### 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

Bí linn/Join us

Láithreán Gréasain/Website: www.garda.ie

Ríomh-phoist:/Email: foi@garda.ie

#### Mr. Sean Dunne

# Re: Freedom of Information Request FOI-000004-2017 Partially Granted

#### Dear Mr. Dunne,

I refer to your request, dated and received on the 9<sup>th</sup> January, 2017, 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:

- 1. The total spend by the Garda Commissioner on the garda Executive Visa Corporate credit card for 2016.
- 2. If available a full list of transactions and what they were for.

I wish to inform you that I have decided to <u>partially grant</u> your request on the 8<sup>th</sup> February, 2017.

The purpose of this letter is to explain my decision. This explanation has the following parts:

- An explanation of the relevant findings concerning the records to which access is denied.
- 2. A statement of how you can appeal this decision should you wish to do so.

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

For your information I have outlined below the process involved in the charging of corporate credit card expenditure to the Garda Vote.

To ensure that the statutory and administrative requirements for the use of public funds are complied with, Senior Management Expenses are processed and paid in line with Department of Public Expenditure & Reform Provisions & Guidelines and in compliance with the Expenses Regulations and Procedures governing An Garda Síochána as well as being subject to Internal and External audits.

The Financial Shared Services (FSS) Centre which is part of the Department of Justice and Equality is located in Killarney, Co. Kerry. It has adopted the shared services business model to develop its financial systems and business processes. An Garda Síochána is one of its nine Client Organisations. The FSS provides a full range of services including payroll, expense, invoice processing and other financial services.

The Allied Irish Bank forwards the relevant Garda Síochána corporate credit card statements to the FSS centre for payment. These statements are in turn forwarded by FSS to the card holder for certification that the expenditure was necessarily incurred in an official capacity and is a proper charge on the Garda Vote. FSS also require submission of all relevant receipts and a personal cheque to cover personal expenditure and gratuities if applicable. This certification is then returned by the relevant card holder to FSS for processing. The FSS is therefore the primary holder of records relating to corporate credit cards assigned to An Garda Síochána. Copies of statements may be held by the Office of the credit card holder within An Garda Síochána however this may not always be the case.

On appointment to the position of Garda Commissioner, a personal Executive Visa Corporate Credit Card is issued to the individual. A unique account number and credit limit is assigned to the individual card holder.

I have provided a brief explanatory note for the expenditure incurred. The credit card statements for January, February and March 2016 are not provided as there was no expenditure incurred and thus the records are not held by An Garda Síochána. In accordance with the requirements of Section 15(1)(a) of the FOI Act 2014, I am satisfied that all reasonable steps have been taken to identify and locate the requested records. Therefore any records not provided are deemed refused for release on the basis that they cannot be found or do not exist after all reasonable steps have been taken to ascertain their whereabouts. Section 15(1)(a) of the FOI Act refers.

- 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,

### Corporate Credit Card - Commissioner - 2016

The expenses incurred by the Commissioner relate to certified entertainment expenses necessarily incurred in an official capacity. In relation to Credit Card Statement dated 3<sup>rd</sup> November 2016 the amount of €176.34 is for hotel expenses incurred relating to the International Association of Chiefs of Police (IACP) conference held in San Diego.

The IACP is a professional association for law enforcement worldwide which is dedicated to advancing and promoting the law enforcement profession and protecting the safety of law enforcement officers. The IACP's stated mission includes the fostering of police cooperation and the exchange of information and experience among police administrators throughout the world, and the development and dissemination of improved administrative, technical and policing operational practices.

'Active' membership of the IACP is open to Chiefs of Police including (in Ireland) to Chief Superintendent and Superintendent rank, as well as command-level police officers in public law enforcement agencies. The IACP Annual Conference and Exhibition brings together a comprehensive educational programme, renowned keynote speakers, community-building special events and the largest collection of tactical equipment and technology solutions available for law enforcement. The Garda Commissioner gave the keynote address to the International Delegation Luncheon on the 17<sup>th</sup> October 2016 and attended a number of meetings with senior officers from other police services during the conference.

