

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

Bí linn/Join us  

Ríomh-phoist:/Email: foi@garda.ie

FOI-GEN-192476/21

Re: Access to Information on the Environment (AIE) Regulations Request AIE-002-2021 Request Part-Granted

Dear

I refer to your request under the European Communities (Access to Information on the Environment) Regulations 2007 to 2014 (S.I. No. 133 of 2007, S.I. No. 662 of 2011 and S.I. No. 615 of 2014) (hereafter referred to as the AIE Regulations) which was dated and received in this office on 27th April, 2021.

Your request sought:

I am making the following request under the Access to Information on the Environment (AIE) Regulations:

- I am requesting a copy of records held by An Garda Síochána relating to the governance of driving (basic and advanced) and parking by Garda members of all ranks and units*

Such records to include, but not be limited to: regulations, guides, operational procedures, manuals, training manuals, and any other such documents, whether mandatory or discretionary

The AIE Regulations are based on Directive 2003/4/EC. The Regulations provide for the right of access to environmental information held by or for public authorities and set out the basic terms and conditions of, and practical arrangements for, the exercise of this right of access. In line with Article 2(1) of the Directive, Article 3(1) of the AIE Regulations defines "environmental information" as "any information in written, visual, aural, electronic or any other material form on –

- (a) *The state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites... and the interaction among these elements,*
- (b) *Factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment,*
- (c) *Measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in paragraphs (a) and (b) as well as measures or activities designed to protect those elements,*
- (d) *Reports on the implementation of environmental legislation,*
- (e) *Cost benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in paragraph (c), and*
- (f) *The state of human health and safety... conditions of human life, cultural sites and built structures... affected by the state of the elements of the environment... or through those elements, by any of the matters referred to in paragraph (b) and (c)”.*

While the AIE Regulations provide a broad definition of the term “environmental information”, it is not intended to give a general and unlimited right of access to all information held by public authorities which has a connection, however minimal, with one of the environmental factors mentioned

I wish to inform you that I have decided to part-grant your request on 21st May, 2021.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision

Upon receipt, your request was forwarded to the Garda College which has responsibility for Driver Training and a number of records have been forwarded to this Office. All training or basic assessments commence on the base point of the **Rules of the Road** as published by the Road Safety Authority. Response and advanced training is based on the Road Safety Authority Emergency Services Driving Standards. The *Rules of the Road, RSA Emergency Services Driving Standard Syllabus* and the *RSA Emergency Services Driving Standard Guidance Manual* are available on the Road Safety Authority website at www.rsa.ie. As these documents are in the public domain and freely available, I am refusing their release in accordance with Article 7(3)(a)(i) of the Regulations wherein:

Action on request

7.(3) (a) Where a request has been made to a public authority for access to environmental information in a particular form or manner, access shall be given in that form or manner unless—

(i) the information is already available to the public in another form or manner that is easily accessible,

Other records provided by the Garda College contain elements relating to operational policing matters. These records have been redacted in accordance with Article 8(a)(iv) of the Regulations and are attached herewith.

The Regulations provide that where the confidentiality of the proceedings of public authorities is otherwise protected by law, information relating to such proceedings may not be made available under the AIE Regulations. This includes information exempt from disclosure under the Freedom of Information Act. In effect, this means that if information about the proceedings of a public body, would were an FOI request to be made seeking discovery of it, be capable of being protected under the FOI Act, a public body must not release this information under the AIE Regulations. This is provided for in Article 8(a)(iv) of the Regulations wherein:

8. A public authority shall not make available environmental information in accordance with article 7 where disclosure of the information –

(a) would adversely affect –

(iv) without prejudice to paragraph (b), the confidentiality of proceedings of public authorities, where such confidentiality is otherwise protected by law (including the Freedom of Information Acts 1997 and 2003 with respect to exempt records within the meaning of those Acts)

The Freedom of Information Act provides significant protections against the release of records held by An Garda Síochána relating to operational policing. The FOI Act provides that An Garda Síochána is not a public body for the purposes of the FOI Act other than in relation to administrative records relating to human resources, or finance or procurement matters and as such that records relating to the core business of An Garda Síochána, i.e. operational policing matters, are exempted from release. In effect, this means that such records are also exempt from release under the AIE Regulations.

