

# 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

Láithreán Gréasain/Website:

[www.garda.ie](http://www.garda.ie)

Bí linn/Join us  

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

## Re: Freedom of Information Request FOI-000426-2021 Request Part-Grant

*Dear*

I refer to your request, dated and received on 29<sup>th</sup> November, 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:

*Under the FOI Act 2014, I am seeking the following:*

- *an anonymised database/spreadsheet/record of gardaí who have been disciplined with regard to their use/misuse of social media and/or messaging services in the period 1 Jan 2017 to date of receipt of the request. This record would ideally include an identifier such as Officer X, Y, Z, the gender of the officer, the nature/type of incident, the social media/messaging service concerned, and the status of any disciplinary action that was taken against them, whether the officer remains a serving member.*

*If details of the nature/type of incident cannot be provided individually, please provide an information note on the type of incidents, which have been dealt with.*

*I would prefer to receive this information electronically, ideally in its original electronic format.*

I wish to inform you that I have decided to part-grant your request on the 9<sup>th</sup> December, 2021. The purpose of this letter is to explain that decision.

## 1. Findings, particulars and reasons for decision

On receipt of your request, a search was conducted in the relevant sections of An Garda Síochána in respect the records that you were seeking

I can advise that there have been 5 Members Disciplined resulting in 4 Discipline Files with regard to the use/misuse of Social Media and/or Messaging Services for the period 1<sup>st</sup> January 2017 – to date of receipt of the request. The media platforms used where Instagram, Whatsapp, Facebook & Texts (phone). I can also advise that 4 of the members are still serving with An Garda Síochána.

**Case 1:** Two Members of Garda Rank were dealt with by way of Regulation 10 of the An Garda Síochána (Discipline) Regulations, 2007.

**Case 2:** One Member of Garda Rank was dealt with by way of Regulation 14 of the An Garda Síochána (Discipline) Regulations, 2007 (Warning)

**Case 3:** One Member of Garda Rank was dealt with by way of Regulation 14 of the An Garda Síochána (Discipline) Regulations, 2007 (Caution)

**Case 4:** One Member of Garda Rank was dealt with by way of Regulation 14 of the An Garda Síochána (Discipline) Regulations, 2007 (Temporary Reduction in Pay)

I am refusing to provide records in relation to the gender of the members. I believe that the individuals involved will become easily identifiable beyond their family and friends and it would be considered a breach of the confidentiality upon which the information is being held by the Garda Organisation. The release of information with regard to such a small number of members may allow for a person to become more identifiable and possibly named in the public domain. Therefore I am refusing release same in accordance with 37 (1) of the FOI Act which states;

### ***Section 37 - Personal Information***

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***

1. (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—*



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,
- 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.

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 the Organisation can conduct its business in a confidential manner,
- That there is a reasonable and implied expectation by employees that sensitive personal information will remain confidential,
- 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 in the context of its dismissal and suspension proceedings outweighs the public interest which would be served were the records released to you.

## **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-000426-2021**.

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

Please note that a fee applies. This fee has been set at €30 (€10 fee 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:** An Garda Síochána Imprest Account

**Account Number:** 30000302

**Sort Code:** 951599

**IBAN:** IE28DABA95159930000302

**BIC:** DABAIE2D

**You must ensure that your FOI reference number (FOI-000426-2021) 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](http://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,



ASSISTANT PRINCIPAL

PAUL BASSETT

FREEDOM OF INFORMATION OFFICER

9<sup>th</sup> DECEMBER, 2021.