

An Garda Síochána

Oifig Saorála Fáisnéise,
An Garda Síochána, Teach áth Luimnigh,
Lárionad Gnó Udáras Forbartha Tionscail,
Baile Sheáin , An Uaimh,
Contae na Mí.
C15 ND62



Freedom of Information Office,
An Garda Síochána, Athlumney House,
IDA Business Park,
Johnstown, Navan,
Co Meath.
C15 ND62

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Bí linn/Join us  

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Re: Freedom of Information Request FOI-000098-2021 Request Part-Granted

Dear

I refer to your request, dated and received on 5th March, 2021 and further clarified on 9th March, 2021 which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by An Garda Síochána.

Part 1(n) of Schedule 1 of the FOI Act states that An Garda Síochána is listed as a partially included agency "insofar as it relates to administrative records relating to human resources, or finance or procurement matters". Therefore, only administrative records that relate to human resources, finance or procurement shall be considered.

Your request sought:

Request:

Under the FOI Act 2014, I am seeking the following information

- *Documentation pertaining to racial equity efforts within An Garda Síochána*
- *Documentation pertaining to anti-racism training materials, events, or policy & procedures*

Clarified Request:

Apologies re not including the timeframe. Can you please amend to from November 2020 to present.

Re part 1 on documents on racial equity efforts, I meant any records pertaining to diversity efforts within An Garda Síochána itself, eg recruitment/policy for staff, if any etc

I wish to inform you that I have decided to part grant your request on the 8th April 2021.

1. Findings, particulars and reasons for decision

On receipt, your request was forwarded to relevant sections where a search was conducted in respect of the records you sought.

In reply to part one of your request, I can advise that the An Garda Síochána Equality, Diversity and Inclusion Strategy Statement and Action Plan 2020-2021, Garda Strategy Statement 2019-2021, and An Garda Síochána People Strategy 2019-2021 are each published on the Garda website and can be viewed at: <https://www.garda.ie/en/about-us/publications/policing-plans/strategy/>

The An Garda Síochána Diversity & Integration Strategy 2019-2021 is available on the Garda Website at:

<https://www.garda.ie/en/crime-prevention/community-engagement/community-engagement-offices/garda-national-diversity-integration-unit/diversity-and-integration-strategy-2019-2021-english-v1-1.pdf>

The Garda National Diversity & Inclusion Unit, Community Engagement Bureau publishes a number of documents relating to hate crime which can also be viewed on the Garda website at:

<https://www.garda.ie/en/crime-prevention/community-engagement/community-engagement-offices/garda-national-diversity-integration-unit/garda-national-diversity-integration-unit.html>

As these documents are in the public domain, I am refusing this aspect of your request and do so pursuant to Section 15(1)(d) of the FOI Act wherein:

*15. (1) A head to whom an FOI request is made may refuse to grant the request where—
(d) the information is already in the public domain.*

In addition a number of records have been provided by Talent Acquisition Section, Human Resource & People Development. These records are now herewith attached. A number of the records have been redacted in accordance with the FOI Act and these redactions are outlined in the Schedule of Records provided.

A number of the records included herein contain information that falls outside the scope of the FOI Act. In this regard, Part 1(n) of Schedule 1 applies and these records have been redacted accordingly.

Under the FOI Act, records are released without any restriction as to how they may be used and thus, release under the FOI Act, is in effect, and regarded as being released to the world at large. As a result, I am conscious of my obligations to retain personal information in a confidential and secure manner and prevent personal information from being released in to the public domain unnecessarily. Section 2 of the FOI Act defines personal information as follows:

2.(1) In this Act—

"personal information" means information about an identifiable individual that, either—

- (a) would, in the ordinary course of events, be known only to the individual or members of the family, or friends, of the individual, or*

Section 37 – Personal Information

Section 37 provides that a public body shall refuse to grant a request if access to the record concerned would involve the disclosure of personal information. Furthermore, Section 37(7) provides that a public body shall refuse to grant a request if access to the record concerned would, in addition to involving the disclosure of personal information relating to the requester, also involve the disclosure of personal information relating to an individual or individuals other than the requester, commonly referred to as joint personal information.

