

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-000029-2023 Request Part-Granted

Dear

I refer to your request, dated **22nd January, 2023** and received on **23rd January, 2023** 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:

Under the Freedom of Information Act 2014, I would like to request:

The total number of gardai who are currently suspended from duty, with a breakdown by the year in which they were suspended; along with a breakdown by the reason why they suspended.

The total number of gardai who have been dismissed in each of the past five years, with a breakdown by year; along with a breakdown by the reason they were dismissed.

I wish to inform you that I have decided to part-grant your request on the 3rd February 2023. The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

Upon receipt, your request was forwarded to the relevant sections of An Garda Síochána Síochaná where searches were conducted in respect of same.

Part 1 of your request is seeking “The total number of gardai who are currently suspended from duty, with a breakdown by the year in which they were suspended; along with a breakdown by the reason why they suspended.” The tables below detail the records sought.

Year	Number
2014	1
2016	2
2018	4
2019	10
2020	30
2021	32
2022	34
2023	4
Total	117

Breach	Number
Accessing Garda Info System	6
Assault	11
Discreditable Conduct	12
Drugs	10
Domestic Violence	8
Fraud	4
Misuse of Garda Resources	3
Neglect of Duty	2
Perverting Course of Justice	17
Road Traffic Act / DUI	13
Sexual	15
Theft / Forgery / Crim Dam	16
Accessing Garda Info System	6
Assault	11
Discreditable Conduct	12
Drugs	10
Total	156

I wish to advise that the figure for the number of breaches will not equate to the number of members as some members may have been found in breach on more than one occasion or may have had multiple breaches found against them. Furthermore I can advise that some of the members remain on suspension and others had their suspensions lifted within the requested years. As per the Regulations, these suspensions are considered long term suspensions. ‘Short term suspensions’ for example are members who would be suspended for a court appearance and would not be included in this figure. Therefore it should be noted that the numbers of members on suspension in An Garda Síochána vary, sometimes on a day to day basis as investigations are progressed or finalised.

In relation to part 2 of your request the following table details the records of Garda members by rank who were dismissed for the requested years.

	Com	D/Com	AC	C/Supt	Supt	Insp.	Sgt	Garda	Total
2023	0	0	0	0	0	0	0	0	0
2022	0	0	0	0	0	0	0	2	2
2021	0	0	0	0	0	0	0	3	3
2020	0	0	0	0	0	0	0	2	2
2019	0	0	0	0	0	0	2	9	11
2018	0	0	0	0	0	0	0	2	2

The sections of the Act which may deny access to information are known as exemptions. As the number of dismissals is small I am refusing to supply the reason for their dismissals in accordance with Section 37 of the FOI Act 2014. 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. 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

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. The release of the member’s reason for dismissal could allow for a person(s) to become more identifiable and possibly named in the public domain and is personal information. I am therefore applying section 37(1) Personal Information which 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)

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:

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 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 by employees 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 was carried out when considering the release of the personal information. 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 can be maintained in a confidential manner by An Garda Síochána in the context of its proceedings outweighs the public interest which would be served were the records released to you.

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-000029-2023**.

Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, 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-000029-2023 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 the FOI Office by telephone at (046) 9036350.

Yours sincerely,



ASSISTANT PRINCIPAL

PAUL BASSETT

FREEDOM OF INFORMATION OFFICER

3rd FEBRUARY, 2023.