

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

Re: Freedom of Information Request FOI-000336-2017 Request Refused

Dear

I refer to your request, dated 27th July, 2017 and clarified via email on the 28th 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 is as follows:

Original request:

Please provide a copy of the current contract in place between the Go Safe organisation and An Garda Síochána. Please also include any information relative to the placement of Speed Detection Vans down to the precise reasons for selecting for one area other than another. Also indicate the criteria for such selection.

Renewed Request:

I refer to the decision communicated herein (partial disclosure) and I note that there has been developments in the public arena regarding the release of the GO Safe Contract under FOI provisions. (RTE News this date). The contract has now been released to RTE.

Accordingly I wish to renew my application for full disclosure of the Contract together with its supporting documentation. Specifically disclosure is requested of "Guidelines for Monitoring Location Selection" or any document relevant to that query, otherwise referred to as Standing Operating Procedures (SOPs) Please note that my FOI Request included a request for

Please also include any information relative to the placement of Speed Detection Vans down to the precise reasons for selecting for one area other than an other. Also indicate the criteria for such selection.

Clarified Request:

I refer to my email of 27.7.2017 and conversation with Sgt. Gavin Scott of this date and offer the following clarification for the avoidance of doubt. My original request and this current correspondence comprehended the fact that the Garda Síochána issued precise instruction to the GoSafe contractor for operating of speed checks/detections/monitoring locations otherwise standard operating procedures. It is know that this informatics is contained in a Handbook or similar designated document howsoever described. Disclosure of these instructions were requested and that request still stands.

Prior to making a decision on this request full consideration was given to a decision by the Office of the Information Commissioner (OIC) of 25th May 2017 with regard to a similar request submitted to the Department of Justice and Equality. The OIC decision related to a request for access to records, contracts and associated documents for the operation of road safety cameras by GoSafe. The decision of the OIC refers to a previous contract between the relevant parties and not the current contract which is the subject of this FOI request. The OIC decision, available on the OIC website www.oic.ie (decision case number 160427), makes reference to the fact that the decision is based on a previous records relating to the previous contract and not the current contract (page7).

I wish to inform you that I have decided to refuse your request on the 24th August 2017.

The purpose of this letter is to explain my decision.

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

As stated above, An Garda Síochána is a partially included agency for the purposes of the FOI Act. 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 refer to certain parts of your request, shown below, which were considered under Part 1(n) of Schedule 1.

'the placement of Speed Detection Vans down to the precise reasons for selecting for one area other than an other. Also indicate the criteria for such selection.'

and

'the Garda Síochána issued precise instruction to the GoSafe contractor for operating of speed checks/detections/monitoring locations otherwise standard operating procedures'

The placement of *Speed Detection Vans* (SDV) at specific locations and any relevant instructions inclusive of Standard Operating Procedures for operating a SDV are not within the remit of the FOI Act insofar as An Garda Síochána is concerned. The placement and operation of a SDV is entirely an operational matter and is based on operational information which is neither considered an administrative record or a record for the purposes of Human Resources, Finance or Procurement. Therefore this part of your request is deemed out of the scope of the FOI Act and refused on that basis.

However it may be of interest to you that the Guidelines for Monitoring Location Selection are provided for at Appendix 5 of the Request for Tender (RFT) document which is published by the Office of Government Procurement. The web address below can be used to access the RFT and the relevant guidelines therein.

https://irl.eu-supply.com/app/rfq/publicpurchase_docs.asp?PID=95267&LID=100462

With regard to the remainder of your request I am of the view that the information provided to you in response to your request FOI-000450-2016 (dated 18th January 2017) is correct and in accordance with the recent OIC decision.

The sections of the FOI Act which can apply to deny access to documents are known as exemption provisions. Section 15 of the FOI Act provides for refusal on administrative grounds to grant FOI requests. As the records requested in this FOI request (FOI-000336-2017) have been provided to you directly as part of your previous FOI request (FOI-000450-2016) I am refusing to provide the records in accordance with section 15(1)(i)(i) which is shown below.

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—

- (i) the request relates to records already released, either to the same or a previous requester where—*
- (i) the records are available to the requester concerned, or*

In addition to section 15(1)(i)(i) above the FOI Act provides for the refusal of records to a requester if they are already available to the public. Section 15(1)(d) is relevant in this regard as FOI-000450-2016 is available in the public domain on the Garda website. Section 15(1)(d) is shown below.

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—

- (d) the information is already in the public domain,*

The publically available version of FOI-000450-2016 can be accessed through the Finance-Procurement Decision Logs - 2017 on the FOI page of the Garda website. A link to this decision is provided below for your convenience.

<http://www.garda.ie/Controller.aspx?Page=20878&Lang=1>

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 **F01-000336-2017**.

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: BOFIIIE2D


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

25TH AUGUST 2017