

# 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)

Bí linn/Join us  

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

## Re: Freedom of Information Request FOI-000074-2023 Request Part Granted

*Dear*

I refer to your request, dated and received on **20<sup>th</sup> February, 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:

*Documents relating to the tendering and procurement of services for the implementation and maintenance of the Schengen Information System (SIS II), including the final decision as to whom the contract was awarded to. In addition, any documents relating to the duration of the contract and details on the review period and process. And, finally, documents relating to how the final decision to award the contract was decided*

I wish to inform you that I have decided to part grant your request on 15<sup>th</sup> March 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 to conduct searches for relevant records.

In respect of the first element of your request seeking “documents relating to the tendering and procurement of services for the implementation and maintenance of the Schengen Information System (SIS II)”, I can advise the initial tender process commenced by means of an Expression of Interest (EOI) published on the etenders website. Details of the EOI are available on [www.etenders.gov.ie/notice-search](http://www.etenders.gov.ie/notice-search).

As the EOI documentation is freely available, I am refusing its release in accordance with Section 15(1)(d) of the FOI Act, which states that:

*15. (1) A head to whom an FOI request is made may refuse to grant the request where –  
(d) the information is already in the public domain.*

This procurement competition was conducted under the “restricted procedure” rules governing public procurement in operation within EU Member States. The award of contract process involved **two competitive stages**. The first stage of the competition, constituted a pre-selection process; the second stage, a tender competition confined to the parties pre-selected from the first stage. Following the completion of the first stage, a Request for Tender (RFT) detailing the solution requirements was issued to the parties selected on foot of the first stage of the process.

During the second stage of the procurement process each shortlisted vendor was provided with further detailed information on Garda Information Systems and the scope of the project. Shortlisted vendors were given the opportunity to submit questions in writing and responses were prepared by An Garda Síochána and shared with all parties invited to tender.

The information provided to shortlisted vendors during the second stage of the process was of a detailed and sensitive nature in respect of secure Garda Information Systems. Given the nature of the information concerned I am refusing the release of documents in respect of the second stage of the procurement process. I am doing so pursuant to Section 32(1) of the FOI Act wherein:

***Section 32 – Law enforcement and public safety***

*32.(1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—*

*(a) prejudice or impair -*

- (i) the prevention, detection or investigation of offences, the apprehension or prosecution of offenders or the effectiveness of lawful methods, systems, plans or procedures employed for the purposes of the matters aforesaid,*
- (ii) the enforcement of, compliance with or administration of any law,*
- (iii) lawful methods, systems, plans or procedures for ensuring the safety of the public and the safety or security of persons and property,*
- (x) the security of any system of communications, whether internal or external of An Garda Síochána,*

Section 32 is a harm based exemption. It applies where access to a record concerned could reasonably be expected to prejudice or impair the matters specified in the subsections. An Garda Síochána is obliged to identify the potential harm that may occur if the records are

released and having identified that harm consider the reasonableness of any expectation that the harm will occur.

In considering the release of information under the Freedom of Information Act, I am conscious of the fact that a release of information under the Act is done without any constraints on how that information is further utilized. A release of information under the Act is essentially a release to the world at large.

The functions of An Garda Síochána and the Schengen Information System in particular, are directed towards the prevention, detection and investigation of criminal activities. It is not in the public interest to impair or prejudice Garda functions by releasing information into the public domain under the FOI Act which could reasonably be expected to reveal the extent of security measures put in place in respect of Garda ICT systems and international law enforcement systems such as Schengen. Furthermore it would be contrary to the public interest to place into the public arena information detailing the functions, capabilities and security of Garda ICT and international law enforcement systems.

The information sought could, in my opinion, reasonably be expected to prejudice or impair the operational capabilities of Gardai and our international partners when dealing with criminal elements of society. By identifying functional capability, network infrastructure and security details of the Schengen Information System and other Garda ICT systems, threat actors could potentially exploit this information to form a picture of the security position of both Garda ICT Systems and those of our international partners. Identifying functional capability, network infrastructure and security details of the Schengen Information System and other Garda ICT systems is a standard method used by threat actors to execute cybersecurity attacks against weaknesses in an organisation's infrastructure. This identification of Garda ICT security capabilities and those of our international partners could allow criminal elements to amass knowledge regarding the capabilities of An Garda Síochána and other law enforcement agencies. This information could reasonably be expected to allow nefarious actors take actions which could significantly impede the operational capacity of An Garda Síochána to carry out its functions under section 7 of the Garda Síochána Act 2005 and to similarly impede the capacity of our international law enforcement partners.

I am of the opinion, that I have satisfied the public interest in this matter by supplying summary details of the procurement process.

Your request also seeks records in respect of the final decision as to whom the contract was awarded to; the duration of the contract and details of the review period and process; the decision to award the contract. I can advise that following the evaluation of the second stage of the process a contract was awarded to Accenture. The contract ran from 22/12/2016 to 21/12/2021. The Schengen Information System has been implemented as per the contract. The contract included a stipulation for a separate support and maintenance contract following system implementation, and this was put in place following a review of service provision. The support and maintenance contracts are required to remain in place for this business critical system. The contract for SIS II support and maintenance will be put to re-tender in due course.

## **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-000074-2023**.

**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-000074-2023) 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](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**

15 MARCH, 2023.