Article 10(3) of the Regulations requires that I weight the public interest served by disclosure against the interest served by refusal. I am mindful of the comprehensive protections given by the Oireachtas, in the FOI Act, against the release of records relating to operational policing matters and to the consequences of the release of such information into the public domain. Additionally, I am concerned that the release of the records sought in this instance would impact on future decisions by An Garda Síochána. In light of the nature of much of the work undertaken by An Garda Síochána, I am particularly conscious of the need for An Garda Síochána to be able to maintain confidentiality in its decision making processes around operational policing matters. I am particularly concerned that the use of the AIE Regulations to release records in respect of operational policing matters in this instance, would create a precedent in respect of future requests.

I have considered a number of factors in favour of the release of the records sought, namely the right of the public to access to information, the ability of the public to hold the decisions of public bodies to scrutiny, and the need for the public to be better informed on environmental affairs. However having considered the factors both in favour and against release, I am satisfied that the public interest served by the release of the records sought does not outweigh the substantial public interest served by the ability of An Garda Síochána to carry out its law enforcement functions.

2. Right of Appeal

Under Article 11 of the AIE Regulations you have a right to seek an internal review of this decision. An internal review involves a complete reconsideration of the matter by a member

of the staff of this Organisation, of the same or higher rank than the original decision-maker, who may affirm, vary or annul the original decision made. The decision of this review will be communicated to you within one month of receipt of your application for an internal review.

In the event that you wish to make such an appeal, you can do so by writing to, *Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, Johnstown, Navan, Co. Meath C15 DR90* referring to this decision and quoting your AIE reference number. You must make this request within one month of the date of this notification, (the making of a late appeal may be permitted in appropriate circumstances).

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

21st MAY 2021

An Garda Síochána

Coimisinéir Cúnta,
Seirbhís Náisiúnta an Gharda Síochána i
dtaca le Coireacht agus Faisnéis Slándála,
Ceanncheathrú an Gharda Síochána,
Páirc an Fhionnuisce,
Baile Átha Cliath 8.
D08 HN3X.



Assistant Commissioner,
Garda National Crime and Security
Intelligence Service,
Garda Headquarters,
Phoenix Park,
Dublin 8.
D08 HN3X.

Teileafón/Tel: (01) 666 2865

*Luaigh an uimhir thagartha seo a leanas,
le do thoil:
Please quote the following ref number:*

Bí linn/Join us



Láithreán Gréasáin/Web Site:

www.garda.ie

Riomh-phoist/E-mail:

Commissioner.GNCSIS@Garda.ie

Treoir Ceanncheathrún/

HQ Directive No: [REDACTED]

Dáta/Date: 4th September 2020

Gach Oifigeach, Cigire agus Stáisiún - Each Officer, Inspector and Station. Is dolcimeíd faoi iontaoibh é seo le h-úsáid ag pearsanra den Gharda Síochána amháin. This is a confidential document for use only by Garda Personnel.

**RE: Governance regarding the Use of Official Vehicles – [REDACTED]
[REDACTED] - ‘Transport Resource Fleet’.**

[REDACTED] It is incumbent upon and obligatory for Garda Personnel and Staff performing duties as drivers of official vehicles to be familiar with the provisions contained therein and to strictly adhere to the measures concerned.

The use of an official vehicle for any private purpose or for any purpose not authorised is strictly forbidden, [REDACTED] **The unauthorised use of an official vehicle may constitute a serious breach of regulations.**

Each Chief Superintendent / Head of Unit / Section will ensure that governance measures are in place in each Division / Unit / Section to ensure the driving of official vehicles and the use of official vehicles is in full compliance with the Garda Síochána Code in order to mitigate against the unauthorised use of vehicles assigned to the Garda Fleet.

In addition to ensuring compliance with policy & procedures contained within the Garda Síochána Code, each Chief Superintendent / Head of Unit / Section will ensure that official vehicles are appropriately parked and secured within the assigned Divisional / National Unit / Section [REDACTED]

[REDACTED]

Each Assistant Commissioner / Executive Director in conjunction with their regional management teams will conduct an examination of current practices within their respective areas with the objective of enhancing governance procedures at local level in accordance with the contents of this directive.

Please bring to the attention of all personnel concerned for strict compliance.



J.A. HARRIS
COMMISSIONER

4 September 2020