

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-000223-2018 Request Refused

Dear

I refer to your request, dated and received on 6th June, 2018 which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by An Garda Síochána. This office requested clarification which was received on 14th June, 2018. In this regard your request will commence from this date.

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:

All records, including emails, correspondence, reports, reviews and any other materials, associated with "HRPD Operating Model Review" commissioned from Deloitte from 2017 to present.

Your clarified request sought:

The report and findings associated with the HRPD Operating Model Review commissioned from Deloitte from 2017 to present.

I wish to inform you that I have decided to refuse your request on the 12th July, 2018.

The purpose of this letter is to explain my decision.

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1. Findings, particulars and reasons for decision

Details of your clarified request were forwarded to the Human Resources and People Development (HR & PD) section where a search was conducted for the records sought. A report by Deloitte on the Human Resource and People Development section within An Garda Síochána was identified.

The sections of the FOI Act which can apply to deny access to records are known as its exemption provisions. With regard to this request section 30 of the FOI Act is the relevant exemption provision applicable.

Section 30 of the FOI Act is relevant with regard to the release of the aforementioned document presented by Deloitte. The document was recently completed in May 2018 and has been submitted for the consideration of the Senior Leadership Team (SLT). To date no decision has been taken with regard to the proposals for change or recommendations for the future contained within the document. It is under consideration and evaluation with a view to assessing the effectiveness of the document should it be agreed for implementation in full or part. With this in mind the conditions set out in section 30 (1)(b) & (c) of the FOI are relevant when refusing the release of the document at this time.

The content and purpose of the document is to consider a new process for delivering HR & PD services throughout the Organisation that could require a transformation in work practices by the individual, team and the Organisation. As with any transformation it will only be successful with the buy-in by organisational staff at all levels. This requires a change management process which interacts with relevant stakeholders and staff to ensure a smooth transition. The views and opinions of the relevant representative bodies and unions are also a significant factor to consider when introducing this type of change. It is for this reason that the release of the document in an uncontrolled manner and seemingly without considering its impact upon the relevant affected staff, via this request, will result in an adverse effect on the ability of management to carry out their functions.

The unexpected release of documentation that is not agreed upon by the SLT and has not yet been through the relevant change process with staff will inevitably result in industrial relations unease within the affected sections. This will impact significantly upon the ability of Garda management to carry out their functions in the normal course of their business and inhibit the smooth implementation of proposed changes in HR & PD, should any proposals be accepted by the SLT. Consideration must be given to the adverse effect on a manager's ability to manage his/her staff if such a document is not communicated professionally throughout the Organisation in a controlled and considerate manner. Consideration must also be given to the negative impact it will have on individuals who were not given the opportunity to provide their views/opinions/suggestions/objections prior to it being released to the public at large under FOI legislation.

As the contents of the document have not yet been deliberated upon by the SLT or communicated to the Organisation it cannot be released via FOI as it will disclose possible positions, past, present and future plans and criteria to be used when conducting negotiations with representative bodies/unions at a future date. The harm that will ensue from the release of the document can realistically be expected to be the breakdown of trust in the management

processes to introduce change thereby resulting in diminished industrial relations between staff and management.

I am of the opinion that the document should not be released in accordance with section 30 (1) (b) & (c) of the FOI Act as shown below.

30. (1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—

(b) have a significant, adverse effect on the performance by an FOI body of any of its functions relating to management (including industrial relations and management of its staff), or

(c) disclose positions taken, or to be taken, or plans, procedures, criteria or instructions used or followed, or to be used or followed, for the purpose of any negotiations carried on or being, or to be, carried on by or on behalf of the Government or an FOI body.

Harm Test

Section 30 requires the following Harm Test to be carried out as part of the decision making process. A disclosure of the proposed model could significantly compromise the ability of management to effectively carry out its core functions. This includes the management of personnel/HR, discussions with affected employees, relevant Garda Representative Bodies/Associations and Civilian Trade Unions.

There is a Public Interest Test applicable to section 30 (2) of the FOI Act.

Public Interest Test

As per section 30 of the FOI Act 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.
- The right to privacy is outweighed by the needs of the public.
- The public interest in proposed management decisions for the Organisation.
- The public interest in the process of change within An Garda Síochána.

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

- Allowing a public body to hold information without undue access by members of the public.
- The public interest is not best served by releasing these records.
- That there is no overriding public interest that outweighs the privacy of negotiations within the Organisation.
- The possibility of industrial unrest which is not in the public interest.
- The Organisations commitment to its staff and their Representative Body or Union.

- The possibility of impeding the progress of the Modernisation and Renewal Programme.

A public interest test was carried out with regard to the overall public interest being better served by the release of certain information as detailed above. However, on balance, I believe in order to ensure the efficient and effective management of An Garda Síochána the release of the records identified is not in the public interest.

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-000223-2018**.

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: IE86BOFI90001710026896
BIC: BOFIIIE2D

You must ensure that your FOI reference number FOI-000223-2018 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

12 **JULY, 2018**