

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

Bf linn/Join us  

Láithreán Gréasain/Website:
www.garda.ie

Ríomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000245-2021 Request Part-Granted

Dear

I refer to your request, dated and received on 19th July, 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:

I would like to make a request under the 2014 Freedom of Information Act. I would like to request the total amount spent by An Garda Síochána on HP (Hewlett Packard) products between 2020-2021.

I would also like to request if An Garda Síochána have ever used the Pegasus Spyware which was developed by the NSO Group, and if so, on how many incidences in the two past years.

I would also like to request if An Garda Síochána purchased any equipment from the State of Israel or from Israeli companies between 2019-2021, and a breakdown of these items.

I wish to inform you that I have decided to part grant your request on the 6th August 2021.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decisions.

On receipt, your request was forwarded to relevant sections where a search was conducted in respect of the records you sought.

Part 1(n) of Schedule 1

Section 6(2)(a) of the FOI Act provides that an entity specified in Schedule 1, Part 1 of the Act shall, subject to the provisions of that Part, be a public body for the purposes of the FOI Act. Schedule 1, Part 1 contains details of bodies that are partially included for the purposes of the FOI Act and also details of the certain specified records that are excluded. If the records sought come within the description of the exclusions of Part 1, then the FOI Act does not apply and no right of access exists.

Part 1(n) of Schedule 1 of the FOI Act provides that An Garda Síochána is not a public body for the purposes of the FOI Act other than in relation to administrative records relating to human resources, or finance or procurement matters.

The term “administrative records” is understood to mean records relating to the processes of running and managing a business or organisation. As a result, the FOI Act excludes operational policing business as opposed to the defined administrative processes of An Garda Síochána.

In respect of the first part of your request, I can advise that An Garda Síochána has spent a total of €8,632,305 on products and services from Hewlett Packard in the period in question.

I am refusing the second part of your request in respect of *Pegasus Software*. Records on the use or otherwise of equipment by Gardai is an operational policing matter. As outlined above, operational policing matters fall outside the scope of the FOI Act insofar as it relates to An Garda Síochána. Therefore, I am refusing the second part of your request and do so under Part 1(n) of Schedule 1 of the Act

I am also refusing the third part of your request. No record exists within the Garda Financial Management System of purchases from the State of Israel and therefore I am refusing this element of your request in accordance with Section 15(1)(a) of the 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,*

Your request also sought records in respect of purchases from Israeli companies. I can advise that the Garda Financial Management System does not record the nationality of suppliers. As such granting this part of your request would involve a manual trawl through thousands of individual invoices from the period 2019-2021 in order to establish which suppliers (if any) are Israeli. As a result, I am refusing this element of your request and do so in accordance with Section 15(1)(c) 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

(c) in the opinion of the head, granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, require the retrieval and examination of such number of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of work (including disruption of work in a particular functional area) of the FOI body concerned,

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 **Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, Johnstown, Navan, Co. Meath, C15 ND62**. Please include the reference number **FOI-000245-2021** in your Internal Review application.

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-000245-2021) 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.

Should you have any questions or concerns regarding the above, please contact me by telephone at (046) 9036350.

Yours sincerely,



ASSISTANT PRINCIPAL

PAUL BASSETT

FREEDOM OF INFORMATION OFFICER

6th **AUGUST, 2021**