

An Garda Síochána

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



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

Teileafón/Tel:(046) 9036350

Láithreán Gréasain/Website: www.garda.ie

Bí linn/Join us  

Ríomh-phoist:/Email:foi@garda.ie

Re: Freedom of Information Request FOI-000241-2016 Partially Granted

Dear

I refer to the Freedom of Information Act 2014 and your submission to An Garda Síochána dated and received on 30th June 2016 and my subsequent correspondence of 26th July 2016.

Part 1(n) of Schedule 1 of the FOI 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:

‘Records showing how many special leave days were granted to gardai to attend staff association business in each of the last five years (2011, 2012, 2013, 2014, 2015)

If the results are broken down by region (because that is how they are recorded) that is ok.’

I wish to inform you that I have decided to partially grant your request on 18th August 2016.

The purpose of this letter is to explain my decision.

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

The Human Resources and People Development (HR & PD) section were contacted to identify the records relating to your request.

Following discussions with the HR & PD section, it has been established that all special leave for Garda Association purposes is recorded on the individual members application form known as a D9 - Leave Application Form (hereafter referred to as D9). The D9 is retained at local District Offices. Consequently to obtain the records for the years outlined above would, by reason of the number and nature of the records concerned, cause a substantial and unreasonable interference with or disruption to the workload within each District Office and An Garda Síochána as a public body. Each record would have to be retrieved from each District Office and then examined to count the number of special days leave which have been granted for Association purposes. I understand a member of my staff from contacted you and discussed the voluminous nature of your request.

I am refusing this request under Section 15(1)(c) of the Freedom of Information Act 2014 wherein it states:-

'A head to whom an FOI Request is made may refuse to grant the request where –

1(c) in the opinion of the head, granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, require the retrieval and examination of such number of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of work (including disruption of work in a particular functional area) of the FOI body concerned',

However, paper based returns for the annual leave year 2014/2015 have been identified by HR & PD and were provided to my office for consideration. The records provided to HR & PD from the Garda Division of Louth shows years 2011 to 2015. It should be noted that the period used to calculate annual leave is from April 1st to March 31 and D9 records do not correlate with the calendar year. The records provided to my office are individual paper based records from each District that were received at HR & PD for the period from 1st April 2014 to 31st March 2015. I have decided to provide a copy of those records, with necessary redactions, for your information. Therefore I am partially granting these documents.

An Garda Síochána Modernisation and Renewal Programme 2016-2021 includes the implementation of a new HRM system allowing HR staff to have access to modern, effective HR Management Systems linked to, and integrated with, existing systems. A new IT System supporting the deployment and scheduling of staff will be implemented in the near future. This initiative will also improve the Garda Organisations ability to extract information in a more efficient manner.

The sections of the FOI Act which can apply to deny access to documents are known as its exemption provisions. The information contained on the D9 records is in the main personal information. Personal information is defined at section 2 of the FOI Act.

Section 2 – Interpretation

1. (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 –

- (ii) information relating to the individuals membership or former membership of a trade union.*

Section 37 of the FOI Act is relevant with regard to the release of personal information contained in the records provided.

Section 37 – Personal Information

I am refusing to provide the records in full as they contain the names, Garda Registered Numbers and Garda Station of the members who availed of special leave for Garda association purposes. This information is withheld 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 as set out above. The provision of these records un-redacted to you, in my opinion, would result in personal information being released contrary to the provisions of the FOI Act. This 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 public interest in members of the public exercising their rights under the FOI Act,
- The accountability of the Organisation in its use of public funds,

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 in full,
- That the Organisation can conduct its business in a confidential manner,

- The right to privacy is outweighed by the needs of the public.
- That there is a reasonable and implied expectation by employees that personal information will remain confidential.

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 retained in a confidential manner by An Garda Síochána outweighs the public interest which would be served were the records released to you. The release of the records un-redacted would not be in accordance with the FOI Act or in accordance with the implied expectations of Garda personnel that personal information will be regarded as confidential and not subject to release via the FOI Act.

The special days leave allocated for association business for elected representatives of garda associations is governed by collective agreement. There are approximately 1,600 members of An Garda Síochána who are elected representatives for their respective garda association. These representatives may hold a variety of responsibilities that dictates the special leave allowance applicable. “*Special Leave for Association Purposes*” was agreed at the Garda Conciliation Council and while there are four garda staff associations only three are allowed special leave for association business.

Association of Garda Superintendents

Meetings	Days
Annual Conference - (34* members x 1 day)	34
National Executive Committee - (10* members x 12 days)	120
Area Committees - (34* members x 4 days)	136
ACS Conference - (2 members x 1 day)	2
AGSI Conference - (2 members x 3 days)	6
GRA Conference - (2 members x 3 days)	6
PSNI Superintendents Conference - (2 members x 2 days)	4
England and Wales Superintendents Conference – (2 members x 3 days)	6
Scottish Superintendents Conference - (2 members x 3 days)	6
European Conference - (2 members x 4 days)	8
Chiefs of Police USA - (2 members x 4 days)	8
Total	338

Association of Garda Sergeants and Inspectors

Meetings	Days
Annual Delegate Conference – (105 members x 2 days)	210
Executive Committee – (13* members x 36 days)	468
Branch Committees – (156 members x 10 days)	1,560
Total	2,238

Other Association Business	Days
Branch Secretaries - (26 members x 12 days)	312
Seminars/Branch Committees - (156 members x 1 day)	156
External Conferences	40
Total	508

Garda Representative Association

Meetings	Days
Annual Delegate Conference - (137* members x 2 days)	274
Executive Committee - (26* members x 24 days)	624
Divisional Committee – (137* members x 6 days)	822
District Committee – (600 members x 1.5* days)	900
Total	2,620

Garda Representative Association (continued)

Other Association Business	
Treasurer – (1 day per month)	12
Divisional Secretaries – (26* members x 4 days)	104
District Secretaries – (112* members x 1 day)	112
Additional Days	
B District	6
C District	1
D District	1
C.D.U./S.D.U District	1
Anglesea Street Cork	2
Limerick City North	1
Working Parties and External Conferences	130
Total	370

*Since the original agreements there have been changes to the numbers representing the respective ranks. These changes reflect increases in the numbers in these ranks. These changes have resulted in an increase in the number of days allowable.

2. Rights 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 **F01-000241-2016**.

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: IE86BOF190001710026896
BIC: BOFIE2D

You must ensure that your FOI reference number (FOI-000241-2016) 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 2016