

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

Ríomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000204-2023 Request Part Granted

Dear

I refer to your request, dated **30th May, 2023** and received on **31st May, 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:

a database/spreadsheet/record of all fines levied on transport operators for failing to carry out proper documentation checks for arrivals into Ireland. This database to include the name of the transport provider, the amount of fines that have been levied, the number of fines, the number of fines that were unpaid after 28 days, the number of times the fine was doubled, and any other information that is held by AGS on each fine.

I wish to inform you that I have decided to part -grant your request on 13th June 2023. The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision

Upon receipt, details of your request were forwarded to the Garda National Immigration Bureau (GNIB) who conducted a search for records containing the information you requested. GNIB have advised that while your request sought records in respect "*fines levied on transport operators for failing to carry out proper documentation checks for arrivals into Ireland*",

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Carrier Liability fines are issued to air carriers and shipping agents/companies in respect of non-national passengers who are permitted to travel to the State without the necessary visa. The figures provided below relate to Carrier Liability fines.

Please find tables below which set out records sought in your request.

Carrier Liability Fines paid to An Garda Síochána		
Year	Amount Paid	No of Fines
2019	€1,003,470	575
2020	€624,000	410
2021	€826,500	547
2022	€1,102,500	735
2023 (to April 2023)	€519,000	346
Total	€4,075,470	2613

Data in respect of the number of fines which are unpaid within 28 days is not collated as the business model for each carrier differs. Some carriers settle accounts on a monthly basis while others do so on a quarterly basis. GNIB facilitate such accounting arrangements. As the number of fines unpaid within 28 days is not collated, I am refusing this part of your request in accordance with Section 15(1)(a) of the Act which states that:

Refusal on administrative grounds to grant FOI requests

15(1)(a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken

Your request also sought “*the number of times the fine was doubled*” and I can advise that this figure is Zero.

I am refusing your request for the name of the transport provider in respect of each fine. An Garda Síochána is a partially included agency for the purposes of the FOI Act. In accordance with Part 1(n) of Schedule 1 of the Act, An Garda Síochána is a public body for the purposes of the Act only in respect of administrative records relating to human resources, or finance, or procurement matters. The number of offences committed by a particular carrier under Section 2 of the Immigration Act 2003 is an operational policing matter. As such, the number of fines imposed on particular carriers falls outside the scope of the FOI Act as it relates to An Garda Síochána. I am therefore refusing to provide the name of the transport provider in respect of each fine levied in accordance with Part 1(n) of Schedule 1 of the FOI Act.

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-000204-2023**.

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-000204-2023 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

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

Should you wish to discuss the above, please contact the FOI Office by telephone at (046) 9036350.

Yours sincerely,



ASSISTANT PRINCIPAL

PAUL BASSETT

FREEDOM OF INFORMATION OFFICER

13 JUNE, 2023.