

# 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

*Bí linn/Join us*



Láithreán Gréasain/Website:

[www.garda.ie](http://www.garda.ie)

Ríomh-phoist/Email: [foi@garda.ie](mailto:foi@garda.ie)

## Re: Freedom of Information Request FOI-000397-2022 Request Part Granted

*Dear*

I refer to your request, dated and received on 8<sup>th</sup> November, 2022 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:

*Could you please provide mw with up to date names, job titles and email addresses for your Senior IT staff, such as;*

*Chief Information Officer  
Chief Digital Officer  
Chief Technology Officer  
Head of Digital Transformation  
Director of IT / ICT / IM&T / Digital / Information / Technology  
Head of IT / ICT / IM&T / Digital / Information / Technology  
IT / ICT / IM&T / Digital / Information / Technology Manager  
Chief / Deputy Operating Officer  
Head / Director of Cyber Security  
ICT Project Manager  
ICT Programme Manager  
Network Manager / Head / Director  
ICT Infrastructure  
ICT Business Manager*

I wish to inform you that I have decided to part-grant your request on **16<sup>th</sup> November, 2022**.

The purpose of this letter is to explain my decision.

### **1. Findings, particulars and reasons for decision**

Firstly, I must advise that Section 11 of the FOI Act provides for a right of access to records held by FOI bodies. Requests for information are therefore not valid requests under the Act, as opposed to requests for records. FOI bodies are not required under the Act to create records where none exist and it does not oblige FOI bodies to answer general queries. The Act does not provide a mechanism for answering questions, except to the extent that a question can reasonably be inferred to be a request for records which contain the answer to the question asked or the information sought.

The current Chief Information Officer/Executive Director ICT of An Garda Síochána is Mr. Andrew O'Sullivan. The e-mail address for the office of the Chief Information Officer is [chief.information.officer@garda.ie](mailto:chief.information.officer@garda.ie). The CIO is a member of the Garda Senior Leadership Team. Further information on the Senior Leadership Team can be found at [www.garda.ie](http://www.garda.ie)

You have also requested information in respect of the Head of IT Procurement. I can advise that no such position exists within An Garda Síochána. Therefore, I must refuse this particular aspect of your request, as the record sought does not exist and do so pursuant to Section 15(1)(a) of the Act. Section 15(1)(a) 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*

I can however advise that Garda Procurement Section, which manages procurement on behalf of the organisation can be contacted at [finance\\_procurement@garda.ie](mailto:finance_procurement@garda.ie)

I must also refuse the release of the remaining elements of your request. The Freedom of Information Act 2014 provides for a right of access to records held by public bodies. However, in the case of An Garda Síochána the Act places certain limits on the types of records, held by An Garda Síochána, which are subject to release under the Act. An Garda Síochána is defined as a partially included agency for the purposes of the Act. Part 1(n) of Schedule 1 of the Act states that the Act does not apply to An Garda Síochána *"other than 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, or finance, or procurement matters can be considered for release. In accordance with Part 1(n), all other records held by An Garda Síochána are excluded from release and no right of access to such records exists.

HR records refer to personal records of staff working within An Garda Síochána. They also relate to statistical information in respect of the organisation, e.g sick leave, discipline, retirements, etc. Financial records relate to the financial expenditure of the organisation and

procurement records relate to the contracting of services and the tendering process associated with same.

The effect of Part 1(n) is to restrict the right of access to those functions or processes of An Garda Síochána that relate to the administration or management of the organisation, and only in relation to matters concerning human resources, or finance, or procurement matters. It therefore follows that the names of Garda members and Garda staff, as sought in your request, where they are contained in a record that is not a relevant administrative record, cannot be regarded as the name of a member of staff of a public body for the purposes of the FOI Act. As such, the information sought constitutes the personal information of third parties. In reaching this determination, I am guided by a recent decision of the Office of the Information Commissioner in case OIC-120227-H0Z1Z4 (full decision is available at [www.oic.ie](http://www.oic.ie)).

### ***Section 37 - Personal Information***

Section 37 of the Act governs the release of personal information and allows, subject to certain exemption, for the refusal of a request for “personal information” Section 37(1) of the Act states that:

*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).*

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, and 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 in to the public domain unnecessarily.

Section 37(2) details certain circumstances where Section 37(1) does not apply, however I am satisfied that none of the provisions of Section 37(2) apply in this case.

Before applying Section 37(1) of the Act I am obliged by Section 37(5) to consider:

- (a) if on balance, the public interest in granting this request outweighs the public interest in the right to privacy of the individuals concerned being upheld and
- (b) if the release of the information in question would be to the benefit of the person to whom the information relates.

I am satisfied that the release of the information at issue in this case would not be to the benefit of the individuals to whom the information relates.

In relation to the application of Section 37(5)(a) I have had regard to the general principles of openness and transparency set out in the Act. I am conscious of the need to achieve greater openness in the activities of An Garda Síochána and to promote adherence to the principles of transparency in government a public affairs and the need to strengthen accountability and improve the quality of decision making. I am also mindful of the public interest in members of the public exercising their rights under the FOI Act to the greatest external possible.

The FOI Act recognises the public interest in the protection of the right to privacy. The Act makes clear that the release of records under FOI must be consistent with the right to privacy.

It is also worth noting that the right to privacy has a constitutional dimension, as one of the unenumerated personal rights under the Constitution. Privacy rights will therefore be set aside only where the public interest served by granting the request (and breaching those rights) is sufficiently strong to outweigh the public interest in protecting privacy. It is also relevant to note that the release of records under FOI is, in effect, regarded as release to the world at large, given that the Act places no constraints on the uses to which the information contained in those records may be put

While there is undoubtedly a private interest involved in the release of these records to you, I am satisfied that there is not a sufficiently specific, cogent and fact-based public interest reason to set aside the right to privacy and tip the balance in favour of release.

Therefore, I am refusing your request (with the exception of those elements relating to the positions of Chief Information Officer and Head of IT Procurement dealt with above) in accordance with Section 37(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-000397-2022**.

**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-000397-2022 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](http://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,

  
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**PAUL BASSETT**  
**FREEDOM OF INFORMATION OFFICER**

16<sup>th</sup> **NOVEMBER, 2022.**