

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

Teilifón/Tel: (046) 9036350

Láithreán Gréasain/Website:
www.garda.ie

Bí linn/Join us  

Ríomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000137-2020 Request Part-Grant

Dear ,

I refer to your request, dated and received on 3rd April, 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:

I am seeking the following under the Freedom of Information Act -

The total amount paid out in Garda overtime last year.

The top 20 amounts paid out in overtime and the rank of Gardai to receive the top 20 amounts and the division in which Garda is based.

In this regard, I have decided to part-grant your request on the 24th April 2020.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

I wish to advise that I am refusing the first part of your request wherein you seek the 'The total amount paid out in Garda overtime last year' on administrative grounds in accordance with section 15(1)(d) of the FOI Act as the information is already in the public domain.

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Section 15(1)(d) of the FOI Act 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 information sought by you is already published on the Freedom of Information decision log on the Garda website and may be accessed by following the attached link:

<https://www.garda.ie/en/Information-Centre/Freedom-of-Information/Publication-Scheme/Budgets-and-spending/Overtime-Reports.html>

In respect of part 2 of your request, details were provided to the Finance Directorate within An Garda Síochána who have briefed this Office in respect of same. The table below outlines the “The top 20 amounts paid out in overtime and the rank of Gardai to receive the top 20 amounts and the division in which Garda is based”

20 highest amounts paid in overtime - 2019		
	Amount	Rank
1	55,086	GARDA
2	54,437	INSPECTOR
3	51,696	INSPECTOR
4	49,549	SERGEANT
5	48,783	SERGEANT
6	48,482	SERGEANT
7	48,070	SERGEANT
8	47,646	GARDA
9	47,413	SERGEANT
10	47,137	SERGEANT
11	46,545	GARDA
12	46,246	INSPECTOR
13	46,074	SERGEANT
14	45,446	GARDA
15	45,429	SERGEANT
16	45,379	GARDA
17	45,283	GARDA
18	44,613	SERGEANT
19	44,508	SERGEANT
20	44,250	SERGEANT

I am refusing the part of your request wherein you seek ‘the division in which Garda is based’ in accordance with section 37(1) of the FOI Act.

Information that is considered personal is not released under the provisions of the FOI Act when it refers to an identifiable individual(s) and meets the definition as per Section 2 of the FOI Act.

A certain part of the record provided identifies the Garda Division where the top twenty Garda overtime earners are attached. Due to the small number of individuals outlined in the record the release of the details of the Garda Divisions concerned used in conjunction with the rank provided could identify and thereby disclose the overtime earnings of the individuals concerned. This information is therefore considered personal information. This section of the record is subject to the provisions contained in section 37 of the FOI Act as set out below.

Section 37 states

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).

Personal information is defined at section 2 of the FOI Act and includes the following:

Section 2 — Interpretation

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

(b) is held by an FOI body on the understanding that it would be treated by that body as confidential,

and, without prejudice to the generality of the foregoing, includes—

(iii) information relating to the employment or employment history of the individual,

I am refusing to provide the information contained within this specific record as I believe that the release of this information, which is specific to an individual(s), will allow for a person(s) to become easily identifiable and possibly named in the public domain. I am also refusing to provide the information contained within these specific records as I believe that it would be considered a breach of the confidentiality upon which the information is being held by the Garda Organisation.

I also considered the provisions contained in section 37(2), section 37(5) and 37(8) whereby information can be released under certain circumstances. However, I found that these provisions do not apply in this case. Section 37 is a mandatory exemption and must be applied to information that falls under section 37(1) of the FOI Act. I am therefore refusing one part of the attached record pursuant to section 37 of the FOI Act.

There is a Public Interest Test applicable to section 37 of the FOI Act.

Public Interest Test

As per section 37 of the FOI Act 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,
- The right to privacy is outweighed by the needs of the public.

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

- Allowing a public body to hold personal information without undue access by members of the public,
- The public interest is not best served by releasing these records,
- That there is no overriding public interest that outweighs the individual's right to privacy.

A public interest test was carried out when considering the release of the personal information but having balanced the factors both for and against the release, I decided that the public interest in preserving the personal information and the reasonable expectation that information can be maintained in a confidential manner by An Garda Síochána outweighs the public interest which would be served were the records released to you in their entirety.

The nature of Garda work and the requirement that the Garda authorities respond, in some cases at short notice, to immediate policing demands means that there is a necessity to incur overtime expenses to ensure effective policing. Accordingly, there will always be a need for a certain level of overtime to allow An Garda Síochána flexibility when responding to circumstances that require additional resources for specific operations. These additional resources will have to be over and above those available from Gardaí on rostered duty thus ensuring the continuation of normal policing duties unabated.

In addition, police led operations can require the deployment of extra resources on overtime. This includes the implementation of anti-crime and anti-burglary initiatives. Similarly, non-crime related events and events organised by interest groups within the general public can require overtime to police effectively as additional Gardaí may need to be deployed to ensure public safety.

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-000137-2020**.

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: BOFIE2D

You must ensure that your FOI reference number (FOI-000137-2020) 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.

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 me by telephone at (046) 9036350.

Yours sincerely,



MARIA BRODIGAN
FREEDOM OF INFORMATION OFFICER

24th APRIL, 2020.