

An Garda Síochána

Oifig Saoráil Faisnéise
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

Bí linn/Join us  

Láithreán Gréasain/Website: www.garda.ie

Ríomh-phoist:/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000111-2015 Request Refusal

Dear

I refer to the Freedom of Information Act 2014 and to your submissions to this Body, dated 28th October and received on the 29th of October 2015.

Part 1 Schedule 1 of the Freedom of Information Act 2014 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 is show below:

1. *the contract of employment of former Garda Commissioner Martin Callinan.*
2. *copies of any rules, regulations, handbooks, guidelines on destruction or retention of records/material gathered during the course of employment within An Garda Síochána.*

I, _____ have now made a final decision to refuse your request on 30th November 2015

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decisions to deny access

In relation to item 1 above I advise that Section 37.(1) of the Freedom of Information Act, 2014 states:

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).

Section 2 – Interpretation defines personal information as:

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 this request on basis that a contract of employment is considered personal information under the above section of the Act.

Regarding the item number 2 of your request, I advise that the records requested relate to operational matters and fall outside “*administrative records relating to human resources, or finance or procurement matters*” as specified in Part 1 Schedule 1 of the Freedom of Information Act 2014.

I am therefore refusing this request as it falls outside the scope of the Act.

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-000111-2015**.

Freedom of Information Office,
An Garda Siochana,
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 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 Siochana Finance Section Public Bank Account
Account Number: 10026896
Sort Code: 900017
IBAN: 1E86B0F190001710026896
BIC: BOFIE2D

You must ensure that your FOI reference number 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 Siochana 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 Siochana 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

FREEDOM OF INFORMATION OFFICER
30th November 2015