

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

Bí linn/Join us  

Ríomh-phoist:/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000442-2021 Request Part Granted

Dear

I refer to your request, dated 15th December, 2021 and received on 16th December, 2021 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 wish to submit an application for all records in accordance with FOI in relation to the payment of public monies of retired Gardai by An Garda Síochána, post retirement for various engagements. In order to assist you in terms of the time frames, the records I seek are in respect of payment and respect of duty performed/work done/services provided in 2018, 2019, 2020 and 2021. In order to further assist you, the retired members retired at the rank of Chief Superintendent, Assistant Commissioner, Deputy Commissioner.

I would ask for records in the normal business headings, which I expect are Subsistence Allowance, Travel Allowance, daily rate etc. but not limited or restricted to these categories.

I would expect the date the claim was submitted to An Garda Síochána and date paid as well please in respect of each payment.

I also seek all records of procurement, including but not restricted to; methodology, selection criteria to engage the services and to expend public monies in the

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engagement of retired members of An Garda Síochána at the ranks set out in the request for the years set out in the request.

By all records I am seeking, all communications in the forms of email, texts, whatapps, 'post it notes', emails, memos, reports, business cases etc. concerning my FOI request. I ask for the records electronically in their original formatting if possible.

I wish to inform you that I have decided to part-grant your request on the 11th February, 2022.

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 namely, Office of the Commissioner, Office of the Chief Administrative Officer, Executive Director Finance & Services, Executive Director Human Resources & People Development, the Appointments, Competitions, and Talent Acquisitions Sections within HRPD, and the Garda College,

Following detailed searches in each of these offices, a small number of records relating to your request have been identified and these records are attached herewith. The following individuals, who retired at the ranks of Chief Superintendent, Assistant Commissioner or Deputy Commissioner have been identified as having been engaged in the years 2018 – 2021.

Former Assistant Commissioner Mr. Michael O'Sullivan was engaged to act as Chair/Facilitator to the Westmanstown Rosters Working Group.

Former Assistant Commissioner Mr. Kieran Kenny was engaged to provide training at the Garda College.

Former Chief Superintendent Mr. Tony McLoughlin was engaged undertaking work on developing a policy to address online abuse of members via social media platforms.

I am refusing to release the rates of pay for each individual, as 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—

(ii) information relating to the financial affairs of the individual,

I am therefore applying Section 37(1) of the FOI Act which states:

Section 37 - Personal Information

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).

There is a Public Interest Test applicable to section 37 of the FOI Act.

Public Interest Test

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 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 test was carried out when considering the release of the personal information but having balanced the factors both for and against the release, I have 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 the employment details and financial affairs of personnel outweighs the public interest which would be served were the records released to you in their entirety.

Searches of the Garda Financial Management System have not located any records of payments in respect of Mr. McLoughlin for services provided. I am therefore refusing this particular aspect of your request in accordance with Section 15(1)(a) of the FOI Act. Section 15(1)(a) states that:

Section 15 – Refusal on administrative grounds to grant FOI requests

*15. (1) A head to whom an FOI request is made may refuse to grant the request where -
(a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,*

I am also refusing your request for “*all records of procurement, including but not restricted to; methodology, selection criteria to engage the services and to expend public monies in the engagement of retired members of An Garda Síochána at the ranks set out in the request for the years set out in the request. By all records I am seeking, all communications in the forms of email, texts, whatsapp, 'post it notes', emails, memos, reports, business cases etc*”. Extensive searches by the offices detailed above have located no records in respect of this element of your request. Therefore, I am also applying the provisions of Section 15(1)(a) of the FOI Act to this part of your request.

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-000442-2021**.

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-000442-2021) 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

11 FEBRUARY, 2022.

Bassett, Paul T

From: HRPD.ExecutiveDirector,
Sent: Wednesday 2 February 2022 15:52
To: FOI
Subject: Response from Ex Dir HRPD 02.02.22

Good Afternoon Olivia,

Apologies for the delay in getting back to you. This office only has a record for rehiring retired Chief Superintendent Tony McLoughlin which was by email. There are no records for the rehiring of retired Assistant Commissioner O'Sullivan.

Kind regards

Jean

To
Mr. Tony McLoughlin,

Dear Tony,

Further to our conversation, I directed by the Acting Executive Director of Human Resources and People Development to confirm your appointment to take up this task.

I wish to advise you that a daily rate of [REDACTED] (subject to a maximum of 60 days when the rate changes) has been sought for your appointment.

You will see in the attached document a record of discussions that took place between a number of internal stakeholders on this matter, responding to the abuse of members of An Garda Síochána taking place on online social media platforms.

You are asked to examine this issue and produce a paper which can be used as a basis for a policy for the Organisation going forward. In your examination of the issue you may include any stakeholders required to complete this task.

Myself and my team will be available to assist.

Regards,

Will

 | Insp. Will Gardner | Garda Employee Relations | ☎ (01) 6662356 | ✉
w.gardner@garda.ie

Human Resource Management, Garda Headquarters, Phoenix Park, Dublin Do8 HN3X
Bainistíocht Acmhainní Daonna, Ceanncheathrú an Gharda Síochána, Páirc an Fhionnuisce, Baile Átha Cliath Do8 HN3X

Response FOI 442-2021

Vendor Name	Description	Invoice Date	Payment Date	Amount
O SULLIVAN, MICHAEL V	Facilitator Fees	13/10/2020	21/12/2020	€2,497.10
O SULLIVAN, MICHAEL V	Facilitator Fees	30/10/2020	03/12/2020	€2,600.00
O SULLIVAN, MICHAEL V	Non-Computer Consultancy Services	05/12/2020	28/01/2021	€2,000.00
O SULLIVAN, MICHAEL V	Facilitator Fees	05/12/2020	19/01/2021	€2,000.00
O SULLIVAN, MICHAEL V	Non-Computer Consultancy Services	05/04/2021	27/04/2021	€6,000.00
O SULLIVAN, MICHAEL V	Non-Computer Consultancy Services	31/05/2021	24/06/2021	€1,679.19
O SULLIVAN, MICHAEL V	Non-Computer Consultancy Services	31/05/2021	24/06/2021	€1,400.00

Supplier	Invoice Date	Invoice No.		VAT	Amount	Vat	Total	
KENNY, KIERAN G.	28/10/2019	510281019	EUR	0 VAT	400	0	400	TRAINING
KENNY, KIERAN G.	06/11/2019	10330205728597	EUR	0 VAT	13	0	13	TRAINING
KENNY, KIERAN G.	31/10/2020	13102020	EUR	0 VAT	250	0	250	TRAINING
							TOTAL	663