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

Teileafón/Tel: (046) 9036350

Bí linn/Join us

Freedom of Information Office
An Garda Síochána
Athlumney House
IDA Business Park
Johnstown
Navan
Co Meath
C15 DR90

Láithreán Gréasain/Website: www.garda.ie

Ríomh-phoist:/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000152-2016
Refused

Dear

I refer to the Freedom of Information Act 2014 (FOI Act) and your submission to An Garda Síochána dated the 19th April 2016 and received on the 20th April 2016.

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.

I am aware that a member of my staff was in contact with you regarding your original request, which was amended as follows.

Where possible, Under the Act, I'm requesting documents that reveal:

1. The specific overtime paid out between January 1 2015 and September 24 2015 and a breakdown of what each region paid out in overtime between those inclusive dates.
2. The specific overtime paid out between September 25 2015 and April 10 2016 and a breakdown of what each region paid out in overtime between those inclusive dates.
3. The overtime paid out in the Dublin Metropolitan Region and the Eastern Region as a result of the death of Gary Hutch in Spain on September 25, 2016.
4. The overtime paid out in Dublin Metropolitan Region and the Eastern Region after the attacks at the Regency Hotel in Dublin on February 5, 2016.
5. The overtime paid out on in Dublin Metropolitan Region and the Eastern Region after the shooting of Eddie Hutch Senior on February 8, 2016.
6. The overtime paid out on in the Dublin Metropolitan Region and the Eastern Region after the shooting of Noel 'Kingsize' Duggan on March 23, 2016.

I have now made a final decision to refuse your request on 16th May 2016.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision

Section 32 – Law enforcement and public safety
The data sought, if released on a monthly basis, could reasonably be expected to, inadvertently or otherwise, identify the operational costs associated with specific events/incidents that would potentially be harmful to the effectiveness of lawfully methods, systems or plans used for the detection, prevention and investigation of crime in the future. The specific costs of investigating a significant incident are not routinely released for operational reasons as the cost of investigating a serious crime should not be a prohibitive factor when endeavoring to carry out the functions of An Garda Siochana as set out in section 7 of the Garda Síochána Act 2005.

7. — *(1) The function of the Garda Siochana is to provide policing and security services for the State with the objective of—*

  (a) preserving peace and public order,

  (b) protecting life and property,

  (c) vindicating the human rights of each individual,

  (d) protecting the security of the State,

  (e) preventing crime,

  (f) bringing criminals to justice, including by detecting and investigating crime, and

  (g) regulating and controlling road traffic and improving road safety.

Releasing the overtime expenditure on a monthly basis could result in a note worthy crime investigation being attributed, correctly or incorrectly, certain financial costs. The provision of records that would enable the compilation of information (that is not otherwise available to the general public) concerning the comparative monthly overtime expenditure associated with each Region is not, in my view, in the best interest of the public. An Garda Síochána deploy resources as required and shall not release information that will either deliberately or inadvertently prejudice future investigations or the enforcement of law or impair its ability to secure the safety of public. Information has been released previously by the Freedom of Information office on a Divisional basis per quarter and the application of this standard is, in my opinion, in the best public interest to prevent any potential harmful consequences from the impairment of investigative processes incurring significant financial disbursement.

Therefore the information is not being provided in the manner you have requested as it could prejudice the effectiveness of lawful methods used by An Garda Síochána to prevent, detect and investigate crime.

My decision has been made in accordance with section 32(1)(a)(i), 32(1)(a)(ii) and 32(1)(a)(iii) of the FOI Act 2014 as shown below.
Section 32 states:

  (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 —

(a) *prejudice or impair* —

    (i)   *"the prevention, detection or investigation of offences, the apprehension or prosecution of offenders or the effectiveness of lawful methods, systems, plans or procedures employed for the purposes of the matter aforesaid*

    (ii)   *the enforcement or, compliance with or administration of any law*

    (iii)   *lawful methods, systems, plans or procedures for ensuring the safety of the public and the safety or security of persons and property,"*

With regard to Part 1 and Part 2 of your request I have provided the amount of Garda overtime paid out during each quarter per Garda Region (Appendix 1). The figures shown refer to the periods the overtime was paid out and not necessarily the period the costs were incurred. This is due to a number of factors such as the fact that the roster system worked by An Garda Síochána does not align with the calendar months and payment of overtime is generally issued within two weeks after the end of each roster. Therefore overtime can be incurred in two different months and paid out in a different third month. For example overtime incurred on 29th March 2016 is included in the roster ending 24th April 2016 which was paid in early May 2016. It is also possible, whilst not a widespread common occurrence, for overtime to be retrospectively claimed for previous months and recorded in the months the claim is paid and not the month the overtime was incurred.

Section 15 - Refusal on administrative grounds to grant FOI requests
With regard to Part 3, Part 4, Part 5 and Part 6 of your request no specific financial cost code was attributed to the *"death of Gary Hutch"*, *"attacks at the Regency Hotel"*, *"shooting of Eddie Hutch Senior"* or *"shooting of Noel 'Kingsize' Duggan"*.

The Financial Management System within An Garda Síochána was queried but as no unique project code is in place in respect of operational duty associated with individual investigations no records were located. In the absence of a project code it is not possible to identify costs associated with the individual investigations identified in your request.

Section 15(1)(a) allows the head of an FOI body to refuse access to a record on administrative grounds as shown below.

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 accordance with Section 15(1)(a) of the FOI Act I am refusing these parts of your request as the record does not exist.

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 **F01-000152-2016**.

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: BOFIIE2D

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.

17th May 2016

APPENDIX 1

Garda Overtime Figures for 2015 and 2016*				
2015				
REGION	QUARTER 1	QUARTER 2	QUARTER 3	QUARTER 4
DMR	€6,203,643.70	€5,389,063.82	€6,126,018.75	€8,729,266.50
Eastern	€1,048,346.04	€940,806.95	€1,285,376.77	€1,642,815.05
Northern	€966,123.48	€828,726.38	€973,154.71	€1,206,294.12
South Eastern	€693,471.10	€668,037.69	€742,804.22	€1,201,065.49
Southern	€1,118,512.57	€787,871.77	€924,260.36	€1,097,939.78
Western	€987,012.64	€1,273,541.53	€1,211,177.99	€1,116,053.05
Totals	€11,017,109.53	€9,888,048.14	€11,262,792.80	€14,993,433.99

2016	
REGION	Quarter 1
DMR	€7,773,973.49
Eastern	€1,519,784.03
Northern	€1,053,389.33
South Eastern	€1,198,849.61
Southern	€1,020,351.91
Western	€1,046,843.29
Totals	€13,613,191.66

Jan to Sept 2015   €32,167,950.47

Oct 2015 to Mar 2016   €28,606,625.65

*figures provided are provisional and liable to change and refer to the period when the overtime was paid and not necessarily when the overtime was incurred.