

An Garda Síochána

Oifig Saoráil Faisnéise
An Garda Síochána
Teach áth Luimnigh
Lárionad Gnó Udáras Forbartha Tionscail
Baile Sheáin
An Uaimh
Contae na Mí

Teileafón/Tel: (046) 9036350

Bí linn/Join us  



Freedom of Information Office
An Garda Síochána
Athlumney House
IDA Business Park
Johnstown
Navan
Co Meath

Láithreán Gréasain/Website: www.garda.ie

Ríomh-phoist:/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000134-2016 Partially Granted

Dear

I refer to your request dated the 7th April 2016 and received on the 7th April 2016 under the Freedom of Information Act 2014 (FOI Act) and my correspondence to you of 7th April 2016 and the 5th May 2016.

Part 1(n) of 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 shown below:

“I wish to request information concerning investigations within An Garda Síochána on members for alleged serious breaches of discipline in 2014 and 2015

The requested information is a breakdown of such investigations by the 30 categories listed in the Schedule of the Garda Síochána (Discipline) Regulations 2007 for serious breaches and the findings (and sanctions, if proven)”

I, Helen Deely, Superintendent have decided to partially grant your request on the 2nd June 2016.

1. Findings, particulars and reason for decisions.

The purpose of this letter is to explain that decision.

The Discipline Section at Internal Affairs is responsible for the oversight of all investigations undertaken by An Garda Síochána under provisions of the *Garda Síochána (Discipline) Regulations 2007/2011* (Statutory Instrument Nos. 214 of 2007 (www.irishstatutebook.ie/eli/2007/si/214/made/en/print) and 620 of 2011 (www.irishstatutebook.ie/eli/2011/si/620/made/en/print)), which came into effect on 1st June, 2007 and 22nd November, 2011. The purpose of these Regulations is to provide a code of conduct for all members of An Garda Síochána, which must be strictly adhered to. Any suspected breaches may be subject of investigation by Officers appointed pursuant to the Regulations. The penalties provided under the Regulations include dismissal; requirement to retire or resign as an alternative to dismissal, reduction in rank; reduction in pay; warning, caution and advice.

Members of An Garda Síochána are subject to the Garda Síochána (Discipline) Regulations, 2007 as amended. As per the Regulations, minor disciplinary matters are locally addressed by way of Regulation 10. Such records are retained locally and are not held centrally. Matters of a more serious nature (Part 3) and less serious nature (Part 2) are progressed centrally through the Discipline Section.

Your request is in relation to more serious breaches of discipline which are dealt with under Part 3 of the Garda Síochána (Discipline) Regulations, 2007 as amended. In this regard, I wish to advise you that a search has taken place of the records held in the Discipline Section.

In 2014, 53 investigations commenced under Part 3 (Serious) of the Garda Síochána (Discipline) Regulations, 2007 as amended. These investigations may involve one or more members of An Garda Síochána. Of these investigations, 29 are ongoing and 24 have been concluded. Of the aforementioned concluded investigations, I have set out 2 tables below setting out the outcomes of these investigations. You will note from the first table set out below that there were a total of 8 investigations carried out resulting in 72 breaches of discipline. In the event where a member may have been found with multiple breaches of discipline the penalties have been recorded accordingly under the appropriate headings.

Breaches and Penalties 2014			
Breach	Penalty	Number	Total
Discreditable Conduct	Temporary Reduction in pay	3	€7,210.40
Falsehood	Temporary Reduction in pay	1	€500.00
Neglect of Duty	Resignation in Lieu	4	
Neglect of Duty	Temporary Reduction in pay	31	€15,380.20
Neglect of Duty	Warning	33	
Total		72	€23,090.60

Additional Outcomes 2014 to date	
Resigned Before Findings Were Made	3
No Breach Of Discipline Was Disclosed	10
Investigation Was Taken Over By GSOC	3
Member Received Regulation 10	1
Member Deceased	1
Total	18

In 2015, 53 Investigations commenced under Part 3 (Serious) of the Garda Síochána (Discipline) Regulations, 2007 as amended. Of these investigations, 42 are ongoing and 11 have been concluded.

One (1) investigation has been concluded however I am conscious of my obligations to retain personal information in a confidential and secure manner and prevent personal information from being released into the public domain unnecessarily. 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—

- (vi) information relating to any criminal history of, or the commission or alleged commission of any offence by, the individual,*

I believe that the individual(s) 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 about a particular incident will allow for a person(s) to become more identifiable and possibly named in the public domain and is personal information. I am therefore applying Section 37(1) Personal Information 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).*

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 disciplinary proceedings outweighs the public interest which would be served were the records released to you.

Outcomes 2015 to date	
Resigned Before Findings Were Made	4
No Breach Of Discipline Was Disclosed	5
Member Received Regulation 10	1
Total	10

1. 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 **F01-000134-2016**.

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 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: IE86B0F190001710026896

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 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 me by telephone at (046) 9036350.

Yours sincerely,

 **SUPERINTENDENT**
HELEN DEELY
FREEDOM OF INFORMATION OFFICER.

2nd June 2016