

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

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

## Re: Freedom of Information Request FOI-000015-2019 Request Part Granted

*Dear*

I refer to your request, dated 8<sup>th</sup> January, 2019 and received on 9<sup>th</sup> January, 2019 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. How much has An Garda Síochána spent in the last five years purchasing trousers for officers which were of a waist size 40 inches or above?*
- 2. How much does an average pair of trousers cost per officer?*

*I believe this should be answerable as it falls under the remit of 'finance'*

I wish to inform you that I have decided to part-grant your request on the 29<sup>th</sup> January, 2019.

The purpose of this letter is to explain that decision.

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

Details of your request were provided to the Finance Directorate within An Garda Síochána who conducted a search for records relating to your request.

I wish to advise that I have made a decision to grant Part 1 of your request wherein you seek “*How much has An Garda Síochána spent in the last five years purchasing trousers for officers which were of a waist size 40 inches or above?*”

The Directorate have briefed this office and has advised that the spend in the last 5 years on trousers which were of a waist size 40 inches or above was €109,034.80.

It should be noted that the costs outlined above does not necessarily reflect the number of pairs of trousers per Garda member as a single member may have ordered more than one pair of trousers in any given year.

I am refusing Part 2 of your request as outlined below pursuant to section 36(1)(b) of the FOI Act as the records concerned contain commercially sensitive information.

*How much does an average pair of trousers cost per officer?*

**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,*

I am satisfied that the release of the cost of a pair of trousers purchased would prejudice the competitive position of the current supplier by making the cost per unit publically known. This information therefore is commercially sensitive in accordance with the provisions of section 36 of the FOI Act.

**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.

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 cost of a pair of trousers purchased by An Garda Síochána could reasonably be expected to result in a material financial loss to the supplier. It could reasonably be expected to prejudice their competitive position in the conduct of their business. The placing of this specific information into the public domain could also reasonably be expected to give a competitive advantage to other companies seeking similar contracts with An Garda Síochána or other public bodies in the future.

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.

I am therefore refusing Part 2 of your request under the provisions of section 36(1)(b) as it seeks commercially sensitive information.

## 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-000015-2019**.

***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-000015-2019) 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 the FOI Office by telephone at (046) 9036350.

Yours sincerely,

 **SUPERINTENDENT**  
**SHARON KENNEDY**  
**FREEDOM OF INFORMATION OFFICER**

29 JANUARY, 2019.