

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 ND62



Freedom of Information Office,
An Garda Síochána, Athlumney House,
IDA Business Park,
Johnstown, Navan,
Co Meath.
C15 ND62

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-000027-2022 Request Part Grant

Dear

I refer to your request, dated and received on 12th January, 2022 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:

I am making this request under the Freedom of Information Act and would like to be provided with the following information please:

How much was former assistant commissioner Jack Nolan paid by An Garda Síochána for giving evidence at a recent State Tribunal of Inquiry and how many hours preparation work did he submit to An Garda Síochána?

How much was former assistant commissioner Dónall Ó Cualáin paid by An Garda Síochána for giving evidence at a recent State Tribunal of Inquiry and how many hours preparation work did he submit to An Garda Síochána?

How much was former commissioner Noírin O'Sullivan paid by An Garda Síochána for giving evidence at a recent State Tribunal of Inquiry and how many hours preparation work did she submit to An Garda Síochána?

How much was former commissioner Martin Callinan paid by An Garda Síochána for giving evidence at a recent State Tribunal of Inquiry and how many hours preparation work did he submit to An Garda Síochána?

I wish to inform you that I have decided to part grant your request on 7th February, 2022.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision

Upon receipt of your request, it was forwarded to the relevant sections of An Garda Síochána where a search was conducted in respect of same and a number of records were identified in relation to Jack Nolan & Dónall Ó Cualáin. These records have been redacted in accordance with Section 37 of the FOI Act.

Section 37 – Personal Information

Section 37(1) provides that a public body shall refuse to grant a request if access to the record concerned would involve the disclosure of personal information. Furthermore, Section 37(7) provides that a public body shall refuse to grant a request if access to the record concerned would, in addition to involving the disclosure of personal information relating to the requester, also involve the disclosure of personal information relating to an individual or individuals other than the requester, commonly referred to as joint personal information.

I am satisfied that some of the information contained in the records provided in respect of this request relate to a third party. As such, I am satisfied that the records consist of the personal information of these third parties. Accordingly, I find that Section 37(1) and (7) of the Act applies to the records at issue.

Section 37(1) and (7) of the FOI Act are as follows:

- 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)*
- (7) Notwithstanding paragraph (a) of subsection (2), a head shall, subject to paragraphs (b) to (e) of that subsection and subsections (5) and (8), refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would, in addition to involving the disclosure of personal information relating to the requester, also involve the disclosure of personal information relating to an individual or individuals other than the requester.*

As per section 37 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,
- 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 that sensitive 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 and the reasonable expectation that information be maintained in a confidential manner by An Garda Síochána outweighs the public interest which would be served were the records released to you.

Following a detailed search in the relevant areas of An Garda Síochána I am to advise you that no records have been identified with regard to Noreen O'Sullivan & Martin Callinan. Therefore, I am refusing this part of your request in accordance with Section 15(1)(a) of the Freedom of Information Act 2014 which states:

Refusal on administrative grounds to grant FOI requests

15(1)(a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken

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-000027-2022**.

Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, Johnstown, Navan, Co. Meath C15 ND62

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: An Garda Síochána Imprest Account

Account Number: 30000302

Sort Code: 951599

IBAN: IE28DABA95159930000302

BIC: DABAIE2D

You must ensure that your FOI reference number (FOI-000027-2022) 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,



ASSISTANT PRINCIPAL

PAUL BASSETT

FREEDOM OF INFORMATION OFFICER



FEBRUARY, 2022.

Form A 80.

TRIBUNAL OF INQUIRY 2019-2020

Court Hearing (e.g. District)