Statements, dated the 3<sup>rd</sup> May and 3<sup>rd</sup> June, show expenses incurred relating to the Commissioner's attendance at the Public Safety Summit in Boston. The expenses relate to accommodation and refreshments costs. This Summit brings together senior-policing and public safety leaders to share ideas on how police chiefs, sheriffs, commissioners and others can transform their operating models and cultures to deliver improved policing.

The expenses incurred in the statement dated 3<sup>rd</sup> April 2016 refer to accommodation and refreshment costs relating to the Commissioners attendance at the St. Patrick's Day events in Washington.

All accounts for 2016 relating to this FOI Request have been certified as correct charges on the Garda Vote, necessarily incurred in an official capacity. As previously stated the FSS also require submission of all relevant receipts and a personal cheque to cover personal expenditure where applicable.

### Section 37 - Personal Information

I am refusing to release the details as outlined in the attached Schedule of Records, as 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—

I am refusing to provide details such as the credit card account number and credit limit as these details are <u>unique</u> to the individual and assigned accordingly by the bank to the said individual, not the Office of the Commissioner. They therefore refer to information relating to the financial affairs of the individual. To release this information would be considered a breach of the confidentially upon which the information is being held by the Garda Organisation. I am therefore applying Section 37(1) Personal Information which states:

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).

While section 37 (2) of the FOI Act provides that certain information about staff of an FOI body cannot be considered to be personal information, I do not consider any of those exceptions to apply in this case.

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 the financial affairs of personnel outweighs the public interest which would be served were the records released to you in their entirety.

By releasing the invoices in a redacted form and providing the costs associated with the Office holder's credit card I am of the opinion that the public interest is satisfied.

#### Section 32: Law Enforcement and Public Safety.

Section 32 is a harm based exemption. It applies where access to a record concerned could reasonably be expected to prejudice or impair the matters specified in the subsections. An Garda Síochána is obliged to identify the potential harm that may occur if the records are released and having identified that harm consider the reasonableness of any expectation that the harm will occur.

The provision of information which could result in a security risk cannot be provided for operational and security reasons. I believe that access to certain information contained within the credit card statements presents a risk to the Commissioners ability, as Head of Security for the State, to conduct security related functions confidentially. Certain details can identify the purpose and nature of the duties being conducted inclusive of dates, times and locations. The release of such information presents an unnecessary and potentially harmful risk to the relevant personnel and the success of the functions performed in ensuring the security of the State.

The release of records that could potentially identify the accommodation frequented by the Garda Commissioner both nationally and internationally presents a potentially harmful risk to her safety if the information was to be used for criminal purposes.

The Garda Commissioner in conjunction with being the Head of Policing Services is also the Head of the Security Service of the State. Therefore any information regarding the security of the Commissioner especially in her capacity as Head of Security, will not be provided for operational and security reasons. I am conscious of the fact that once records are disclosed under the provisions of the FOI Act there is no control as to whom the information is shared with. Therefore a release of records under the FOI Act is considered a release to the world in general and not just the individual requesting the information.

It is for this reasons that access to the information contained within the records is partially granted.

Section 32. (1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—

(b) endanger the life or safety of any person,

In addition, certain records are exempted in accordance with Section 42 of the FOI Act, specifically Section 42(b)(i) to (x) and 42(c)(i) refers as set out below;

Section 42. This Act does not apply to—

- (b) a record held or created by the Garda Siochána that relates to any of the following:
  - (i) the Emergency Response Unit;
  - (ii) the Secret Service Fund maintained by it;
  - (iii) the Special Detective Unit (SDU);
  - (iv) the witness protection programme sponsored by it;
  - (v) the Security and Intelligence Section;

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(vi) the management and use of covert intelligence operations; (vii) the Interception of Postal Packets and Telecommunications
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Messages

(Regulation) Act 1993;

(viii) the Criminal Justice (Terrorist Offences) Act 2005;

(ix) the Criminal Justice (Surveillance) Act 2009;

(x) the Communications (Retention of Data) Act 2011,

(c) a record held by—
(i) the Criminal Assets Bureau,

By releasing the credit card statements in a redacted form and providing the costs associated with the Office holder's credit card I am of the opinion that the public interest is satisfied.

