

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

Mr Ken Foxe.

Re: Freedom of Information Request FOI-000269-2017 Request Refused.

Dear Mr Foxe,

I refer to your request, dated and received on 21st June, 2017 which you have made under the Freedom of Information Act (FOI) 2014 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:

Copies of any correspondence between the Garda Commissioner Noírin Ó'Sullivan and Terry Prone using any of her email accounts (including gmail account) and/or use of messaging services including WhatsApp, Viber etc using work phones in the period 1st January 2016 to the current date.

I wish to inform you that I have decided to refuse your request on the 18th July, 2017.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decisions.

Your request was forwarded to the Office of the Garda Commissioner on receipt to carry out searches for the records sought by you. The Garda Commissioner does not use messaging services including WhatsApp, Viber etc. Therefore searches were carried out for all emails and text messages between the Garda Commissioner, PR Consultant, Ms. Terry Prone and The Communications Clinic from/to Commissioner's Garda email accounts and Garda Mobile phone which relate to Human Resources, Finance or Procurement. The period the search was carried out for was between the 1st January 2016 and the 11th July 2017. However no emails or text messages were located that

come within the scope of the FOI Act insofar as An Garda Síochána is concerned. 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** are considered.

Consequently your request is refused on administrative grounds subject to section 15(1)(a) of the FOI Act as 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—*

(a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,

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 **FOI-000269-2017**.

**Freedom of Information,
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-000269-2017) 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.

18th July, 2017.