**Circuit Criminal
TRIBUNAL OF INQUIRY**

Central Criminal

Act under which prosecution brought: -

SCHEDULE OF PAYMENTS TO STATE WITNESSES

| Witnesses on behalf of the State | | | | | | | | Amount to which witness is entitled | | | | | | | | | | |
|--|--------------|--|--|--|--|---|---|---|--------------------------------|--|--------------------------|----------------------|--|--------------------|--|--|---|--|
| 1 Name | 2 Address | 3 Occupation | 4 Travelled by: No. of Kms | 5 Date & Time of Dep. from Home or Place of Business | 6 Date and Time Required to be in Court | 7 Date and Time free to leave Court | 8 Date and Time of Arrival at Home or Place of Business | 9 Total Period Necessarily Absent (see Col. 5&8) | 10 Subsistence Allowance | 11 Loss of Time (or Wages where applicable) | 12 Travel Expenses | 13 Gross Total | 14 Less Advance (if any) already issued | 15 Net Total | 16 Were Court Exp. & Award- ed? | 17 Amount Awarded by the Court | 18 Amount Received from Court Clerk | |
| Donal O'Connell RETIRED 14/09/78 | | Former Acting Commissioner, 23491E | | | | | | Days 6 | | | £ 840 | £ 42 | £ £1,486.56 | £ £1,486.56 | | £ £1,486.56 | | |
| | | | | | | | | 8 | | | 31 | 90 | £31.90 | £31.90 | | £31.90 | | |
| | | | | | | | | 9 | | | 840 | 42 | £1,594.00 | £1,594.00 | | £1,594.00 | | |
| | | | | | | | | 8 | | | 840 | 42 | £1,578.58 | £1,578.58 | | £1,578.58 | | |
| | | | | | | | | 4 | | | 280 | 15 | £3,526.23 | £3,526.23 | | £3,526.23 | | |
| TOTALS. | | | | | | | | | | | £2,883.31 | £8,217.27 | | £8,217.27 | | | | |

(To be signed by the member preparing this Form)

I declare that the information given by me on this Form is correct

Name and Rank

Station

Date _____

Superintendent

Date _____

I certify that each witness attended court as stated above, that he/she was necessarily absent from home or business for the period shown, that he/she is entitled to the amount paid/payable to him/her, such amount being in accordance with the authorised scale, and that no part of any of the above sums has been previously paid here, nor claimed from the Department, in respect of the above attendances (other than the sums, if any, in Column 14).

NOT PAID

APP. 6

Expenses – Former Acting Commissioner, Donal O’Cualáin:

Travel: Rate @ 59.07c per KM (Vehicle - 1,501cc and over)

| | | |
|--|--------------|----------|
| | 2,705.40 | |
| | <u>31.90</u> | 2,737.30 |
| | 38.00 | |
| | <u>58.00</u> | 96.00 |

Subsistence:

O/N Rates - (1-7 Nights @ 107.69) (8-30 Nights @ 92.27)

26 Overnights

7 @ 107.69 =

753.83

19 @ 92.27 =

1,753.13

2,506.96

Hours:

(1) Attendance: Hourly rate of pay on retirement – *74.73

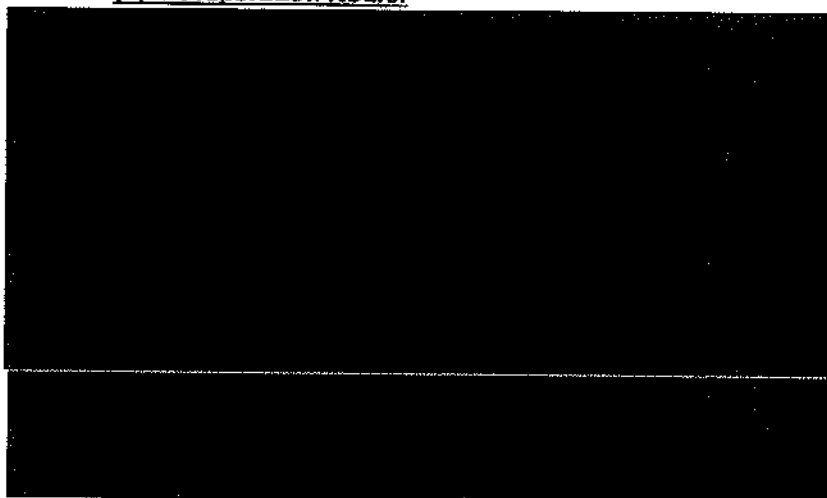
38.5 Hours @ 74.73 =

2,877.10

2,877.10

*This figure is based on retired members attending court
at their hourly rate of pay on retirement* Garda Code (F)7.10
Expenses of Retired Members attending Court as State Witnesses

(2) **Preparation Hours:



| Date | Activity | Travel (km) | Toll | Subsistence | Hours: Preparation (P) Attendance (A) |
|-------------------------|----------|-------------|------|---------------|---------------------------------------|
| 05/02/2019 - 07/02/2019 | | | | 2 x overnight | 16 (P) |
| 11/02/2019 | | | | | 6 (P) |
| 12/02/2019 | | | | | 6 (P) |
| 13/02/2019 - 15/02/2019 | | | | 2 x overnight | 24 (P) |
| 18/02/2019 | | | | | 6 (P) |
| 19/02/2019 - 21/02/2019 | | | | 2 x overnight | 24 (P) |
| 22/02/2019 | | | | | 6 (P) |
| 23/02/2019 | | | | | 6 (P) |
| 24/02/2019 | | | | | 6 (P) |
| 25/02/2019 | | | | | 6 (P) |
| 26/02/2019 | | | | | 6 (P) |
| 27/02/2019 | | | | | 6 (P) |

