

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

Bf linn/Join us  

Ríomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000310-2021 Request Part Granted

Dear

I refer to your request, dated and received on 9th September, 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 FOI Act 2014, I am seeking the following:

- *a copy of the invoices/receipts associated with the purchase of a car for the Minister for Foreign Affairs last November.*
- *a copy of the specification documents for the car.*
- *copies of any correspondence between AGS and DFA with regard to the purchase of this car.*

I would prefer to receive this information electronically, ideally in its original electronic format.

I wish to inform you that I have decided to part-grant your request on 22nd September, 2021.

The purpose of this letter is to explain my decision in respect of each part of your request.

1. Findings, particulars and reasons for decision

Upon receipt, your request was forwarded to the relevant sections of An Garda Síochána where a search was conducted in respect of same and a number of records were identified. Part one of your request sought a *“of the invoices/receipts associated with the purchase of a car for the Minister for Foreign Affairs last November.”* I have been advised that the vehicle allocated to the Minister of Foreign Affairs in November 2020 was already part of the Garda Fleet and was not specifically purchased for the Minister. A copy of the associated invoice is attached herewith. In accordance with the FOI Act a number of redactions have been made to this record.

Section 2 – Interpretation of the Act

Under the FOI Act, records are released without any restriction as to how they may be used and thus, release under the FOI Act is in effect regarded as being released to the world at large. As a result, I am conscious of my obligations to retain personal information in a confidential and secure manner and prevent personal information from being released into the public domain unnecessarily. Section 2 of the FOI Act defines personal information as follows:

2.(1) *In this Act—*

“personal information” means information about an identifiable individual that, either—

- (a) would, in the ordinary course of events, be known only to the individual or members of the family, or friends, of the individual, or*
- (b) is held by an FOI body on the understanding that it would be treated by that body as confidential,*

and, without prejudice to the generality of the foregoing, includes –

- (iii) information relating to the employment or employment history of the individual*

Section 37 – Personal Information

Section 37(1) provides that a public body shall refuse to grant a request if access to the record concerned would involve the disclosure of personal information. As such, I am satisfied that the records listed for redaction in the enclosed schedule of records consist of personal information of third parties. Accordingly, I find that Section 37(1) of the Act applies to the records at issue. Section 37(1) of the FOI Act is as follows:

37(1) Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual)

In addition, a number of redactions have been made in accordance with Section 36(1)(b) and (c) of the FOI Act wherein:

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 of vehicle 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 FOI 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.

Public Interest Test

There is a Public Interest Test associated with both Section 36 and 37 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.
- That there is no overriding public interest that outweighs the individual's right to privacy.

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 that both sensitive personal information will remain confidential, and contractors 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 factors both for and against the release of the information, I decided that the public interest in preserving personal information outweighs the public interest which would be served were the records released to you.

I am also satisfied that the release of the costs charged by the supplier amounts to the release of commercially or industrially confidential information and that the release of such information would adversely affect the service provider by prejudicing their competitive position.

I am refusing Part 2 of your request were you sought “*a copy of the specification documents for the car*” in accordance with Part 1(n) of Schedule 1 of the FOI Act. As stated above An Garda Síochána is listed as a partially included agency. The types of vehicles and the specifications of the Ministerial Fleet is an operational policing matter. Pursuant to Part 1(n) of Schedule 1 of the FOI Act, operational policing matters fall outside of the scope of the Act insofar as it applies to An Garda Síochána. Therefore, I am refusing the release of this information.

In addition I am refusing Part 3 of your request were you sought “*copies of any correspondence between AGS and DFA with regard to the purchase of this car*”. I am refusing the release of records relating to this request, and do so in accordance with Section 42 of the FOI Act which states that:

Restriction of Act

42. *This Act does not apply to—*

(b) a record held or created by the Garda Síochána that relates to any of the following:

- (i) the Emergency Response Unit;*
- (iii) the Special Detective Unit (SDU);*
- (iv) the witness protection programme sponsored by it;*
- (v) the Security and Intelligence Section;*
- (vi) the management and use of covert intelligence operations;*

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-000310-2021**.

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: Garda Síochána Finance Section Public Bank Account

Account Number: 10026896

Sort Code: 900017

IBAN: IE86BOFI90001710026896

BIC: BOFIE2D

You must ensure that your FOI reference number FOI-000310-2021 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

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

22nd September 2021.

Hyundai Cars Ireland

JFK Drive
Naas Road
Dublin 12
Ireland

VAT No. IE IE8211878T
Tel: 01 4609848
E-mail: [REDACTED]@hyundai.ie
Web: www.hyundai.ie

INVOICE

Garda Síochána
Phoenix Park
Dublin 4
Ireland

Your VAT Reg. No. IE [REDACTED]

Invoice No. 000003945
Invoice Date 08/11/2019
Your Ref
Account No. M4071

Description	VAT Code	Quantity	Unit Price	Total
Audi A8 3.0TDI - [REDACTED]	1	1.00	€ [REDACTED]	[REDACTED]

VAT Analysis

Code %	Nat	VAT
1 0	[REDACTED]	[REDACTED]

Terms 30 days From Document Date

GOODS TOTAL	€	[REDACTED]
VAT TOTAL	€	[REDACTED]
INVOICE TOTAL	€	[REDACTED]