

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-000259-2018 Request Partially Granted

Dear

I refer to your request, dated and received on 3rd July, 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:

Secondments to PSNI

Under the Freedom of Information Act I would like to request a Microsoft Excel Spreadsheet breakdown of all Garda secondments to the between 2000 and 2018 or the longest time period possible to comply with cost and time exemptions.

Please provide the following column headings for each secondment:

- *Gender of officer on secondment;*
- *Age bracket of officer on secondment;*
- *District and division of Garda officer;*
- *Rank of officer on secondment;*
- *Date secondment began;*
- *Date secondment finished;*
- *The division of the PSNI they joined;*
- *The location of the division they joined;*

1

- *Whether the secondment was their first or a repeat secondment, and if it is a repeat, the number of times the officer was on secondment.*

I wish to inform you that I have decided to partially grant your request on the 30th July, 2018.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

Please note that the Garda organisation has only been subject to the provisions of the FOI Act 2014 since 15th October, 2015 and was not formerly subject to the requirements of freedom of information as contained in the previous FOI Act of 1997. As a result, the start date for the provision of records, excluding personal records, as set out in section 2(1) of the FOI Act for An Garda Síochána is 21st April 2008. This date is known as the *effective date* which is shown below:

“effective date” means:

- (c) *in the case of an entity that immediately prior to enactment of this Act, was not a public body within the meaning of the Act of 1997, but is a public body within the meaning of this Act, 21 April 2008, unless provision is made to the contrary by order under section 6;*

On that basis I am refusing to provide any records that may exist prior to 21st April 2008.

Upon receipt of your request, a search was conducted in the relevant areas of An Garda Síochána for records pertaining to same.

This Office has been briefed in respect of your request and one record has been provided. Having reviewed this record, I have decided to partially grant your request. The details are provided in Table A below:

TABLE A

1.	Gender of Officer on secondment	Male
2.	Age Bracket of Officer on secondment	
3.	District and Division of Garda Officer	ICT
4.	Rank of officer on secondment	Superintendent
5.	Date secondment began	01/03/2010
6.	Date secondment finished	31/08/2011
7.	The Division of PSNI they joined	Criminal Justice Department, Community Safety Branch, Lisnasharragh. Belfast.

8.	The location of the Division they joined	Lisnasharragh, Belfast.
9.	Whether the secondment was their first or a repeat secondment, and if it is a repeat, the number of times the officer was on secondment.	Initial 1 year period, extended for one 6 month period (18 months in total).

A review of this record indicates that a particular section contains information that is subject to exemptions contained within the FOI Act. Therefore, I have applied one exemption to the attached record at Point No.2 which have been redacted accordingly and is explained below.

Section 37 - Personal Information

Information that is considered personal is not released under the provisions of the FOI Act when it refers to an identifiable individual and meets the definition as per section 2 of the FOI Act. Particular parts of the record refers to personal information and is subject to the provisions contained in section 37 of the FOI Act.

Section 37(1) states

37 (1) *Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual).*

Personal information is defined at section 2 of the FOI Act and includes the following:

Section 2 — Interpretation

2. (1) *In this Act—*
"personal information" means information about an identifiable individual that, either-
 (a) *would, in the ordinary course of events, be known only to the individual or members of the family, or friends, of the individual, or*
 (b) *is held by an FOI body on the understanding that it would be treated by that body as confidential,*

and, without prejudice to the generality of the foregoing, includes—

(iii) information relating to the employment or employment history of the individual,

The release of personal information, as outlined above, which is specific to an individual will allow for a person to become easily identifiable beyond the confines of family and friends as provided for under section 37. The exemption under Section 37 is applied to Point No.2 in the table above.

I also considered the provisions contained in Section 37(2), Section 37(5) and 37(8) whereby information can be released under certain circumstances. However, I found that these provisions do not apply in this case.

There is a Public Interest Test applicable to section 37 of the FOI Act.

Public Interest Test

As per section 37(5) 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 extent possible,
- 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,
- The right to privacy is outweighed by the needs of the public.

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

- Allowing a public body to hold personal information without undue access by members of the public,
- The public interest is not best served by releasing these records,
- That the Organisation can conduct its business in a confidential manner,
- That there is a reasonable and implied expectation by staff that personal information will remain confidential,
- That there is no overriding public interest that outweighs the individual's right to privacy.

A public interest test was carried out when considering the release of the personal information but having balanced the factors both for and against the release, I decided that the public interest in preserving the personal information outweighs the public interest which would be served were the full record released to you.

I am conscious of my obligations to retain personal information in a confidential and secure manner and prevent personal information from being released into the public domain unnecessarily. I am of the opinion that the public interest is satisfied by the manner in which Section 37 of the FOI Act has been applied.

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-000259-2018**.

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: BOFIE2D

You must ensure that your FOI reference number (FOI-000259-2018) 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

30 **JULY, 2018**