

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

Bí linn/Join us  

Ríomh-phoist:/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000374-2018 Request Part Granted

Dear

I refer to your request, dated and received on the 10th 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:

- 1. Under the Freedom of Information Act, can I find out how much has been paid out in overtime to officers in Donegal since the start of 2018?*
- 2. Can I find out what the top 20 highest overtime payments made to individuals officers in Donegal were since January 1 2018.*
- 3. And can I find out what station those officers are attached to*
- 4. and what rank they hold,*

I wish to inform you that I have decided to partially grant your request on the 27th September, 2018. The purpose of this letter is to explain that decision. Please note I have numbered your request for ease of reference.

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 and provided records in respect of same.

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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.

Refusal on administrative grounds to grant FOI requests

I am refusing Part 1 of your request wherein you seek *‘Under the Freedom of Information Act, can I find out how much has been paid out in overtime to officers in Donegal since the start of 2018?’* on administrative grounds in accordance with section 15(1)(d) of the FOI Act as 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/jan-jun-2018-garda-overtime.pdf>

Figures are available for the Donegal Division for 2018 up to and including Quarter 2.

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,*

Furthermore, I am refusing to provide Garda overtime expenditure figures for Quarter 3 2018 in respect of the Donegal Division as the figures are currently being prepared for publication. I am therefore refusing your request for 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 up to and including 30.09.2018 on the FOI Publication Scheme section of the Garda Síochána website in early October 2018.

I have decided to partially grant Part 2 and Part 4 of your request wherein you seek:

- 2. Can I find out what the top 20 highest overtime payments made to individuals officers in Donegal were since January 1 2018.***

- 4. and what rank they hold,***

The Finance Directorate ran a report on 20th September, 2018 and have identified the records attached at Appendix A. It should be noted that overtime is only payable to members of Garda, Sergeant and Inspector rank.

The figures provided refer to the amount of overtime paid out and not necessarily the period within which the costs were incurred. This is due to a number of factors such as the fact that the roster system worked by An Garda Síochána does not align with the calendar months and payment of overtime is generally issued within two weeks after the end of each roster. Therefore, overtime can be incurred in two different months and paid out in a third month. For example, overtime incurred on 5th November 2017 was included in the roster ending 3rd December 2017 and this was not paid until January 2018. It is also possible, whilst not a widespread common occurrence, for overtime to be retrospectively claimed for previous months and recorded in the months the claim is paid and not the month the overtime was incurred.

A review of the record provided indicate that a section of the record holds information that is subject to certain exemptions contained within the FOI Act. Therefore, I have applied a specific exemption to the attached record which is explained below.

Personal Information

I am refusing Part 3 of your request wherein you seek '***And can I find out what station those officers are attached to***' in accordance with section 37(1) of the FOI Act. This particular section of the record has been redacted accordingly.

Information that is considered personal is not released under the provisions of the FOI Act when it refers to an identifiable individual(s) and meets the definition as per Section 2 of the FOI Act.

A certain part of the record provided to you identifies the Garda Stations where the top twenty Garda overtime earners in Donegal (as of 20.09.18) are attached to. Due to the small number of individuals outlined in the record the release of the details of the Garda Stations concerned used in conjunction with the rank provided could identify and thereby disclose the overtime earnings of the individuals concerned. This information is therefore considered personal information. This section of the record is subject to the provisions contained in section 37 of the FOI Act as set out below.

Section 37 states

- 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).***

Personal information is defined at section 2 of the FOI Act and includes the following:

Section 2 — Interpretation

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,

I am refusing to provide the information contained within this specific record (as redacted) as I believe that the release of this information, which is specific to an individual(s), will allow for a person(s) to become easily identifiable and possibly named in the public domain. I am also refusing to provide the information contained within these specific records as I believe that it would be considered a breach of the confidentiality upon which the information is being held by the Garda Organisation.

I also considered the provisions contained in section 37(2), section 37(5) and 37(8) whereby information can be released under certain circumstances. However, I found that these provisions do not apply in this case. Section 37 is a mandatory exemption and must be applied to information that falls under section 37(1) of the FOI Act. I am therefore refusing one part of the attached record pursuant to section 37 of the FOI Act.

There is a Public Interest Test applicable to section 37 of the FOI Act.

Public Interest Test

As per section 37 of the FOI Act 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,
- The right to privacy is outweighed by the needs of the public.

In considering the public interest factors which favour withholding the records I have taken account of the following:

- Allowing a public body to hold personal information without undue access by members of the public,
- The public interest is not best served by releasing these records,
- That there is no overriding public interest that outweighs the individual's right to privacy.

A public interest test was carried out when considering the release of the personal information but having balanced the factors both for and against the release, I decided that the public interest in preserving the personal information and the reasonable expectation that information can be maintained in a confidential manner by An Garda Síochána outweighs the public interest which would be served were the records released to you in their entirety.

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-000374-2018**.

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-000374-2018) is included in the payment details.

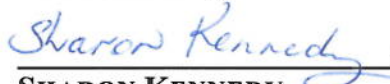
You should submit your request for an Internal Review within 4 weeks from the date of this notification. The review will involve a complete reconsideration of the matter by a more senior member of An Garda Síochána and the decision will be communicated to you within 3 weeks. The making of a late appeal 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**

FOI 374/2018

Top 20 Garda Overtime Earners 2018 (as at 20.09.2018)

Donegal Division

Location	Value	Rank
	€ 18,711	Garda
	€ 17,218	Garda
	€ 17,046	Inspector
	€ 16,868	Inspector
	€ 14,655	Garda
	€ 14,432	Sergeant
	€ 14,358	Sergeant
	€ 14,200	Garda
	€ 13,199	Sergeant
	€ 12,650	Inspector
	€ 12,381	Garda
	€ 12,052	Garda
	€ 12,034	Garda
	€ 12,029	Sergeant
	€ 11,660	Sergeant
	€ 11,281	Inspector
	€ 11,272	Inspector
	€ 11,245	Garda
	€ 11,192	Sergeant
	€ 10,958	Garda