gold bars held by the Central Bank of Ireland could “have a serious, adverse effect on the financial interests of the State.” Likewise, there was no proof provided as to how disclosing “important information about the Central Bank’s gold holdings” could have a “could have a serious, adverse effect on the financial interests of the State.” **I would like a review of the decision to withhold the Bank of England statement dated 31st December 2009 reviewed, with a view to releasing said statement to me.**
2. I would like these interactions with the Bank of England to be reviewed as part of the appeal, and how a statement of gold bars can be said to be 'highly classified'.
3. Mr I... says “the release of this information, which is of substantial value, would identify the stock of gold coins held at the Central Bank from the stock of gold bars held at the Bank



of England and from which a market valuation for the separate holdings could easily be calculated.” “While there is public interest in ensuring transparency and accountability of public bodies, I believe that interest is outweighed by the public interest in protecting the confidentiality of asset valuation information, pertaining to the financial circumstances of the Central Bank.” The asset valuation information of gold holdings is not confidential. In line with international accounting standards Central Bank of Ireland gold is valued at market value in the Balance sheet. **My request for an explanation does not make any sense, and only serves to deflect my request. My request is not about gold coins. Introducing that argument is spurious and irrelevant.**

4. In refusing my request, there was no explanation as to why the Bank of England has not provided such as weight list of gold bars to the Central Bank of Ireland. **I would therefore like to appeal this finding also that the Central Bank of Ireland cannot request and provide a weight when other central banks, such as the RBI, can.**
5. The FOI response did not provide any explanation as to why the 2009 annual report used the wording of gold ‘deposits with foreign banks’ (in the plural). The FOI refusal of ‘Category 2(b)’ of my request uses the above justification (i.e. “the Central Bank of Ireland’s gold bars were held with the Bank of England during the course of 2009”). Since there was no **adequate explanation of the references to “deposits with foreign banks”**, then this is not adequate grounds for refusal and I would like this reviewed.