

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

Ríomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000415-2022 Request Part-Grant

Dear

I refer to your request, dated **22nd November, 2022** and further clarified and received on **23rd 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:

Copy of the Agenda and Minutes of meetings of the Audit and Risk Committee (ARC) held in 2021 and 2022 to date

Copy of Agenda and Minutes of the Monitoring Committee held in 2022 to date.

A copy of the most recent monthly report of expenditure against profiled budget submitted to the Department of Public Expenditure and Reform as part of the budgetary monitoring process

The most recent Risk Register reviewed by the Risk and Policy Governance Board

Clarified Request:

I am referring to the Monitoring Committee referenced in the 2020 Annual Report (page 46 - [here](#)).

I wish to inform you that I have decided to part-grant your request on 20th December 2022.

The purpose of this letter is to explain that decision. Please note, I have numbered your requests for ease of reference.

1. Findings, particulars and reasons for decision

Upon receipt of your request, it was forwarded to the relevant section of An Garda Síochána, where searches have been conducted and a number of records located. These records are attached herewith. In accordance with the provisions of the Freedom of Information Act 2014, a number of redactions have been made to the records. These redactions, and the relevant provisions of the FOI Act are detailed below.

1) Copy of the Agenda and Minutes of meetings of the Audit and Risk Committee (ARC) held in 2021 and 2022 to date

Copies of these records are attached. A number of redactions have been applied in accordance with Part 1(n) of Schedule 1 of the Act and in accordance with Section 37(1).

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 at Part 1, then the FOI Act does not apply and no right of access exists.

Part 1(n) of Schedule 1 of the 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. This means that only administrative records relating to finance, procurement or human resource matters may be considered for release. Records (or part thereof) relating to matters other than finance, procurement or human resources are excluded from release under the Act.

The term “administrative records” is understood to mean records relating to the processes of running and managing a business or organisation. 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.

Records, or part thereof, which relate to matters other than finance, procurement or human resources are outside the scope of the Act insofar as it relates to An Garda Síochána and cannot be released. The provisions of Part 1(n) of Schedule 1 have therefore been applied to a number of the attached records relating to aspect of your request.

Personal Information:

In addition I am conscious of my obligations to retain personal information in a confidential and secure manner and to prevent personal information from being released into the public domain unnecessarily. 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,*

A number of the records relating to this part of your requests have been redacted in accordance with Section 37 of the FOI Act which refers to personal information. I am refusing this information as I believe that by releasing same could easily identify the various individuals involved beyond their family and friends and it would be considered a breach of the confidentiality upon which the information is being held by the Garda Organisation. I am therefore applying Section 37(1) Personal Information which 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).*

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,
- That there is more than just a transitory interest by the public in this information,
- 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 the Organisation can conduct its business in a confidential manner,
- That there is a reasonable and implied expectation by employees and third parties that sensitive personal information will remain confidential,
- 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 in the context of their employment outweighs the public interest which would be served were the records released to you.

2) Copy of Agenda and Minutes of the Monitoring Committee held in 2022 to date.

Clarified Request:

I am referring to the Monitoring Committee referenced in the 2020 Annual Report (page 46 –

The Monitoring Committee referenced in page 46 of the 2020 Annual Report of An Garda Síochána is the Committee appointed to monitor the effectiveness of the Youth Diversion Programme, as established by Section 44 of the Children Act 2001. The work of the Monitoring Committee refers to the operation of the Garda Youth Diversion Bureau. The Garda Youth Diversion Bureau is an operational unit of An Garda Síochána. As outlined above, An Garda Síochána is a partially included agency for the purposes of the FOI Act. Only administrative records relating to finance, procurement or human resource matters may be considered for release. Records relating to the operational activities of An Garda Síochána are excluded from release. As the agenda and minutes of the Monitoring Committee relate to operational functions of An Garda Síochána, I must refuse this aspect of your request pursuant to Part 1(n) of Schedule 1.

3) A copy of the most recent monthly report of expenditure against profiled budget submitted to the Department of Public Expenditure and Reform as part of the budgetary monitoring process

A copy of the October 2022 Return of Expenditure submitted to the Department of Public Expenditure and Reform, which is the most recent report available, is attached herewith.

4) The most recent Risk Register reviewed by the Risk and Policy Governance Board

As outlined above only administrative records relating to finance, procurement or human resources matters may be considered for release. As a result, I must refuse the release of those parts of the current Garda Risk Register which do not relate to finance, procurement or human resource matters in accordance with Part 1(n) of Schedule 1. I am attaching herewith a redacted copy of the current Risk Register.

In relation to the Garda Risk Register, I wish to advise that the following definitions apply in the context of the Risk Register:

Risk is defined as “an emerging uncertain future event which, if it occurs would impact on the achievement of the organisation’s goals or objectives. Risks may also impact on operational activities and delivery of core services. While often having negative connotations, effective risk management may also identify opportunity risks”.

Uncertainty is defined as “the absence or partial absence of information related to a risk, its likelihood or consequence. All risk involves uncertainty”.

Risk Management is defined as “a planned and systematic approach to identifying risks, evaluating, controlling and reviewing them in order to provide reasonable assurance that

risks are being managed effectively. It should be viewed as an ongoing process and an inherent part of the day-to-day activities of the organisation”.

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-000415-2022**.

Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, Johnstown, 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-000415-2022) 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

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

20th DECEMBER, 2022.