

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

Re: Freedom of Information Request FOI-000400-2017 Request Partially Granted

Dear

I refer to your request, dated and received on the 13th September 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:

I request that a copy of any documents [or documents containing the following information] be provided to me: Any documents pertaining to the new roadside drug testing measures. How many gardai on a national level are qualified to facilitate these new tests, what requirements/qualifications must they possess to administer the test? Is every garda station nationwide equipped with a preliminary drug testing device? How many drug tests have been conducted since the saliva-swabbing condition was introduced on April 13th 2017, and subsequently how many people have tested positive for drugs being present in their system as a result? I would also like to know which counties have recorded the highest and lowest number of tests administered since April 13th to the present day. Also, I would like the statistics pertaining to which counties have recorded the highest and lowest arrests and convictions as a result of these new drug testing measures within the same time frame. I also request the statistics regarding the most common substances found in drivers having provided a positive test.

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Finally, I would like to be informed of the number of nationwide drink driving arrests that have been made since the roadside saliva swabbing measures came into effect.

I wish to inform you that I have decided to partially grant your request on the 10th October 2017.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

Part 1(n) of Schedule 1

Section 6(2)(a) of the FOI Act provides that an entity specified in Schedule 1, Part 1 of the Act shall, subject to the provisions of that Part, be a public body for the purposes of the Act.

Schedule 1, Part 1 contains details of bodies that are partially included for the purposes of the Act and also details of the certain specified records that are excluded. If the records sought come within the description of the exclusions of Part 1, then the Act does not apply and no right of access exists.

Part 1(n) of Schedule 1 of the FOI Act provides that An Garda Síochána is not a public body for the purposes of the FOI Act other than in relation 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.

In this regard, I am to refusing to provide the records/documents as requested by you. The records/documents sought by you falls outside the scope of the FOI Act insofar as the records do not meet the criteria of administrative records as defined in the Act.

However, I am in a position to provide you with information regarding ‘*How many gardai on a national level are qualified to facilitate these new tests, what requirements/qualifications must they possess to administer the test?*’. Please be advised that 1,774 (as of the 22nd September 2017) Garda personnel have received training to test for drugs at the roadside using the Drager 5000 Drug Test Device.

A ‘Train the Trainers’ course was provided to 70 Continuous Professional Development (CPD) Trainers nationwide to facilitate this training. The ‘Train the Trainers’ course was provided jointly by the Medical Bureau of Road Safety and the Garda College.

The Medical Bureau of Road Safety provided training in respect of the use of the Drager Drugtest 5000 equipment and the Garda College provided training in respect of the legislation and policy.

I can also advise you that 2,067 members of An Garda Síochána nationwide have received training in conducting Impairment Testing (figures correct as of the 22nd September 2017). The power to conduct an Impairment Test is provided under Section 11 of the Road Traffic Act, 2010, as amended, which permit members of An Garda Síochána to require a driver to

perform a number of tests in order for the member to establish if the driver is committing an offence. These provisions have been further extended by the Road Traffic Act, 2016 which permits members of An Garda Síochána to perform an Impairment Test following arrest in respect of certain road traffic offences.

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-000400-2017**.

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 (FOI-000400-2017) 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

 **OCTOBER 2017.**