

# 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](http://www.garda.ie)

Ríomh-phoist/Email: [foi@garda.ie](mailto:foi@garda.ie)

## Re: Freedom of Information Request FOI-000072-2021 Request Part-Grant

*Dear*

I refer to your request dated 16<sup>th</sup> February 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:

*In accordance with Section 12 of the Freedom of Information Act, I request access to records that are related to **Procurement**.*

*I request the following records:*

- 1) Can you supply details on 8,000 Tablets that were purchased by An Garda Siochana?
- 2) What company supplied these Tablets?
- 3) What mobility devices did the Gardai Siochana purchase?
- 4) What company supplied these mobility devices?
- 5) Was there a Tender issued for this purchase?
- 6) When was this Tender issued?
- 7) Please explain the conditions in the Tender
- 8) Please inform the cost of these mobility devices

I wish to inform you that I have decided to part-grant your request on 2<sup>nd</sup> March 2021.

The purpose of this letter is to explain that decision.

### **1. Findings, particulars and reasons for decision**

Upon receipt of your request, a search was conducted in Garda ICT Section for records relevant to your request. In respect of parts 1 and 2 of your request, I have been advised by Garda ICT Section that no records exist in respect of purchasing 8,000 Tablets by An Garda Síochána. Therefore, I am refusing parts 1 and 2 of your request and am doing so in accordance with the provisions of Section 15(1)(a) of the FOI Act, which states:

*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*

In respect of parts 3, 4, 5, 6, and 7 of your request, An Garda Síochána have purchased 500 Samsung Note 20 Ultra Mobility devices from Eir. These purchases were made under an October 2019 Office of Government Procurement framework, (ITC012F- 01 -064 -Mini Competition for the Provision of Mobile Voice and Data Communications and Associated Products and Services for An Garda Síochána). This tender was for the purposes of the provision of Mobile Voice and Data Communications and Associated Products and Services for An Garda Síochána.

Part 8 of your request sought “*the costs of these mobility devices*”. I am refusing this part of your request 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 devices purchased would prejudice the competitive position of the supplier by making the cost per unit 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 the supplier with regard to products 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-000072-2021**.

***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-000072-2021) 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](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



MARCH 2021.