### 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 F01-000004 -2017.

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: BOFHE2D** 

You must ensure that your FOI reference number (FOI-000004-2017) 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 Siochána 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 Siochána 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,

Hele SUPERINTENDENT

HELEN DEELY

FREEDOM OF INFORMATION OFFICER

8<sup>TH</sup> FEBRUARY 2017

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Partially Granted	Personal Information & Law Enforcement and Public Safety	Section 37(1) Section 32 (1)(b)	6	3rd April 2017 - Statement	10
Partially Granted	Personal Information & Law Enforcement and Public Safety, Exempt Record	Section 37(1) Section 32 (1)(b) Section 42	7	3rd May 2017 - Statement	9
Partially Granted	Personal Information & Law Enforcement and Public Safety, Exempt Record	Section 37(1) Section 32 (1)(b) Section 42	œ	3rd June 2017 - Statement	∞
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Partially Granted	Personal Information & Law Enforcement and Public Safety, Exempt Record	Section 37(1) Section 32 (1)(b) Section 42	4	3rd October 2017 - Statement	4
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Decision Maker's decision	Reason for decision	Relevant Section of FOI Acts	Deletions	Description of document	Page No
	File Re: FOI-000004-2017	: Mr. Sean Dunne	Requester Name:	Schedule No. 1 Re	

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AIB Bank Card Issuing Business Card Section PO Box 708 Sandyford Dublin 18

Telephone (01) 6685500 Facsimile (01) 6685901 Telex 91102

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FINANCIAL SHARED SERVICES DEPT. JUSTICE & EQUALITY

MR SEAMUS CLIFFORD

DEERPARK ROAD KILLARNEY, CO KERRY



# **Executive Visa Corporate Card**

**Company Number** 

Date

3rd January, 2017 Payment Due Date 30th January, 2017 Account Name
MS NOIRIN O'SULLIVAN
FINANCIAL SHARED SERVICES

**Account Number** 

Credit Limit

Page Number 1 of 1

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AiB Bank Card Issuing Business Card Section PO Box 708 Sandyford Dublin 18 Telephone (01) 6685500 Facsimile (01) 6685901 Telex 91102



### **Executive Visa Corporate Card**

Company Number

Date 3rd December, 2016 Payment Due Date 28th December, 2016 Account Name
MS NOIRIN O'SULLIVAN
FINANCIAL SHARED SERVICES

**Account Number** 

Credit Limit

Page Number 1 of 1

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MR SEAMUS CLIFFORD FINANCIAL SHARED SERVICES DEPT. JUSTICE & EQUALITY DEERPARK ROAD KILLARNEY, CO KERRY

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VISA

# **Executive Visa Corporate Card**

Company Number

Date

3rd November, 2016 Payment Due Date 28th November, 2016 Account Name
MS NOIRIN O'SULLIVAN
FINANCIAL SHARED SERVICES

Account Number

Credit Limit

Page Number 1 of 1

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MR SEAMUS CLIFFORD FINANCIAL SMARED SERVICES DEPT. JUSTICE & EQUALITY DEERPARK ROAD KILLARNEY, CO KERRY

Government Stamp Duty of 430 due 1st April annually and on date of desure Post Trans Reference **Details** Amount € Date Date **PREVIOUS BALANCE** 900.00 170CT 190CT VTS SAN FRAN TAXI 24869486292262000253439 LONG IS CITY US 20.61 Transaction Date 17 OCT 22.00 USD @ rate of 1.057442 Includes a Currency Conversion Fee of 2.75% 190CT 210CT 24610436294072005114972 **SAN DIEGO** US 176.34 Transaction Date 19 OCT 187.32 USD @ rate of 1.062265 Includes a Currency Conversion Fee of 2.75% DIRECT DEBIT THANK YOU 280CT 280CT 900.00CR

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AIB BANK
Card Issuing
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PO Box 70H
Sandyford
Dublin 18

