

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

Bí linn/Join us



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

## Re: Freedom of Information Request FOI-000353-2021 Request Part Granted

*Dear*

I refer to your request, dated and received on 12<sup>th</sup> October, 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:

*In December 2019 it was announced that the Minister for Justice and Equality Charlie Flanagan TD had secured Cabinet agreement for the Regulations governing a severance programme targeted at Senior managers in the Garda organisation.*

*Under the provisions of the Freedom of Information Act 2014 I am seeking the following:*

- 1. The total number of Garda Officers who applied/expressed an interest in availing of this severance package,*
- 2. The Districts of those Officers who applied/expressed an interest in availing of this severance package,*
- 3. The total number of Garda Officers whose application for this severance package was accepted,*
- 4. The Districts of those Officers whose application for this severance package was accepted,*
- 5. The total number of Garda Officers whose application for this severance package was refused,*

6. *The Districts of those Officers whose application for this severance package was refused,*
7. *The total number of Garda Officers who applied/expressed an interest in availing of this severance package, who were subject to disciplinary/criminal proceedings at the time of their application,*
8. *The Districts of those Officers who applied/expressed an interest in availing of this severance package, who were subject to disciplinary/criminal proceedings at the time of their application,*
9. *The total number of Garda Officers who applied/expressed an interest in availing of this severance package, who were subject to disciplinary/criminal proceedings at the time of their application whose application was accepted,*
10. *The Districts of those Officers who applied/expressed an interest in availing of this severance package, who were subject to disciplinary/criminal proceedings at the time of their application whose application was accepted,*
11. *The total number of Garda Officers who applied/expressed an interest in availing of this severance package, who were subject to disciplinary/criminal proceedings at the time of their application whose applications were refused,*
12. *The Districts of those Officers who applied/expressed an interest in availing of this severance package, who were subject to disciplinary/criminal proceedings at the time of their application whose applications were refused,*
13. *The total number of Garda Officers whose application for the severance package was considered after the closing date for applications (January 2020),*
14. *The Districts of those Officers whose application for the severance package was considered after the closing date for applications (January 2020)*
15. *The total number of Garda Officers whose application for the severance package was considered after the closing date for applications (January 2020) and whose application was accepted,*
16. *The Districts of those Officers whose application for the severance package was considered after the closing date for applications (January 2020) and whose application was accepted,*
17. *The total number of Garda Officers whose application for the severance package was considered after the closing date for applications (January 2020) and whose application was refused,*
18. *The Districts of those Officers whose application for the severance package was considered after the closing date for applications (January 2020) and whose application was refused,*
19. *The total number of Garda Officers who applied/expressed an interest in availing of this severance package after the closing date for applications (January 2020), who were subject to disciplinary/criminal proceedings at the time of their application*
20. *The Districts of those Officers who applied/expressed an interest in availing of this severance package after the closing date for applications (January 2020), who were subject to disciplinary/criminal proceedings at the time of their application,*
21. *The total number of Garda Officers who applied/expressed an interest in availing of this severance package after the closing date for applications (January 2020), who were subject to disciplinary/criminal proceedings at the time of their application, whose application was accepted,*

22. *The Districts of those Officers who applied/expressed an interest in availing of this severance package after the closing date for applications (January 2020), who were subject to disciplinary/criminal proceedings at the time of their application whose application was accepted,*
23. *The total number of Garda Officers who applied/expressed an interest in availing of this severance package after the closing date for applications (January 2020), who were subject to disciplinary/criminal proceedings at the time of their application whose applications were refused,*
24. *The Districts of those Officers who applied/expressed an interest in availing of this severance package after the closing date for applications (January 2020), who were subject to disciplinary/criminal proceedings at the time of their application whose applications were refused,*
25. *The criteria/guidelines adopted by the Commissioner of An Garda Síochána when assessing the basis of acceptance/refusal of applications.*
26. *The criteria/guidelines adopted by the Commissioner of An Garda Síochána when assessing the basis of acceptance/refusal of applications after the closing date for applications (January 2020)*

*As laid down in Article 12(3) GDPR, I wish to have this requested information provided to me in a structured, commonly used readable format. I am agreeable to having the response communicated to me via email to [sineadkillian@yahoo.ie](mailto:sineadkillian@yahoo.ie)*

I wish to inform you that I have decided to part grant your request on the 9<sup>th</sup> November, 2021.

