

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

Teileafón/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-000250-2020 Request Part Granted

Dear

I refer to your request, dated 16th July, 2020 received 17th July, 2020 and further clarified on 22nd July, 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:

Original Request:

Under the Freedom of Information Act 2014, I would like access to the following information:

How many gardai in Cork City, Cork West and Cork North divisions are currently on leave of absence; for how long are they on leave; when do these leave periods expire, and how many have applied for leaves of absence between now and the end of 2020?

Clarified Request:

Further to this, I am seeking information on how many personnel in the three Cork divisions Cork City, Cork West and Cork North area are currently on,

- *Long term sick leave*
- *Maternity leave,*
- *Long term leaves of absence for study*
- *Suspension from their role*

I wish to inform you that I have decided to part-grant your request on 10th August 2020.

The purpose of this letter is to explain my decision in respect of each part of your request.

1. Findings, particulars and reasons for decision

Upon receipt, your request was forwarded to the relevant sections of An Garda Síochána where a search was conducted in respect of same and a number of records identified.

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.

HR records refer to personal records of staff working within An Garda Síochána. They also relate to statistical information in respect of the organisation, e.g sick leave, discipline, retirements, etc. Financial records relate to the financial expenditure of the organisation and procurement records relate to the contracting of services and the tendering process associated with same.

The table below lists the numbers of Garda members currently on the categories of leave identified:

	<u>CORK CITY DIVISION</u>	<u>CORK WEST DIVISION</u>	<u>CORK NORTH DIVISION</u>
Long Term Sick	17	8	17
Maternity Leave	19	3	6
Study Leave	1	0	0
Suspension	2	2	1

In addition, I can advise that the numbers of Garda members who have applied for the above categories of leave between now and the end of 2020 are: Cork City Division - 1 member; Cork West Division - 2 members; Cork North Division – 7 members.

I am refusing your request for details of how long the members concerned are on leave and when the leave periods in question are due to expire. This refusal is based on Section 37 of the Freedom of Information Act. Section 37 of the FOI Act states;

“(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, as defined at section 2 of the FOI Act, 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 –

- (i) *information relating to the educational, medical, psychiatric or psychological history of the individual*
- (ii) *information relating to the financial affairs of the individual*
- (iii) *information relation to the employment or employment history of the individual*

I am conscious that the disclosure of information via an FOI request is a disclosure to the world at large. Given the small number of individuals concerned, I am of the view that the release of this information, which is specific to an individual(s), would allow for a person to become more identifiable and possibly named in the public domain. I am refusing to provide the information contained within this aspect of your request as I believe that it would be considered a breach of the confidentiality upon which the information is being held by the Garda Organisation.

In applying section 37(1) of the FOI Act a Public Interest Test must be applied to ensure the actions taken are done so in the best interest of the public.

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 right to privacy is outweighed by the needs of the public.
- The public interest in members of the public exercising their rights under the FOI Act,

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,
- 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.

A Public Interest Test was carried out when considering the release of the personal information. Having balanced the factors both for and against the release, I have decided that the public interest in preserving the personal information of Garda members 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 my opinion the release of this personal information can reasonably be expected to lead to the identification of the Garda members involved. There is also a reasonable expectation by Garda members that his type of personal information would remain confidential.

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-000250-2020**.

Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, 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-000250-2020 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 the FOI Office by telephone at (046) 9036350.

Yours sincerely,



ASSISTANT PRINCIPAL

PAUL BASSETT

FREEDOM OF INFORMATION OFFICER

10th AUGUST 2020.