

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 DR90



Freedom of Information Office,
An Garda Síochána, Athlumney House,
IDA Business Park,
Johnstown, Navan,
Co Meath.
C15 DR90

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-000371-2018 Request Refused

Dear

I refer to your request, dated and received on the 6th September, 2018 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 request that a copy of the following documents be provided to [REDACTED] the total number of hours and total amount of money spent on garda overtime in the Kerry Garda Division in 2016, 2017 and 2018 so far.

I wish to inform you that I have decided to refuse your request on the 27th September, 2018.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

Details of your request were provided to the Finance Directorate within An Garda Síochána who have briefed this Office in respect of same.

The nature of Garda work and the requirement that the Garda authorities respond, in some cases at short notice, to immediate policing demands means that there is a necessity to incur overtime expenses to ensure effective policing. Accordingly, there will always be a need for a certain level of overtime to allow An Garda Síochána flexibility when responding to circumstances that require additional resources for specific operations. These additional resources will have to be

over and above those available from Gardaí on rostered duty thus ensuring the continuation of normal policing duties unabated.

In addition, police led operations can require the deployment of extra resources on overtime. This includes the implementation of anti-crime and anti-burglary initiatives. Similarly, non-crime related events and events organised by interest groups within the general public can require overtime to police effectively as additional Gardaí may need to be deployed to ensure public safety.

Part 1(n) of Schedule 1 of the FOI Act

I am refusing your request wherein you seek *'the total number of hours'... 'spent on garda overtime in the Kerry Garda Division in 2016, 2017 and 2018 so far.'* as this part of your request falls outside the scope of the FOI Act insofar as the records do not meet the criteria of administrative records as defined in the Act.

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.

Refusal on administrative grounds to grant FOI requests

I am refusing your request wherein you seek the *'total amount of money spent on garda overtime in the Kerry Garda Division in 2016, 2017 and 2018'* on administrative grounds in accordance with section 15(1)(d) of the FOI Act as the information is already in the public domain.

Section 15(1)(d) of the FOI Act 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—

(d) *the information is already in the public domain,*

The overtime expenditure for An Garda Síochána is provided by the Finance Directorate and is published on an annual basis, broken down per Quarter and Garda Division and is available by following the link below to the Freedom of Information Publication Scheme on the Garda website:

<https://www.garda.ie/en/Information-Centre/Freedom-of-Information/Publication-Scheme/Budgets-and-spending/Overtime-Reports.html>

Figures are available for the Kerry Division for 2016, 2017 and up to and including Quarter 2 of 2018.

Furthermore, I am refusing to provide figures for Garda overtime expenditure for Quarter 3, 2018 in respect of the Kerry Division as the figures are currently being prepared for publication. In this regard, I am therefore refusing your request for figures pertaining to Garda overtime expenditure for Quarter 3, 2018 on administrative grounds in accordance with section 15(1)(f) of the FOI 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—

- (f) the FOI body intends to publish the record and such publication is intended to be effect not later than 6 weeks after the receipt of the request by the head,*

An Garda Síochána intends to publish the figures on the FOI Publication Scheme section of the Garda Síochána website in early October 2018.

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-000371-2018**.

Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, Johnstown, Navan, Co. Meath C15 DR90

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-000371-2018) 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 me by telephone at (046) 9036350.

Yours sincerely,

 **SUPERINTENDENT**
SHARON KENNEDY
FREEDOM OF INFORMATION OFFICER

27 **SEPTEMBER, 2018**