The purpose of this letter is to explain my decision.

### **1. Findings, particulars and reasons for decision.**

Upon receipt of your request, it was forwarded to the relevant sections of An Garda Síochána who provided the FOI Section with the records below.

The Garda Síochána (Specified Ranks) (Severance Programme) Regulations 2019, allowed for members in certain ranks and Garda Staff in certain grades to apply for a severance package which equated to six months of salary and pensionable allowances. The Garda Commissioner invited applications from eligible members and Garda Staff who wished to leave the service of An Garda Síochána in accordance with these Regulations.

The ranks and grades to which this severance package applied were as follows,

- Garda members including and above the rank of Superintendent
- Garda staff including and above the grade of Executive Director

There were 35 Garda members who applied/expressed an interest in availing of the severance package, with one member withdrawing their application leaving a total of 34 applications. All 34 subsequent applications were approved by the Commissioner

I am refusing part 2 and part 4 of your request in accordance with Section 37 of the FOI Act as it is my obligation to retain personal information in a confidential and secure manner and prevent personal information from being released into the public domain unnecessarily. The release of these records could if released make the individuals identifiable. 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 —*
    - (ii) information relating to the financial affairs of the individual,*
    - (iii) information relating to the employment or employment history of the individual,*

I am of the opinion that the release of this information broken down to District level would allow for a person to become more identifiable locally and within the Garda Organisation thus breaching my obligation to protect an individual's personal information.

Section 37(1) of the FOI Act is a mandatory exemption and states:

*"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)."*

I have therefore decided to refuse the part of your request for the records broken down by District as per section 37(1) of the FOI Act on the basis that there is a significant risk of identifying the parties.

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,
- 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.

- The information has been released at a national level and this satisfies the public interest.

Having balanced these factors, I considered that the public interest in preserving the protection of the privacy of the individual(s) involved outweighs the public interest which would be served were the records released to you.

In relation to parts 5 & 6 of your request I have been advised by the relevant section that no applications were declined under this programme therefore and in accordance with Section 15 (1)(a) of the FOI request I am refusing part 5 and 6 of your request. Section 15 (1)(a) states;

*15(1) A head to whom an FOI request is made may refuse to grant the request where -*

*(a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,*

In relation to part 7 of your request we have been advised by the relevant Section of An Garda Síochaná that there were no members subject to disciplinary proceedings at the time of their application.

Subsequently, I am refusing parts 8, 9, 10, 11 & 12 of your request in accordance with Section 15 (1)(a) as there was no members subject to disciplinary proceedings at the time of their application there is no records in relation to these parts of your request.

In relation to parts 13, 14, 15, 16, 17 & 18 of your request I have been advised by the relevant section that no applications were accepted after the closing date therefore and in accordance with Section 15 (1)(a) of the FOI request I am refusing these part as the record does not exist.

In addition as there were no applications accepted after the closing date no records exist for parts 19, 20, 21, 22, 23, 24 & 26 therefore the Section 15 (1)(a) exemption is applied to these parts. Section 15 (1)(a) is detailed above.

Part 25 of your request sought “*The criteria/guidelines adopted by the Commissioner of An Garda Síochána when assessing the basis of acceptance/refusal of applications*”. We have been advised that the criteria for assessing the basis of acceptance/refusal of applications is contained in the Statutory Instrument – An Garda Síochána Severance Programme Regulation 2019. This document can be accessed by following the link below.

<https://www.irishstatutebook.ie/eli/2019/si/668/made/en/pdf>

I am therefore refusing part 25 of your request and do so in accordance with Section 15 (1)(d) of the FOI Act as these records are published and are readily available in the public domain. Section 15 (1)(d) states:

*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.*

## 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-000353-2021**.

**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:** An Garda Síochána Imprest Account

**Account Number:** 30000302

**Sort Code:** 951599

**IBAN:** IE28DABA95159930000302

**BIC:** DABAIE2D

**You must ensure that your FOI reference number FOI-000353-2021 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 the FOI Office by telephone at (046) 9036350.

Yours sincerely,



ASSISTANT PRINCIPAL OFFICER

PAUL BASSETT

FREEDOM OF INFORMATION OFFICER



NOVEMBER, 2021.