

# 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

Láithreán Gréasain/Website:

[www.garda.ie](http://www.garda.ie)

Bí linn/Join us  

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

**Mr. John Burke,**

## **Re: Freedom of Information Request FOI-000215-2017 Request Refused**

**Dear Mr. Burke,**

I refer to your request, dated and received on 15<sup>th</sup> May 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:

*All correspondence between John Barrett, Head of Human Resources, and Ken Ruane, Legal Affairs, relating to the Disclosures Tribunal and related matters, send between 17 February 2017 to date.*

I wish to inform you that I have decided to refuse your request on the 8<sup>th</sup> June 2017.

The purpose of this letter is to explain my decision.

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

The FOI Act restricted the type of records accessible from An Garda Síochána to “*administrative records*”. The FOI Act further limited the access to Garda records to the three areas of Human Resources, Finance or Procurement. These restrictions are set out in Part 1(n) of Schedule 1 of the FOI Act.

The records requested by you were sought from the relevant sections and are listed in the attached Schedule of Records. The information contained within those records has been reviewed in accordance with the provisions of the FOI Act, Part 1(n) of Schedule 1, and I have decided that they do not meet the criteria of an administrative record or fall within the scope of the FOI Act insofar as An Garda Síochána is concerned.

Previously, and of relevance to your request, the Office of Information Commissioner (OIC) has discussed the term ‘administration’ within the meaning of the FOI Act. While the term is not defined in the FOI Act the OIC has taken the view that *general administration* refers to the management of an office or Organisation such as records relating to personnel, pay matters, recruitment, accounts, Information Technology, accommodation and internal organisation office procedures. Records which do not relate to such matters are not contained in the administrative function of an organisation. Hence the contents of the correspondence between “*John Barrett, Head of Human Resources, and Ken Ruane, Legal Affairs*” regarding the Disclosures Tribunal is not considered an administrative function. OIC Case number 160055: Mr. X and the Office of the Attorney General, refers.

Further to the above case the term ‘administrative records’ was also considered by the OIC. OIC Case Number 160054: Mr. Y and An Garda Síochána (FOI Act 2014), refers and is understood to mean records relating to the processes of running/managing a business or organisation. In the aforementioned case the OIC described the purpose of Part 1(n) of the FOI Act;

*“is to restrict the right of access to those functions or processes of An Garda Síochána that relate to the administration or management of the organisation and only in relation to matters concerning human resources, finance or procurement matters.”*

Your request does not fall within the finance or procurement areas and does not meet the criteria provided by the OIC (Case Number 160054) with regard to human resources. This OIC decision states:

*“The term “human resources” refers to the staff of an organisation, and would involve matters such as the administration of annual leave, sick leave, staff development, performance management etc. “*

Having considered your request and reviewed the records I am of the view that the information you seek is outside the scope of the FOI Act insofar as An Garda Síochána is concerned and therefore I am refusing your request.



There is no provision contained within the FOI Act for consideration of the public interest in deciding whether the records fall within Schedule 1, Part 1(n). Therefore I am not obliged to consider the public interest in this matter when making a decision to refuse or grant the requested records.

## **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 **F01-000215-2017**.

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](http://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**

**8<sup>TH</sup> JUNE 2017**

Requester Name: John Burke- Schedule of Records    File Re: FOI-000215-2017						
Page No	Description of document	Deletions	Relevant Section of FOI Acts	Reason for decision	Decision Maker's decision	
1 - 2	Correspondence from Executive Director of Human Resources - 4th March 2017	All	Part1(n) , Schedule 1	Out of Scope	Refuse	
3	Correspondence from Executive Director of Human Resources - 16th March 2017	All	Part1(n) , Schedule 1	Out of Scope	Refuse	
4 - 5	Email Correspondence from Head of Legal Affairs - 13th April 2017	All	Part1(n) , Schedule 1	Out of Scope	Refuse	
6 - 9	Correspondence from Executive Director of Human Resources - 31st March 2017	All	Part1(n) , Schedule 1	Out of Scope	Refuse	
10 - 11	Correspondence from Head of Legal Affairs - 13th April 2017	All	Part1(n) , Schedule 1	Out of Scope	Refuse	
12 - 15	Correspondence from Executive Director of Human Resources - 31st March 2017	All	Part1(n) , Schedule 1	Out of Scope	Refuse	
16 - 17	Email Correspondence from Head of Legal Affairs - 13th April 2017	All	Part1(n) , Schedule 1	Out of Scope	Refuse	
18 - 21	Correspondence from Executive Director of Human Resources - 27th April 2017	All	Part1(n) , Schedule 1	Out of Scope	Refuse	

Requester Name: John Burke- Schedule of Records File Re: FOI-000215-2017					
22	Correspondence from Executive Director of Human Resources - 27th April 2018	All	Part1(n) , Schedule 2	Out of Scope	Refuse
23 -24	Correspondence from Assistant Commissioner Legal and Compliance	All	Part1(n) , Schedule 2	Out of Scope	Refuse
			Total number of pages		24
			Total number of pages for full release		0
			Total number of pages for partial release		0
			Total number of pages being withheld		24