

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

Ríomh-phoist:/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000137-2018 Request Part Grant

Dear

I refer to your request, dated and received on 23rd March, 2018 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:

Under the Freedom of Information Act, I am seeking the following:

- *a list of all reports, studies or consultations commissioned by the Garda from external consultants or other professionals for the years 2015, 2016 and 2017.*
- *Title and description of each report, name of consultant/consultancy, dates they were started and completed and whether they were published/made public or not.*
- *Costs of each.*

I wish to inform you that I have decided to part grant your request on the 17th May 2018.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

On receipt of your email, your request was forwarded to the Procurement Section of An Garda Síochána where a search was conducted in respect of same. A table containing the details of

1

the tender description, start date, end date, name of consultant/consultancy and expenditure where available, was provided.

I can advise you the Cultural Audit of An Garda Síochána was published on 4th May 2018 and is available on the following link:

<https://www.garda.ie/en/about-us/our-departments/office-of-corporate-communications/press-releases/2018/may/an-garda-siochana-publishes-major-cultural-audit-of-the-organisation-may-2018.html>

A list of reports is not centrally held, however, I have provided you with the tender description for each. To date none of the other reports listed below have been published and are more for internal usage. The overall value of each contract has been supplied except in the case of the supply of temporary contract for ICT personnel from DJE framework, where a daily rate was supplied.

I am refusing access to a section of the identified records pursuant to section 36(b) and (c) which state:

Commercially sensitive information

36. (1) *Subject to subsection (2), a head shall refuse to grant an FOI request if the record concerned contains—*

- (b) financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation, or*
- (c) information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.*

This information therefore is commercially sensitive in accordance with the provisions of section 36 of the FOI Act.

I am cognisant of the fact that the release of information under the Act is, in essence, a release to the public at large. The pricing structure of the supplier with regard to the services provided to An Garda Síochána is not known to competitors or the public in general. If the records were made available to you it is reasonable to expect that it would prejudice the ability of supplier to compete in other contracts or negotiations in the future.

I am of the view that the release of the pricing structure could reasonably be expected to result in a material financial loss by the supplier as it could prejudice their competitive position in the conduct of their business. The placing of these pricing structures into the public domain could also reasonably be expected to give a competitive advantage to other companies seeking similar contracts with public bodies.

Furthermore, the supplier's current customers may become aware of a difference in pricing structures being offered to An Garda Síochána which could prejudice any current or future negotiations with these customers.

The release of this information into the public domain could reasonably be expected to disadvantage the supplier when tendering for future contracts as competitors would be aware of the pricing structure and thereby likely to affect current and future contractual negotiations.

Therefore, I am refusing sections of your request under the provisions of section 36(1)(b) & 36(1)(c) as it seeks commercially sensitive information.

Public Interest Test

There is a Public Interest Test associated with section 36 of the FOI Act whereby my decision must be made having fully considered the public interest relevant to this request.

I have considered the public interest issues which arise in this case and have taken account of the following factors in favour of release:

- Ensuring openness and transparency of organisational functions to the greatest possible extent.
- The public interest in members of the public exercising their rights under the FOI Act.
- That there is more than just a transitory interest by the public in this information being released.
- The right to commercial confidentiality is outweighed by the needs of the public regarding the expenditure of public funds by a public body.

In considering the public interest factors which favour withholding the records I have taken account of the following:

- Allowing a public body to hold commercial information without undue access by members of the public.
- The best course of action which is in the public interest with regard to these records.
- That An Garda Síochána can conduct its business with external contractors in a confidential manner.
- That there is a reasonable and implied expectation by contractors that financial information pertaining to services provided will be held in a confidential manner.
- That there is no overriding public interest that outweighs the right to privacy by an individual or in this case the financial activities of a service provider.

Having balanced the public interest factors both for and against the release, I decided that the public interest in preserving the information and the reasonable expectation that information can be maintained by An Garda Síochána without prejudicing future financial endeavors by external service providers outweighs the public interest which would be served were the records released to you.

I have considered the provisions of section 36(2) and decided that they do not have any bearing on the decision as the overriding interest is to protect the sensitive commercial and financial information in this case.

The public interested is served by the release of the information in the format provided at Appendix A.

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-000137-2018**.

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: IE86BOFI90001710026896

BIC: BOFIIIE2D

You must ensure that your FOI reference number (FOI-000137-2018) 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**
SHARON KENNEDY
FREEDOM OF INFORMATION OFFICER

17 MAY, 2018

Appendix A FOI Request FOI-000137-2018

TENDER DESCRIPTION	START DATE	END DATE	COMPANY APPROVED CONTRACT	Expenditure
CULTURAL AUDIT FOR AN GARDA SÍOCHÁNA	06/07/2017	05/07/2022	PWC	€500,000.00
EXTERNAL EVALUATION AUDIT SERVICES	06/02/2017	31/03/2017	KOSI CORPORATION LTD	€8,250.00
HRPD Operating Model Review	30/11/2017	29/11/2018	DELOITTE	€275,000
EXECUTIVE COACHING TO AN GARDA SÍOCHÁNA	01/09/2016	30/08/2018	DISTINCTIONS COACHING & CONSULTANCY	€84,280
IMPLEMENTATION AND INTEGRATION OF SHENGEN INFO SYSTEMS -(FOLLOWING PEER REVIEW)	22/12/2016	21/12/2021	ACCENTURE	€21,758,068
AUDITING SERVICES to AN GARDA SÍOCHÁNA	07/09/2015	30/11/2015	CAPITA BUSINESS SERVICES	€8,250.00
CONSULTANCY SERVICE TO FACILITATE THE OUTSOURCING OF THE PROVISION OF THE GARDA SAFETY CAMERAS	23/09/2015	31/12/2016	BEARINGPOINT IRELAND	€71,500.00
RESEARCH & ADVISORY SERVICES DRAWDOWN FROM OGP FRAMEWORK	01/02/2016	31/01/2018	GARTNER	€72,600
PUBLIC ATTITUDES SURVEY	26/09/2014	31/12/2017	Amarach Research	€274.536
SUPPLY OF TEMPORARY CONTRACT FOR ICT PERSONNEL FROM DJE FRAMEWORK	04/04/2016	03/10/2016	Vantage Resources	