

# 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



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-000056-2022 Request Part-Grant

**Dear**

I refer to your request dated and received on 1<sup>st</sup> February, 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 write on behalf of the Irish Council for Civil Liberties (ICCL), Ireland's oldest independent human rights monitoring organisation.*

*Under the Freedom Of Information Act 2014, I request the following:*

- a. The amount spent by An Garda Síochána for outsourced and in-house data protection training for members in each of the years 2016, 2017, 2018, 2019, 2020 and 2021.*
- b. The budget for this training for each respective year, and an itemised list of the actual expenditure per year.*
- c. The identity of companies contracted to provide this training; the services procured from each company; and how much money each company/service received per year.*

- d. *Records of the course curricula; the duration, level and accreditation of the course where applicable; and the number of people trained per course.*
- e. *The unique number of individuals who received this training, per year. By this, I mean a count that avoids double counting individuals that attended more than one course.*

I wish to inform you that I have decided to part-grant your request on 23<sup>rd</sup> February 2022.

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. A number of records have been identified and the details sought are contained in the tables attached herewith.

The attached data relates to outsourced training provided to personnel attached to the Garda Data Protection Unit. In addition to the attached details, the Data Protection Unit provides an internal advice, training and awareness raising function for the rest of An Garda Síochána on data protection matters. As an element of normal business for the unit, no expenditure figures related to this function are available and due to the varied nature of the support provided a breakdown of unique individuals receiving advice, guidance and training on data protection matters from the Data Protection Unit is not recorded.

As such I am refusing the element of your request seeking records of in-house training provided by members of the Data Protection Unit to the wider Garda organisation. I am doing so in accordance with the provisions of Section 15(1)(a) of the Freedom of Information Act which 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 applying the provisions of Section 15(1)(a) to your request for records from the years 2016 and 2017. I have been advised that no records are held prior to the establishment of the Garda Data Protection Unit in 2018.

Part (d) of your request sought “*the number of people trained per course*”. I am refusing the release of this particular information, as to provide same would disclose the price per individual attendee charged by the respective course providers. I am doing so pursuant to Section 36(b) and (c) of the FOI Act which states:

#### ***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, or*
- (c) *information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.*

I am satisfied that the release of the cost charged per attendee would prejudice the competitive position of the supplier by making the cost charged to An Garda Síochána publically known. This information therefore is commercially sensitive in accordance with the provisions of Section 36 of the Act

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 a supplier with regard to 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 the supplier to compete in other contracts or negotiations in the future as competitors would be aware of their pricing structure.

I am of the view that the release of the pricing structure could reasonably be expected to result in a material financial loss by the supplier as it could prejudice their competitive position in the conduct of their business. The placing of these pricing structures into the public domain could also reasonably be expected to give a competitive advantage to other companies seeking similar contracts with public bodies.

Furthermore the supplier's current customers may become aware of a potential difference in pricing structures being offered to An Garda Síochána which could prejudice any current or future negotiations with these customers.

Therefore, I am refusing this part of your request under the provisions of section 36(1)(b) & 36(1)(c) as it seeks commercially sensitive information.

### **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.

## **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-000056-2022**.

***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-000056-2022) 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](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,



ASSISTANT PRINCIPAL

PAUL BASSETT

FREEDOM OF INFORMATION OFFICER



FEBRUARY 2022.

2018									
Amount spent for outsourced and in-house data protection training		Outsourced - € 10,150							
Budget/ real expenditure	Invoice: € 395	Invoice: € 900	Invoice: € 995	Invoice: € 1,100	Invoice: € 1,350	Invoice: € 2,350	Invoice: € 760	Invoice: € 2,300	
Companies contracted- Services provided - Amount paid	CMG Training Ltd	All One Corporate Solutions Ltd	PDP Conferences	PAI Publications Ltd	IPA Institute of Public Administration	The Honorable Society of Kings Inn	PAI Publications Ltd	Bridgecastle Information Management Ltd	
Records of the course curricula	Subject access requests, FOI and the right of access	Data Protection training	13th Annual Data Protection Practical Compliance Conference	Data Protection level 1A Law enforcement	Certificate in GDPR and Data Protection	Advanced Diploma on Data Protection	In House Training - GDPR Law Enforcers	"In House" Training - GDPR	
Duration	1 day	1 day	2 days	1 day	1 semester	1 academic year	2 days	1 day	
Number of individuals who received this training avoiding double counting									



2019						
Amount spent for outsourced and in-house data protection training	Outsourced: € 10,097					
Budget/ real expenditure	€6,010	€395	€1,386	€236	€995	
Companies contracted- Services provided - Amount paid	Bridgecastle Information Management Ltd	CMG Training Ltd	PDP Training	Public Policy exchange Ltd	PDP Conferences	
Records of the course curricula	Data Protection Day	GDPR and DPDLE	How to conduct a data protection audit	The Future of Videosurveillance systems	14th annual data protection compliance conference	
Duration	1 Day	2 days	1 day	1 day	2 days	
Number of individuals who received this training avoiding double counting	16					

2020						
Amount spent for outsourced and in-house data protection training	Outsourced: € 6,434.50					
Budget/ real expenditure	€1,840.00	€940.50	€354.00	€3,300.00		
Companies contracted - Amount Services provided - Amount paid	Pulse college	PDP Training	ERA Academy of European Law	Castlebridge		
Records of the course curricula	Adobe Premiere Pro CC 2019	How to conduct a DP audit	Data Protection and the Law Enforcement Directive	GDPR basics	LED	
Duration	3 days	1 day	2 days	2 days	4 half days	
Number of individuals who received this training avoiding double counting	9					



2021			
Amount spent for outsourced and in-house data protection	€1,681		
Budget/ real expenditure	Invoice: € 250	Invoice: € 1,431	
Companies contracted- Services provided - Amount paid	ERA Academy of European Law	PDP Conferences	
Records of the course curricula	Human After All, Data Protection in Policing	16th Annual Data Protection Practical Compliance Conference/ Outsourcing, apps, record management	
Duration	2 days	2 days	
Number of individuals who received this training avoiding double counting	2		