

# 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)

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## Re: Freedom of Information Request FOI-000150-2021 Request Part-Granted

*Dear*

I refer to your request, dated and received on 15<sup>th</sup> April, 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:

*Under the Freedom of Information Act 2014, I am seeking the following please:*

- 1. Statistics for the spend on rental properties by An Garda Síochána nationally annually from 2014 to 2021.*
- 2. How many rental properties have been leased by An Garda Síochána from 2014 to 2021.*
- 3. A breakdown of what purpose these rental properties used for?*
- 4. County by County, or Divisional, breakdown of the locations of the rental properties.*
- 5. How long are the leases for such properties.*
- 6. Reasons for renting such properties.*

I wish to inform you that I have decided to part-grant your request on 12<sup>th</sup> May 2021.

The purpose of this letter is to explain my decision. I have numbered your request for ease of reference.

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## 1. Findings, particulars and reasons for decision

Upon receipt, details of your request were forwarded to the relevant sections of An Garda Síochána who conducted a search for records containing the information you have requested. I am advised by Garda Estate Management that the Office of Public Works act on behalf of An Garda Síochána with regard to the leasing of accommodation.

An Garda Síochána does from time to time hire premises based on operational needs. The table below outlines spend on rental properties annually from 2014 – 2021, in reply to part one of your request.

Supplier	2014	2015	2016	2017	2018	2019	2020	2021*
BS Property Partnership	€40,160	€50,199	€40,160	€30,120	€40,160	€40,262	€50,010	€10,040
Clive Kilmurray	€80,228	€48,137	€64,183	€79,789	€48,137	Nil	Nil	Nil
Golden Eagle Developments	€39,369	€39,369	€39,369	€37,529	€41,210	€39,369	€19,685	€9,682
Jarleth Gantly	€14,760	€14,760	€14,760	€20,664	€14,760	€14,760	Nil	€22,990
JCD c/o Coolowen Properties	Nil	Nil	Nil	Nil	€21,605	€28,807	€28,690	€7,085
Knight Frank	Nil	Nil	Nil	Nil	€44,765	€67,020	€53,501	€13,186
Lisney Ltd	€5,972	€8,439	€5,025	€15,929	€10,378	€10,893	€14,077	€2,564
Loughrans Stores Ltd	€39,434	€25,350	€30,984	€39,434	€27,072	€39,840	€30,527	€12,077
The Bride St Properties	€80,424	Nil	€93,828	€53,616	€13,404	Nil	Nil	Nil
The Merry Man Ltd	Nil	Nil	Nil	Nil	€179,858	€139	€1,537	Nil
<b>Total</b>	<b>€300,347</b>	<b>€186,254</b>	<b>€288,309</b>	<b>€277,081</b>	<b>€441,349</b>	<b>€241,090</b>	<b>€198,027</b>	<b>€77,624</b>

\*As of 06/05/2021



I am refusing parts 2 & 5 of your request which sought “*how many rental properties have been leased by An Garda Síochána from 2014 to 2021*” and “*how long are the leases for such properties*” as I deem these records to be commercially sensitive in accordance with Sections 36(b) and (c) of the FOI Act which states:

**Section 36 Commercially Sensitive**

*(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 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 each lessor with regard to premises leased 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 a lessor 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 a lessor 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.

**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.

Furthermore I am refusing parts 3, 4 & 6 of your request pursuant to Part 1(n) of Schedule 1 of the FOI Act. I can advise that An Garda Síochána rents premises from time to time for a range of operational reasons. However Part 1(n) of Schedule 1 of the Freedom of Information Act provides that records held by An Garda Síochána are exempt from the provisions of the Act other than insofar as they relate to administrative records relating to human resources, finance or procurement matters.

The FOI Act excludes operational policing business as opposed to the defined administrative processes of An Garda Síochána. As a result, the core business of An Garda Síochána is safeguarded from release under the provisions of the FOI Act. The policing considerations requiring An Garda Síochána to lease premises and the location of such premises are operational policing matters and as such fall outside the scope of the Freedom of Information Act insofar as it relates to An Garda Síochána.

### **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-000150-2021**.

**Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, 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-000150-2021 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.



ASSISTANT PRINCIPAL

PAUL BASSETT

FREEDOM OF INFORMATION OFFICER

12<sup>th</sup> MAY, 2021.