| | | | |
|----------------------------|--|---------------|--------|
| 04/03/2019 - 07/03/2019 | | 3 x overnight | 32 (P) |
| 08/03/2019 | | | 6 (P) |
| 09/03/2019 | | | 6 (P) |
| 11/03/2019 - 12/03/2019 | | 4 x overnight | 40 (P) |
| 20/03/2019 | | | 6 (P) |
| 01/04/2019 - 02/04/2019 | | 1 x overnight | 8 (P) |
| 04/05/2019 - 07/05/2019 | | 3 x overnight | 24 (P) |
| 14/10/2019 | | | 3 (P) |
| 15/10/2019 | | | 3 (P) |
| 16/10/2019 | | | 3 (P) |
| 17/10/2019 | | | 3 (P) |
| 18/10/2019 | | | 3 (P) |

| | | |
|------------|--|------|
| 21/10/2019 | | 3(P) |
| 22/10/2019 | | 3(P) |
| 23/10/2019 | | 3(P) |
| 24/10/2019 | | 3(P) |
| 25/10/2019 | | 3(P) |
| 04/11/2019 | | 3(P) |
| 05/11/2019 | | 3(P) |
| 06/11/2019 | | 3(P) |
| 07/11/2019 | | 3(P) |
| 08/11/2019 | | 3(P) |
| 09/11/2019 | | 2(P) |
| 12/11/2019 | | 3(P) |
| 14/11/2019 | | 3(P) |
| 15/11/2019 | | 3(P) |
| 26/11/2019 | | 3(P) |
| 27/11/2019 | | 3(P) |

| | | | | |
|----------------------------|--|--|---------------|-------|
| 28/11/2019 | | | | 3(P) |
| 29/11/2019 | | | | 1(P) |
| 02/12/2019 | | | | 3(P) |
| 03/12/2019 | | | | 3(P) |
| 04/12/2019 | | | | 3(P) |
| 09/12/2019 | | | | 3(P) |
| 06/12/2019 | | | | 3(P) |
| 21/01/2020 | | | | 3(P) |
| 22/01/2020 | | | | 3(P) |
| 23/01/2020 | | | | 3(P) |
| 24/01/2020 | | | | 3(P) |
| 27/01/2020 | | | | 3(P) |
| 28/01/2020 | | | | 3(P) |
| 29/01/2020 | | | | 3(P) |
| 05/02/2020 - 06/02/2020 | | | 1 x overnight | 10(P) |

| | | | |
|----------------------------|--|---------------|--------|
| 09/02/2020 - 10/02/2020 | | 4 x overnight | |
| 10/02/2020 | | | 5.5(A) |
| 11/02/2020 | | | 5.5(A) |
| 12/02/2020 | | | 6(A) |
| 13/02/2020 | | | 5.5(A) |
| 14/02/2020 | | | 1.5(A) |
| 17/02/2020 | | | 3(P) |
| 18/02/2020 | | | 3(P) |
| 19/02/2020 | | | 3(P) |
| 20/02/2020 | | | 3(P) |
| 21/02/2020 | | | 3(P) |
| 01/03/2020 - 06/03/2020 | | 2 x overnight | |
| 07/03/2020 | | | 3(A) |
| 08/03/2020 | | | 3(A) |
| 09/03/2020 | | | 3(A) |

| | | | | | |
|------------|--------|---------|--------|-----------------|-------------|
| 05/03/2020 | | | | | 3(A) |
| 05/03/2020 | | | | | 2.5(A) |
| | TOTALS | 4,634km | £95.00 | 26 x overnights | 388.5 hours |
| | | | | | |
| | | | | | |
| | | | | | |

I DECLARE THAT THE ACCOUNT ABOVE IS A TRUE AND ACCURATE REFLECTION OF THE EXPENSES NECESSARILY INCURRED BY ME WHILE PREPARING FOR AND ATTENDING THE DISCRETIONARY TRIBUNAL.

[REDACTED]

Donall O'Connell

28/7/2021

District & Number

An Garda Síochána

Form A 80.

Sub-District



Place and Date(s) of Court

TRIBUNAL OF INQUIRY 2018-2020

Director of Public Prosecutions

v.