Telephone (01) 6685500 Facsimile (01) 6685901 Telex 91102



# **Executive Visa Corporate Card**

Company Number

Date

3rd October, 2016
Payment Due Date
28th October, 2019

Account Name
MS NOIRIN O'SULLIVAN
FINANCIAL SHARED SERVICES

**Account Number** 

**Credit Limit** 

Page Number

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MR SEAMUS CLIFFORD

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DEPT. JUSTICE & EQUALITY

DEERPARK ROAD

KILLARNEY, CO KERRY

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AIB Bank Card Issuing Business Card Section PO Box 708 Sandyford Dublin 18 Telephone (01) 6685500 Facsimile (01) 6685901 Telex 91102

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**DEPT. JUSTICE & EQUALITY** 

MR SEAMUS CLIFFORD FINANCIAL SHARED SERVICES

DEERPARK ROAD KILLARNEY, CO KERRY



### **Executive Visa Corporate Card**

Company Number

Date

3rd September, 2016 Payment Due Date 28th September, 2016 Account Name
MS NOIRIN O'SULLIVAN
FINANCIAL SHARED SERVICES

**Account Number** 

**Credit Limit** 

Page Number 1 of 1

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Allied Irish Banks, p.l.c. is regulated by the Central Bank of Ireland.

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All Bank Card lesuing **Business Card Section** PO Box 708 Sandyford Dublin 18

Telephone (01) 6685500 Facsimile (01) 6585901 Telex 91102



### **Executive Visa Corporate Card**

Company Number

Date 3rd August, 2016 **Payment Due Date** 29th August, 2016

MS NOIRIN O'SULLIVAN **FINANCIAL SHARED SERVICES** 

**Account Number** 

**Credit Limit** 

Page Number 1 of 1

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MR SEAMUS CLIFFORD **FINANCIAL SHARED SERVICES** DEPT. JUSTICE & EQUALITY DEERPARK ROAD KILLARNEY, CO KERRY

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Interest 0.00 **New Balance** 442.37



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# **Executive Visa Corporate Card**

Company Number

Date 3rd July, 2016 Payment Due Date 28th July, 2016 Account Name
MS NOIRIN O'SULLIVAN
FINANCIAL SHARED SERVICES

**Account Number** 

Credit Limit

Page Number 1 of 1

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MR SEAMUS CLIFFORD FINANCIAL SHARED SERVICES DEPT. JUSTICE & EQUALITY DEERPARK ROAD KILLARNEY, CO KERRY

Government Stamp Duty of 430 due 1st April annually and on date of closure

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VISA

### **Executive Visa Corporate Card**

**Company Number** 

Date

3rd June, 2016 Payment Due Date 28th June, 2016 Account Name
MS NOIRIN O'SULLIVAN
FINANCIAL SHARED SERVICES

**Account Number** 

**Credit Limit** 

Page Number 1 of 1

24140601000025513000

MR SEAMUS CLIFFORD FINANCIAL SHARED SERVICES DEPT. JUSTICE & EQUALITY DEERPARK ROAD KILLARNEY, CO KERRY

Government Stamp Duty of 430 due 1st April annually and on date of closure Trans Post Reference **Details** Amount € Date Date PREVIOUS BALANCE 1,809.12 01MAY 05MAY 24733096125206299000435 BOSTON US 74.83 Transaction Date 01 MAY 83.52 USD @ rate of 1.116129 Includes a Currency Conversion Fee of 2.75% 04MAY 05MAY 24224436126104003039422 BOSTON US 72,83 Transaction Date 04 MAY 81,28 USD & rate of 1,116073 Includes a Currency Conversion Fee of 2.75% 04MAY 06MAY 24388946126670382437239 BOSTON US 269.89 Transaction Date 04 MAY 299.86 USO @ rate of 1,111045 Includes a Currency Conversion Fee of 2.75% 04MAY 06MAY 24388946126670382437379 BOSTON US 4.77 Transaction Date 04 MAY 5.30 USD @ rate of 1.111111 85.50 1 YAMOE YAMOE DIRECT DEBIT THANK YOU 1,809.12CR

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AIB Bent Card Issuing Business Card Section PO Box 708 Sandyford Dublin 18

