

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. John O'Brien

Re: Freedom of Information Request FOI-000346-2017 Request Partially Granted

Dear Mr. O'Brien,

I refer to your request, dated the 1st August 2017 and received on the 2nd August 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:

Request for Disclosure of information under the provisions the Freedom of Information Act 2014.

Regarding the operation of a Special or Other Speed Limit at the R132 Balrothery, Balbriggan which was not legally provided for.(Circa 2010 – 2015)

A Speed Limit of 60 KPH had been put in place at this location to facilitate the construction of a Pedestrian Crossing and this Speed Limit expired in April 2010. Agenda Item 29 Fingal CC dated 12th October 2015 has reference.

It is alleged that the authorities continued to enforce this speed limit even though it had expired.

Consequently I have been advised that there was a problem regarding the legal basis for this Speed Limit. This problem covered the period 2010 to 2015 at least.

Disclosure is now requested of the pertinent information relating to consequences, which arose from this situation and the factors, which gave rise to it in the first instance.

Q1 Who discovered that the speed limit was not legally in force?

Q2 When was this discovery made?

Q3 Disclose all correspondence which passed between the Garda Síochána and all other interested parties?

Q4 Who was responsible for this mistake?

Q 5 How many drivers were impacted by the unlawful prosecutions?

Q 6 How much money was refunded to the relevant drivers?

Any other information deemed relevant?

I wish to inform you that I have decided to part-grant your request on the 29th August 2017.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

The sections of the Act which deny access to information are known as its exemptions. As previously advised, 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*".

The term "administrative records" is understood to mean records relating to the processes of running and managing a business or organisation. As a result the FOI Act excludes operational policing business as opposed to the defined administrative processes of An Garda Síochána.

The records you are requesting relate to operational policing matters and do not meet the criteria of administrative records as defined above.

Therefore, I am refusing questions 1-5 of your request in accordance with Part 1(n) of Schedule 1, as the information sought herein does not fall within the ambit of the FOI Act insofar as it relates to An Garda Síochána.

Question 6 of your request sought '*How much money was refunded to the relevant drivers?*'.

On the 31st October 2002, the Fixed Charge Notice (FCN) process was introduced as a replacement of the old 'on the spot' fine system along with Penalty Points. The Fixed Charge Processing System (FCPS) was developed by An Garda Síochána to enable computerised, automated processing of FCNs and to assist in the management of the penalty points system. The process applied to the then penalty point offences, certain parking and other offences under the Road Traffic Acts. One of the key objectives of the fixed charge notice system is to contribute to safer driving and reduced road traffic collision casualties.

The current legislation for the FCN process allows for the payment of the fixed charge within 28 days of issue of the notice. If payment is not made in this period, an increased charge may be paid within a further 28 day period. (*Payment of the fixed penalty in relation to drink driving offences is restricted to one period of 28 days at the original amount*).

These payments are collected on behalf of An Garda Síochána by An Post. The payments received are used to offset the costs of the outsourced speed cameras contracts. In the event that the income from FCNs exceeds the costs of the contracts, the excess is returned to the Exchequer.

If payment of the FCN is not made within the allowable period, court proceedings are initiated by way of summons application. Any fines arising from the court proceedings are not received by An Garda Síochána.

The table below contains the total amount refunded for fines incurred as a result of the invalid detections at the R127 and R132 Glebe South and Balrothery, Balbriggan for the period 2010 and 2015.

Refund Monetary Totals

Paid in 28 days	€74,080
Paid in 56 days	€14,640
Total Refund	€88,720

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 **F01-000346-2017**.

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.

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

30TH AUGUST 2017