SCHEDULE OF PAYMENTS TO STATE WITNESSES

Act under which prosecution brought:

Central Criminal

Court Hearing (e.g. District)

Circuit Criminal TRIBUNAL OF INQUIRY

or

| Witnesses on behalf of the State | | | Amount to which witness is entitled | | | | | | | | | | | | | | |
|-----------------------------------|--------------|--|--|--|--|---|---|--|--------------------------------|--|--------------------------|----------------------|--|--------------------|---|---|---|
| 1 Name | 2 Address | 3 Occupation | 4 Travelled by: No. of KMs | 5 Date & Time of Dep. from Home or Place of Business | 6 Date and Time Required to be in Court | 7 Date and Time free to leave Court | 8 Date and Time of Arrival at Home or Place of Business | 9 Total Period Necessarily Absent (see Cols. 5&8) | 10 Subsistence Allowance | 11 Lost of Time (or Wages where applicable) | 12 Travel Expenses | 13 Gross Total | 14 Less Advance (if any) already issued | 15 Net Total | 16 Were Court Exp's Award- ed? | 17 Amount Awarded by the Courts | 18 Amount Received from Court Clerk |
| Jack Nolan RETIRED 20/04/17 | | former Assistant Commissioner; 05291 | | | | | | | | | € 212 | € 85 | € 308.62 | € 308.62 | | € 308.62 | |
| | | | | | | | | | | | € 212 | € 65 | € 308.62 | € 308.62 | | € 308.62 | |
| | | | | | | | | | | | | € 95.97 | | € 95.97 | | € 95.97 | |
| | | | | | | | | | | | | € 108.99 | | € 108.99 | | € 108.99 | |
| | | | | | | | | | | | | € 980.00 | | € 980.00 | | € 980.00 | |
| | | | | | | | | | | | € 425.30 | € 1,802.20 | | € 1,802.20 | | | |

(To be signed by the member preparing this Form)
I declare that the information given by me on this Form is correct

Name and Rank

Station

Date

I certify that each witness attended court as stated above, that he/she was necessarily absent from home or business for the period shown, that he/she is entitled to the amount paid/payable to him/her, such amount being in accordance with the authorised scale, and that no part of any of the above sums has been previously paid here, nor claimed from the Department, in respect of the above attendances (other than the sums, if any, in Column 14).

Superintendent

Date

Dr Jack Nolan,
Retired Assistant Garda Commissioner,
Consultant in Policing, Border Security
& Public Administration,



Claim for Expenses Associated with Tribunal of Inquiry into Protected Disclosures made under the
Protected Disclosures Act 2014 and certain other matters: 2017-2021 -

Dr Jack Nolan, Retired Assistant Garda Commissioner

FAO



Tribunal Office, Garda HQ,
An Garda Síochána, Phoenix Park,
Dublin 8

Dear Sir,

Please find attached my claim for expenses associated with correspondence, research, reading and preparation, responses to Chief State Solicitor Office and Counsel for the Garda Commissioner, consultations with counsel for the Garda Commissioner and attendance at the Tribunal of Inquiry as set out in appendix 1.



Best Regards

Jack Nolan

19/10/2021

NOT PAID

Appendix 1:

| Correspondence | Time Frame | Expense |
|---------------------|--|-------------------------|
| | 1 st November 2017 To 16 th June 2021 | 40 hours @ €70 per hour |
| Sub-Total | | €2800.00 |
| Research | | |
| | Jan 2018 to February 2020 | 50 hours @ €70 per hour |
| Sub-Total | | €3500.00 |
| Reading of Material | | |
| | 1 st June 2018 to 16 th June 2021 | 175 hours @ 70 per hour |
| Sub-Total | | €12250.00 |
| Consultations | | |
| | 01/06/2018 – 04/04/2019 | |

| | | |
|---|------------|-----------------------|
| | | |
| Sub Total | | €3850.00 |
| Travel Expenses & Sub Allowance | | |
| Travel Expenses and Sub Allowance @ Garda Síochána rate | | |
| Sub Total | | €630.26 |
| Attendance at Tribunal Sitings | | |
| | 20/02/2020 | 14 hrs @ €70 per hour |
| Sub total | | €980 |
| Total Claimed | | €24,010.26 |

Please Remit to;

| | |
|----------------------------|---|
| Supplier Name | Dr Jack Nolan, Retired Assistant Garda Commissioner |
| Contact Address | |
| Phone Number | |
| E-mail Address | |
| PPS | |
| Name of Bank | |
| Address of Bank | |
| BIC | |
| IBAN | |
| Bank Account Number | |
| Bank Sort Code | |
| Bank Account Name | |