

# 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 DR 90

Teileafón/Tel: (046) 9036350

Láithreán Gréasain/Website: [www.garda.ie](http://www.garda.ie)

Bí linn/Join us  

Ríomh-phoist/Email: [foi@garda.ie](mailto:foi@garda.ie)

## Re: Freedom of Information Request FOI-000301-2016 Partially Granted

Dear

I refer to the Freedom of Information Act 2014 (FOI Act) and your submission to An Garda Síochána dated and received on the 8<sup>th</sup> August, 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.

Your request is shown below:

*Under the Freedom of Information Act 2014 I'm requesting information on the following:*

*Since the moratorium on Garda recruitment lifted in September 2014, how many of the newly attested gardaí have left the force to date (August 8<sup>th</sup>)?*

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

*The number of recruits who left during the 39 week training period in that time?*

*Where possible, a breakdown of where the newly qualified gardaí were stationed before they left?*

I wish to inform you that I have decided to partially grant your request on 2<sup>nd</sup> September, 2016.

The purpose of this letter is to explain that decision.

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

I am refusing your request for the number of newly attested members who have resigned since “*moratorium on Garda recruitment lifted*” and for the number of recruits who left during the initial training period under Section 15(1)(d) and (i)(i) of the FOI Act, which is as follows:

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,*

(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,*

In relation to the first part of your request, I refer to my decision letter to you dated 12<sup>th</sup> July under request **FOI-000232-2016** which provided the number of newly attested members who had resigned as of 29<sup>th</sup> June, 2016.

Furthermore, An Garda Síochána publishes a list of all responses issued to Freedom of Information Requests (excluding requests for personal information) from the commencement date of 14<sup>th</sup> of October 2015 in the Freedom of Information section of the website ([www.garda.ie](http://www.garda.ie)).

I wish to draw your attention to Decision **FOI-000061-2016** which is applicable to your request (<http://www.garda.ie/Documents/User/FOI-000061-2016%20Decision.pdf>). This decision provides the number of recruits, who left the programme before completing the initial 34 week training period as of the 7<sup>th</sup> March, 2016.

The Central Administration Office of The Garda College has advised that no students have resigned before completing their initial training between 7<sup>th</sup> March, 2016 and 8<sup>th</sup> August, 2016.

I advise that I am granting you the number of newly attested members, who have resigned between 29<sup>th</sup> June, 2016 and 8<sup>th</sup> August, 2016. The Human Resources and People Development Section report that 1 such member resigned in this period.

However, I advise that I am refusing the third part of your request regarding the stations the members were assigned to, due to the very small number involved. 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*

*and, without prejudice to the generality of the foregoing, includes—*

- (iii) *information relating to the employment or employment history of the individual,*  
(v) *information relating to the individual in a record falling within section 11(6)(a),*

As referenced at section 2 above, section 11(6)(a) refers to access to records but does not include certain personal records. Section 11(4) sets out the right of access to records and the types of records that can be accessed. However in section 11 there are number records that are considered personal and are not automatically subject to release by an FOI body. Section 11(6)(a) sets out the records that are not included for release at section 11(4).

*(6) Subsection (4) shall not be construed as applying, in relation to an individual who is a member of the staff of an FOI body; the right of access to a record held by an FOI body that—*

- (a) is a personnel record, that is to say, a record relating wholly or mainly to one or more of the following, that is to say, the competence or ability of the individual in his or her capacity as a member of the staff of an FOI body or his or her employment or employment history or an evaluation of the performance of his or her functions generally or a particular such function as such member,*

I believe that by releasing this information the individuals involved will become easily identifiable beyond their family and friends and it would be considered a breach of the confidentiality upon which the information is being held by the Garda Organisation. The release of this information, which is specific to each individual, will allow for a person to become more identifiable and possibly named in the public domain. I am therefore applying Section 37(1) Personal Information which states:

### ***Section 37 - Personal Information***

- 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).*

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 on what is essentially a personal decision outweighs the public interest which would be served were the records released to you.

## **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 **FOI-000301-2016**.

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:** BOFIE2D

**You must ensure that your FOI reference number (FOI-000301-2016) 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](http://www.garda.ie).

Personal details in respect of your request will be removed to protect confidentiality where applicable.

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.**

 **SEPTEMBER, 2016**