

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

Riomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000462-2017 Request Refused

Dear

I refer to your request, dated and received on 20th October, 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 am writing to request information under the Freedom of Information Act 2014. In order to assist you with this request, I am outlining my query as specifically as possible.

What are the statistics in relation to penalty points given to drivers within the first two years of passing their driving test in relation to speeding in Dublin in 2016. Also what are the statistics in relation to penalties given to drivers found to be under the influence of alcohol in 2016 in Dublin.

I would be interested in any information held by your organisation regarding my request. I understand that I do not have to specify particular files or documents and that it is the department's responsibility to provide the information where I require. If you need further clarification, please contact me by email.

I would like to receive the information in Word or Excel format.

1

If my request is denied in whole or in part, I ask that you justify all deletions by reference to specify exemptions of the act. I will also expect you to release all non-exempt material. I reserve the right to appeal your decision to withhold any information or to charge excessive fees.

I would be grateful if you could confirm via email that you have received this request. I look forward to your response within 20 working days, as outlined by the statute.

I wish to inform you that I have decided to refuse your request on the 23rd October, 2017.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision

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 FOI Act. Schedule 1, Part 1 contains details of bodies that are partially included for the purposes of the FOI 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 FOI 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.

The records sought by you relate to operational policing matters, as opposed to administrative matters relating to human resources, or finance or procurement.

I am therefore refusing your request as it 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 advise that the responsibility for the administration of penalty points is a matter for the Road Safety Authority (RSA). The RSA publishes various statistics on penalty points on their website at the following link <http://www.rsa.ie/en/RSA/Road-Safety/Our-Research/> and this may provide you with the information you seek.

Alternatively, you may consider submitting your request to the RSA directly at the following address; Freedom of Information Officer, Road Safety Authority, Moy Valley Business Park, Primrose Hill, Ballina, Co Mayo or by email to foi@rsa.ie.

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-000462-2017**.

Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, 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-000462-2017 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

26th **OCTOBER, 2017.**