

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

Láithreán Gréasain/Website:

www.garda.ie



Ríomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000034-2023 Request Part-Granted

Dear

I refer to your request, dated and received on **24th 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:

I would like to apply for the following records under the Freedom of Information Act:

Minutes of Garda Trainee Steering Group Minutes from October 1 2022 to date.

I wish to inform you that I have decided to part grant your request on 21st February 2023 and the purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision

Upon receipt, your request was forwarded to the relevant sections of An Garda Síochána and a number of records have been identified and are attached herewith.

The identified records are attached herewith along with a Schedule of Records. The Freedom of Information Act provides that in certain circumstances, a public body may refuse the release of certain records or part thereof. As such, a number of redactions have been applied to the records sought. These redactions are detailed in the attached Schedule.

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Part 1(n) of Schedule 1

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 for release under the Act.

HR records refer to personal records of staff working within An Garda Síochána. They also relate to statistical information in respect of the organisation, e.g. sick leave, discipline, retirements, etc. Financial records relate to the financial expenditure of the organisation, procurement records relate to the contracting of services, and the tendering process associated with same.

Records, or part thereof, which relate to matters other than finance, procurement or human resources are outside the scope of the Act insofar as it relates to An Garda Síochána and cannot be released. The provisions of Part 1(n) of Schedule 1 have therefore been applied to a number of the attached records.

Section 37 – Personal Information

Under the FOI Act, records are released without any restriction as to how they may be used and thus, release under the FOI Act, is in effect, and regarded as being released to the world at large. As a result, I am conscious of my obligations to retain personal information in a confidential and secure manner and prevent personal information of third parties from being released in to the public domain unnecessarily. Section 2 of the FOI Act defines personal information as follows:

2.(1) In this Act—

"personal information" means information about an identifiable individual that, of third parties 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 provides that a public body shall refuse to grant a request if access to the record concerned would involve the disclosure of personal information. I am satisfied that parts of certain records relate to third parties, as well as information relating to other individuals who are named in the records. As such, I am satisfied that the records consist of the personal information of these third parties. Accordingly, I find that Section 37(1) of the Act applies to the records at issue.

Section 37(1) of the FOI Act 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)*

Public Interest Test

Section 37 of the FOI Act requires that a public interest test be carried out. 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,
- The right to privacy is outweighed by the needs of the public.
- Ensuring fairness of procedures and that decisions are fair and equitable and evenly applied,

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

- 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.
- Allowing a public body to hold personal information without undue access by members of the public,

Having balanced the factors both for and against the release, I have decided that the public interest in preserving personal information would best be served by withholding the records in accordance with Section 37. I have also considered the exclusions contained at Section 37(2) and I am satisfied that these exemptions do not apply.

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-000034-2023**.

Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, 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: An Garda Síochána Imprest Account
Account Number: 30000302
Sort Code: 951599
IBAN: IE28DABA95159930000302
BIC: DABAIE2D

You must ensure that your FOI reference number FOI-000034-2023 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 me by telephone at (046) 9036350.

Yours sincerely,



ASSISTANT PRINCIPAL

PAUL BASSETT
FREEDOM OF INFORMATION OFFICER

21st
FEBRUARY, 2023.