

# 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](http://www.garda.ie)

Bí linn/Join us



Ríomh-phoist/Email: [foi@garda.ie](mailto:foi@garda.ie)

## Re: Freedom of Information Request FOI-000179-2018 Request Part-Granted

*Dear*

I refer to your request, dated and received on 27<sup>th</sup> April 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:

- 1) *The amount of revenue received from paid FCPNs issued in 2017 and to-date in 2018 in tabular form*
- 2) *A full list of offences in which Gardai can issue FCPNs and the number of FCPNs by offence that were issued in 2017 and to-date in 2018 in tabular form*
- 3) *The amount of revenue in 2016 that was written off from FCPNs issued to persons and a brief description as why the revenue was written off eg FCPN were issued to persons and who have subsequently died etc.*

I wish to inform you that I have decided to part-grant your request on the 24<sup>th</sup> May 2018.

The purpose of this letter is to explain that decision.

### 1. Findings, particulars and reasons for decision

Upon receipt of your request, a search was conducted in the Finance Directorate of An Garda Síochána and records were provided to this office. The first part of your request is seeking '*the amount of revenue received from paid FCPNs issued in 2017 and to-date in 2018*'. I am to

advise you that the amount of revenue received from paid FCPN's for 2017 and up to 11<sup>th</sup> May 2018 is set out in Table A below.

**Table A: Revenue received from paid FCPN's:**

2017	2018 (01.01.18 to 11.05.18)
€16,922,356	€5,383,588

Please note that the figures above are the net amounts received into the bank account.

On 31<sup>st</sup> 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.

Since 2002, the system has been expanded to include offences related to the main collision causation factors, such as seatbelt wearing, speeding and intoxicant related offences, as part of a number of road safety strategies. Since their introduction an increased level of compliance by road users have been recorded and thereby contributing to a reduction in road fatalities.

Since 2008, Public Order offences (Intoxication in a Public Place and Disorderly Conduct in a Public Place) can also be dealt with by FCN.

Fixed charge for defective tyres and pedal cycle offences have also been included since 2015.

Currently FCPS caters for 614 FCN offences which are grouped into 40 groups for internal administration purposes. 39 categories relate to road traffic offences and 1 category relates to public order offences.

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.

There is also a third payment option (FCN3) that may be considered by a person before the unpaid FCN proceeds to court by way of summons.

The fixed charge amount on the FCN3 will be double that on the FCN1, and may be paid not later than 7 days before the date of the Court on which the charge is to be heard (Third

Payment Option). It should be noted however that the third payment option, FCN3 does not apply to public order offences.

The first part of part 2 of your request is seeking ‘*A full list of offences in which Gardai can issue FCPNs*. I am to advise you I am refusing this part of your request in accordance with Section 15(d) which states:

***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 –*  
(d) *the information is already in the public domain*

A full list of offences incurring penalty points and fixed charge notices are available on the RSA website and may be accessed by following the link below:

**<http://www.rsa.ie/Documents/Licensed%20Drivers/Penalty%20Points%20Offences%2017%20April%202016.pdf>**

The second part of part 2 of your request is seeking ‘*the number of FCPNs by offence that were issued in 2017 and to-date in 2018 in tabular form*’.

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. I am therefore refusing ‘*the number of FCPNs by offence that were issued in 2017 and to-date in 2018*’ as this information 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.

Part 3 of your request is seeking ‘*the amount of revenue in 2016 that was written off from FCPNs issued to persons and a brief description as why the revenue was written off eg FCPN were issued to persons and who have subsequently died etc*’.

I am to advise you that I am refusing ‘*the amount of revenue in 2016 that was written off from FCPNs issued to persons*’ in accordance with Section 15(1)(a) of the FOI Act 2014 which states:

***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.*

The information sought by you in relation to the revenue that was written off from FCPN's in 2016 is not a centrally held record and therefore does not exist.

You have also sought *a brief description as why the revenue was written off e.g. FCPN were issued to persons and who have subsequently died etc*'.

Please see table below which provides a brief description of the reasons why revenue may have been written off on FCPNs which were issued to persons.

<b>Reason for Termination</b>
Data Entry Issues
Detection Details Errors (Reg. No. incorrect)
Detection Details Errors (Weight Restriction)
Diplomatic Immunity
Disabled Pass
Excpt Circ – Other
Excpt Circ – Medical Emergency
Excpt Circ – Family Bereavement
Duplicate Notice
Garda Errors
I.T. Issues
Image Unsuitable
Incorrect Nomination
Juvenile Diversion Programme
Legislative Defect
Nomination Issues
Nomination Detail – Reissue to Reg Owner
NVF (New Owner Details)
Payment Processing Issue
Scanning – Incorrect Registration Number
Seat Belt Issue
Speed Limit Incorrect
Stat Exempt – Ambulance
Stat Exempt – Fire Brigade
Stat Exempt – Official Garda Vehicle
Stat Exempt – Garda in Private Vehicle
Tax/Insurance Disc/Trade Plate/NCT in order
Undelivered – An Post
Undelivered – Public
Vehicle/Driver File Defect(s)
Vehicle Stole

Further information in relation to the cancellation policy of fixed charged notices may be accessed on the Garda website by following the attached link:

**<https://www.garda.ie/en/Roads-Policing/Fixed-Charge-Notices/Cancelling-Fixed-Charge-Notices.html>**

## 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-000179-2018**.

***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:** IE86B0F190001710026896

**BIC:** BOFIE2D

**You must ensure that your FOI reference number (FOI-000179-2018) is included in the payment details.**

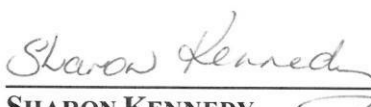
You should submit your request for an Internal Review within 4 weeks from the date of this notification. The review will involve a complete reconsideration of the matter by a more senior member of An Garda Síochána and the decision will be communicated to you within 3 weeks. The making of a late appeal 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](http://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**

25 MAY 2018