Telephone (01) 6685500 Facsimile (01) 6685901 Telex 91102



### **Executive Visa Corporate Card**

Company Number

Date 3rd May, 2016 Payment Due Date 30th May, 2016 Account Name
MS NOIRIN O'SULLIVAN
FINANCIAL SHARED SERVICES

**Account Number** 

**Credit Limit** 

Page Number 1 of 1

22949101000025413000

MR SEAMUS CLIFFORD FINANCIAL SHARED SERVICES DEPT. JUSTICE & EQUALITY DEERPARK ROAD KILLARNEY, CO KERRY

Government Stamp Duty of 430 due 1st April annually and on date of closure Trans **Post** Reference **Details** Amount € Date Date **PREVIOUS BALANCE** 453.09 04APR 01APR **GOVERNMENT STAMP DUTY** 30.00 125.80 -819.90 14MAR[28APR | 747156061190000000000003 **PRIORITY PASS LOUNGE** DUB IRE 24.00 28APR 28APR **DIRECT DEBIT THANK YOU** 453.09CR CAMBRIDGE **CAMEO** 24692166121000063083592 US 29APR 55.42 Transaction Date 29 APR 60.99 USD & rate of 1.100505 includes a Currency Conversion Fee of 2.75% 24692166122000642968387 SQ \*CAMBRIDGE CAB 179 GOS Somerville US 21.40 YAMEO YAM10 Transaction Date 01 MAY 23.55 USD @ rate of 1.100467 Includes a Currency Conversion Fee of 2.75% 24692166123000094489501 CAMBRIDGE US 728.55 OZMAY O3MAY Transaction Date 02 MAY 809.03 USD @ rate of 1.110465 Includes a Currency Conversion Fee of 2.75% CAMBRIDGE OZMAY OSMAY 24692166123000094489881 115 4.05 Transaction Date 02 MAY 4.50 USD @ rate of 1.111111 Includes a Currency Conversion Fee of 2.75%

Previous Balance € 453.09 Charges + € 1,809.12 Payments € 453.09 Credits € 0.00 Interest € 0.00 New Balance = |€ 1,809.12



AIB Bank Card Isaulng Business Card Section PO Box 708 Sandyford Dublin 18

Telephone (01) 6685500 Facsimile (01) 6685901 Telex 91102



# **Executive Visa Corporate Card**

Company Number

Date

3rd April, 2016 Payment Due Date 28th April, 2016 Account Name
MS NOIRIN O'SULLIVAN
FINANCIAL SHARED SERVICE:

**Account Number** 

Credit Limit

Page Number 1 of 1

21894101000023613000

MR SEAMUS CLIFFORD FINANCIAL SHARED SERVICES DEPT. JUSTICE & EQUALITY DEERPARK ROAD KILLARNEY, CO KERRY

Government Stamp Duty of €30 due 1st April annually and on date of closure

Trans	12	Reference	Details			. Amount €
Date	Date		PREVIOUS BALANCE			0.00
17MAI	18MAR	24492156077741351610359 Transaction Date 17 MAR	SQ *ANDRES REYES 28 01 USD & rate of 1.084397 Includes a Currency Conversion Fee of 2.75%	WASHINGTON	US	25.83
17MAI	18MAR	24493986078207699703577 Transaction Date 17 MAR	76.40 USD @ rate of 1.084149 Includes a Currency Conversion Fee of 2.75%	WASHINGTON	US	70.47
18MAI	22MAR	24692166081000321774519 Transaction Date 18 MAR	132.72 USD & rate of 1.093335 Includes a Currency Conversion Fee of 2.75%	WASHINGTON	US	121.39
18MAi	31MAR	24323006090254617010179 Transaction Date 18 MAR	38.50 USD © rate of 1.08797 Includes a Currency Conversion Fee of 2.75%	WASHINGTON	US	35.40
01APR	01APR		ANNUAL FEE			200.00

 Previous Balance
 Charges
 Payments
 Credits
 Interest
 New Balance

 €
 0.00
 +
 €
 0.00
 +
 €
 0.00
 +
 €
 0.00
 =
 €
 453.09

THE BALANCE WILL BE DEDUCTED FROM YOUR ACCOUNT BY DIRECT DEBIT

10