I am satisfied that parts of certain records relate to third parties, as well as information relating to other individuals who are named in the records. As such, I am satisfied that the records consist of the personal information of these third parties. Accordingly, I find that Section 37(1) and (7) of the Act applies to the records at issue.

Section 37(1) and (7) of the FOI Act are as follows:

37(1) Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual)

(7) Notwithstanding paragraph (a) of subsection (2), a head shall, subject to paragraphs (b) to (e) of that subsection and subsections (5) and (8), refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would, in addition to involving the disclosure of personal information relating to the requester, also involve the disclosure of personal information relating to an individual or individuals other than the requester.

The FOI Act requires that prior to refusing the release of a record under Section 37 a public interest test be carried out. I have considered the public interest issues which arise in this case and have taken account of the following factors in favour of release:

- Ensuring openness and transparency of organisational functions to the greatest possible extent,
- The public interest in members of the public exercising their rights under the FOI Act,
- That there is more than just a transitory interest by the public in this information,
- The right to privacy is outweighed by the needs of the public.
- Ensuring fairness of procedures and that decisions are fair and equitable and evenly applied,

In considering the public interest factors which favour withholding the records, I have taken account of the following:

- The public interest is not best served by releasing these records,
- That the Organisation can conduct its business in a confidential manner,
- That there is a reasonable and implied expectation that sensitive personal information will remain confidential,
- That there is no overriding public interest that outweighs the individual's right to privacy.

- Allowing a public body to hold personal information without undue access by members of the public,
- Allowing a public body to make its decisions without undue intrusion into the process,
- Premature release could negatively affect future decision making processes.
- Premature release could contaminate the decision making process.

A public interest test was carried out when considering the release of the records but, having balanced the factors both for and against the release, I have decided that the public interest in preserving personal information and to maintain the integrity of the decision making process would best be served by withholding the records.

In reply to part two of your request, I have been advised by the Garda College that there is no one particular training module dealing specifically with racism and diversity, but elements are embedded throughout a number of training modules within the BA in Applied Policing Training Programme. As part of above mentioned An Garda Síochána Diversity & Integration Strategy Statement 2019-2021, there is strong emphasis on human rights as a foundation for providing policing services. In line with our duty under Section 42 of the Irish Human Rights and Equality Act 2014, the Garda Commissioner has committed to building our human rights capacity and progressing our internal and external diversity and inclusion initiatives.

In order to extract all documents pertaining to anti-racism training materials, events, or policy & procedures an entire trawl of every module of training provided by the Garda College would have to be conducted to extract the records requested within your request, which are embedded throughout modules with the Foundation Training Programme.

Therefore, I am refusing part two of your request and do so on the basis of Section 15(1)(c) of the FOI Act 2014 which states;

15. (1) A head to whom an FOI request is made may refuse to grant the request where—

(c) in the opinion of the head, granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, require the retrieval and examination of such number of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of work (including disruption of work in a particular functional area) of the FOI body concerned

2. Right of Appeal

In the event that you are not happy with this decision you may seek an Internal Review of the matter by writing to the address below and quoting reference number **FOI-000098-2021**.

Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, Navan, Co. Meath, C15 DR90.

You must ensure that your FOI reference number FOI-000098-2021 is included in the payment details.

You should submit your request for an Internal Review within 4 weeks from the date of this notification. The review will involve a complete reconsideration of the matter by a more senior

member of An Garda Síochána and the decision will be communicated to you within 3 weeks. The making of a late appeal may be permitted in appropriate circumstances.

Please be advised that An Garda Síochána replies under Freedom of Information may be released in to the public domain via our website at www.garda.ie

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

Should you have any questions or concerns regarding the above, please contact the FOI Office by telephone at (046) 9036350.

Yours sincerely,



ASSISTANT PRINCIPAL

PAUL BASSETT

FREEDOM OF INFORMATION OFFICER

 APRIL, 2021.