

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-000380-2018 Request Refused

Dear

I refer to your request, dated 13th September, 2018 and received on 14th September, 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:

Copies of any email correspondence between Terry Prone, The Communications Clinic and Noirín O Sullivan within the four email accounts.

- voirins@gmail.com
- voirin.osullivan@garda.ie
- Commissioner@garda.ie
- terry@communicationsclinic.ie

in the period 1st January, 2016 to 10th September, 2017.

I wish to inform you that I have decided to refuse your request on the 10th October 2018.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

Your request was forwarded to the ICT Section of An Garda Síochána to carry out electronic searches across the Garda Síochána email system. The following email addresses were used for the purpose of the search for the period 1st January 2016 to 10th September 2017.

- voirins@gmail.com
- voirin.osullivan@garda.ie
- Commissioner@garda.ie
- terry@communicationsclinic.ie

As a result of the search a number of emails were identified for consideration.

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. In addition, 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.

Taking into account the above restrictions, as per Section 6 and Part 1(n), Schedule 1 of the FOI Act, and having manually reviewed the contents of emails returned in the search results I am satisfied that the information contained therein does not relate to administrative records pertaining to human resources, finance or procurement. Therefore, I am refusing your request as the information identified falls outside the scope of the FOI Act insofar as it pertains to An Garda Síochána as a partially included organisation.

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-000380-2018**.

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-000380-2018) 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,



SHARON KENNEDY
FREEDOM OF INFORMATION OFFICER

10 **OCTOBER 2018**