

# 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 DR90



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

Teileafón/Tel: (046) 9036350

Bí linn/Join us  

Láithreán Gréasain/Website:  
[www.garda.ie](http://www.garda.ie)

Ríomh-phoist/Email: [foi@garda.ie](mailto:foi@garda.ie)

## Re: Freedom of Information Request FOI-000096-2020 Request Refused

*Dear*

I refer to your request, dated 20<sup>th</sup> February, 2020 and received on 21<sup>st</sup> February, 2020 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:

- *The total amount An Garda Síochána paid Go Safe for speed camera operations in (i) 2017, (ii) 2018 and (iii) 2019, and information on a breakdown of the payments arrangements - ie, how much was paid per hour of speed monitoring, for each surveying hour, etc.*
- *A copy of the contract Go Safe had with An Garda Síochána for 2017, 2018, 2019 and 2020.*

I wish to inform you that I have decided to refuse your request on 13<sup>th</sup> March, 2020.

### 1. Findings, particulars and reasons for decisions.

The first part of your request is seeking 'the total amount An Garda Síochána paid Go Safe for speed cameras in 2017, 2018 and 2019'. I wish to advise you that I am refusing to provide this information in accordance with Section 15(1)(i) as this information was already released to you in a previous FOI request, reference number FOI-000083-2020. Section 15(1)(i) states:

***Refusal on administrative grounds to grant FOI requests:***

- 15(1) *A head to whom an FOI request is made may refuse to grant the request where –*
- (i) *the request relates to records already released, either to the same or a previous requester where –*
  - (i) *the records are available to the requester concerned,*

I note you are seeking the total amount broken down into “*how much was paid per hour of speed monitoring, for each surveying hour, etc.*”. I am to advise you that I am refusing to provide this information in accordance with Section 36 (1) (b) and (c) of the FOI Act.

**Commercially Sensitive Information – Section 36**

Section 36 of the FOI Act is provided below.

- 36(1) *Subject to subsection (2), a head shall refuse to grant an FOI request if the record concerned contains—*
- (b) *financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation, or*
  - (c) *information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.*

I am conscious that the disclosure of information via an FOI request is a disclosure to the world at large. The references to pricing structures and hourly rates are particularly sensitive information and will give an insight into the business affairs of GoSafe that competitors would otherwise be without. I am also of the opinion that it is not unreasonable and in fact more likely than not, to believe that the result of releasing such harmful information will be twofold: (1) prejudicial to the competitive position of GoSafe in current and ongoing contractual obligations and (2) obtaining business information which will be to the advantage of competitors.

**Public Interest Test**

There is a Public Interest Test associated with section 36 of the FOI Act whereby my decision must be made having fully considered the public interest relevant to this request.

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 being released.
- The right to commercial confidentiality is outweighed by the needs of the public regarding the expenditure of public funds by a public body.

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

- Allowing a public body to hold commercial information without undue access by members of the public.
- The best course of action which is in the public interest with regard to these records.
- That An Garda Síochána can conduct its business with external contractors in a confidential manner.
- That there is a reasonable and implied expectation by contractors that financial information pertaining to services provided will be held in a confidential manner.
- That there is no overriding public interest that outweighs the right to privacy by an individual or in this case the financial activities of a service provider.

Having balanced the public interest factors both for and against the release, I decided that the public interest in preserving the information and the reasonable expectation that information can be maintained by An Garda Síochána without prejudicing future financial endeavors by external service providers outweighs the public interest which would be served were the records released to you.

I have considered the provisions of section 36(2) and decided that they do not have any bearing on the decision as the overriding interest is to protect the sensitive commercial and financial information in this case.

I am also refusing part 2 of your request in accordance with Section 15 (1)(d) of the FOI Act which states:

***Refusal on administrative grounds to grant FOI requests:***

*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.*

The GoSafe contract was the subject of a previously answered FOI request and has been published on our FOI decision log and is therefore already in the public domain. You may access this previous decision, reference number FOI-000450-2016 by following this link;

<https://www.garda.ie/en/Information-Centre/Freedom-of-Information/Decision-Log/Finance-%E2%80%93-Procurement/Finance-Procurement-Decision-Logs-2017.html>

Please be advised that the current contract with Go Safe does not expire until April, 2023 and can be extended subject to approval for a further 12 months i.e. April, 2024.

## **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-000096-2020**.

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

Please note that a fee applies. This fee has been set at €30 (€10 for a Medical Card holder). Payment should be made by way of bank draft, money order, postal order or personal cheque, and made payable to Accountant, Garda Finance Directorate, Garda Headquarters, Phoenix Park, Dublin 8.

Payment can be made by electronic means, using the following details:  
**Account Name:** Garda Síochána Finance Section Public Bank Account  
**Account Number:** 10026896  
**Sort Code:** 900017  
**IBAN:** IE86BOFI90001710026896  
**BIC:** BOFIIIE2D

**You must ensure that your FOI reference number (FOI-00096-2020) 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](http://www.garda.ie)

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

Should you wish to discuss the above, please contact the FOI Office by telephone at (046) 9036350.

Yours sincerely,

 **ACTING ASSISTANT PRINCIPAL**  
**MARIA BRODIGAN**  
**FREEDOM OF INFORMATION OFFICER**

16<sup>th</sup> MARCH 2020