

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

Láithreán Gréasain/Website: www.garda.ie

Bí linn/Join us



Ríomh-phoist:/Email: foi@garda.ie

Mr. Gordan Deegan.

Re: Freedom of Information Request FOI-000313-2017 Request Partially Granted

Dear Mr. Deegan,

I refer to your request, dated the 18th July 2017 and received on the 19th July 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:

- *The Garda overtime bill nationally for the first six months of 2017.*
- *The Garda overtime bill nationally for the first six months of 2016.*
- *The number of overtime hours recorded in the first six months of 2017.*
- *The number of overtime hours recorded in the first six months of 2016.*
- *The top 20 amounts of overtime received by members of the force, their rank and the district in which they serve for the first six months of this year.*
- *The overtime bill for the Dublin Metropolitan Region for the first six months of 2017*
- *The overtime bill for the Dublin Metropolitan Region for the first six months of 2016.*
- *The overtime bill for the DMR North Central Division for the first six months of 2017.*
- *The overtime bill for the DMR North Central Division for the first six months of 2016.*
- *Correspondence between the Dept of Justice and the Gardai on the need for a supplementary estimate to fund the costs of overtime this year.*

I wish to inform you that I have decided to partially grant your request on the 14th August 2017.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

Details of your request were forwarded to the Finance Directorate within An Garda Síochána who conducted a search of their records and identified the following records below.

Part 1 & 2 of your request is seeking *'the overtime bill nationally for the first six months of 2017 and 2016'*. Table A below outlines the total amount of overtime expenditure nationally for the first six months of 2017 and 2016.

Table A: Overtime Bill Nationally for first six months of 2016 & 2017

Overtime Bill 2016 (Jan-June)	Overtime Bill 2017 (Jan – June)
€38,430,292	€60,581,640

Part 3 & 4 of your request sought *'the number of overtime hours recorded in the first six months of 2017 and the number of overtime hours recorded in the first six months of 2016'*. Table B below outlines the hours recorded during the above periods.

Table B: Overtime Hours

	Jan – June 2016	Jan – June 2017
Overtime Hours	1,175,652	1,725,698

Part 5 of your request sought the *'top 20 overtime payments to Gardaí for the first six months of 2017, their rank and the district in which they serve'*.

I am part-granting this section of your request. The sections of the FOI Act which can apply to deny access to records are known as its exemption provisions. Section 37 as shown below is relevant to these records as they contain personal information. Personal information, as defined at section 2 of the FOI Act, 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,*

Section 37 – Personal Information

I am refusing to provide the records by District as it is my opinion that the information contained therein comes within the ambit of the definition of *Personal Information* as per section 2 of the FOI Act.

The decision is made in accordance with section 37(1) of the FOI Act.

Section 37 of the FOI Act states;

“(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).”

In applying section 37(1) of the FOI Act a Public Interest Test must be applied to ensure the actions taken are done so in the best interest of the public.

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 right to privacy is outweighed by the needs of the public,
- The public interest in members of the public exercising their rights under the FOI Act.

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.

A Public Interest Test was carried out when considering the release of the personal information. Having balanced the factors both for and against the release, I decided that the public interest in preserving the personal information of Garda members and the reasonable expectation that information can be maintained in a confidential manner by An Garda Síochána outweighs the public interest which would be served were the records released to you. In my opinion the release of this personal financial information by District can reasonably be expected to lead to the identification of the Garda members in receipt of the overtime. There is also a reasonable expectation by Garda members that this type of financial information would remain confidential. It is my opinion that the public interest is satisfied by releasing the records at Regional level.

However, I am in a position to provide the top 20 amounts of overtime received by Region from January to June 2017 and this information is set out in Table C below. It should be further noted that overtime is only payable to members at Garda, Sergeant and Inspector rank.

**Table C: List of members receiving highest overtime payments*
1st - January 2017 to 30th June 2017**

No.	Rank	Location	Amount
1	Sergeant	DMR	€49,098
2	Sergeant	DMR	€39,556
3	Garda	DMR	€37,371
4	Sergeant	DMR	€35,453
5	Garda	DMR	€34,904
6	Garda	DMR	€33,431
7	Inspector	DMR	€32,090
8	Garda	DMR	€31,746
9	Sergeant	DMR	€31,423
10	Sergeant	DMR	€31,248
11	Garda	DMR	€31,156
12	Garda	DMR	€30,903
13	Sergeant	DMR	€30,849
14	Garda	DMR	€30,302
15	Garda	DMR	€30,237
16	Garda	DMR	€30,182
17	Garda	DMR	€30,037
18	Garda	DMR	€29,954
19	Inspector	DMR	€29,544
20	Sergeant	DMR	€29,518

*The figures shown refer to the amount of overtime paid out and not necessarily the period within which 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 26th March 2017 is included in the roster ending 23rd April 2017 which was paid in early May 2017. 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.

Part 6 & 7 of your request is seeking the overtime bill for the Dublin Metropolitan Region for the first six months of 2017 and 2016. Table D below outlines the total amount spent on overtime in the first six months of 2017 and 2016.

Table D: Overtime Bill for the Dublin Metropolitan Region for the first six months of 2016 & 2017

Overtime Bill DMR Region 2016 (Jan-June)	Overtime Bill DMR Region 2017 (Jan-June)
€18,472,901	€26,398,714

Part 8 & 9 of your request is seeking the overtime bill for the Dublin North Central Region for the first six months of 2017 and 2016. Table E below outlines the total amount spent on overtime in the first six months of 2017 and 2016.

Table E: Overtime Bill for the Dublin North Central Division for the first six months of 2016 & 2017

Overtime Bill DMR North Central 2016 (Jan-June)	Overtime Bill DMR North Central 2017 (Jan-June)
€4,554,875	€6,504,438

The nature of Garda work and the requirement that the Garda authorities respond, in some cases at short notice, to immediate policing demands means that there is a necessity to incur overtime expenses to ensure effective policing. Accordingly, there will always be a need for a certain level of overtime to allow An Garda Síochána flexibility when responding to circumstances that require additional resources for specific operations. These additional resources will have to be over and above those available from Gardaí on rostered duty thus ensuring the continuation of normal policing duties unabated.

In addition a number of police led operations, in various years, required the deployment of extra resources on overtime. This includes the implementation of anti-crime and anti-burglary initiatives such as Operation Anvil and Operation Thor. Similarly non-crime related events and events organised by interest groups within the general public can require overtime to police effectively as additional Gardaí may need to be deployed to ensure public safety.

The final part of your request is seeking '*Correspondence between the Dept of Justice and the Gardai on the need for a supplementary estimate to fund the costs of overtime this year*'.

I am to advise you that I am refusing this information under Section 15(1)(a) of the Freedom of Information Act which states :

Refusal on administrative grounds to grant FOI requests

*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*

The requirement for a supplementary estimate to fund the costs of overtime is not determined until the final quarter of the year and therefore, no information is available in this regard at this time.

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 **F01-000313-2017**.

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: 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

15 **AUGUST 2017**