

# 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

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-000501-2019 Request Part-Grant

*Dear ,*

I refer to your request, dated and received on 17<sup>th</sup> December, 2019 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:

*Copies of invoices from Trump International Golf Links and Hotel for accommodation and/or catering costs for Mike Pence's September 2019 visit*

*Copies of invoices from Trump International Golf Links and Hotel for accommodation and/or catering costs for Eric Trump's May 2019 visit*

*Copies of invoices from Trump International Golf Links and Hotel for accommodation and/or catering costs for Eric Trump's June 2018 visit*

*Copies of invoices from Trump International Golf Links and Hotel for accommodation and/or catering costs for Eric Trump's July 2017 visit*

*Copies of invoices from Trump International Golf Links and Hotel for accommodation and/or catering costs for Eric Trump's April 2017 visit*

I wish to inform you that I have decided to part-grant your request on 13<sup>th</sup> January, 2019.

The purpose of this letter is to explain that decision.

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

On receipt, your request was forwarded to the relevant sections of An Garda Síochána. Records have now been provided in relation to part one of your request wherein you are seeking “*Copies of invoices from Trump International Golf Links and Hotel for accommodation and/or catering costs for Mike Pence’s September 2019 visit*”. Please find attached a redacted copy of the accommodation invoices as requested. This office has been advised that there are no records in relation to the catering costs associated with Vice President Pence’s visit in September 2019 and, therefore I am refusing this part of your request in accordance with Section 15(1)(a) of the FOI Act as the records do not exist. Section 15 (1)(a) states:

#### ***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*

Under the FOI Act, records are released without any restriction as to how they may be used and thus, release, 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 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) 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.

I am satisfied that certain parts of the records relate to a third party. The individuals named in these records would become identifiable 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. The release of such information, which is specific to each individual, will allow a person to become more identifiable and named in the public domain. As such, I am satisfied that the records consist of the personal information of these 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 are 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)*

### **Public Interest**

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 that sensitive personal information will remain confidential,
- That there is no overriding public interest that outweighs the individual's right to privacy.

Having balanced the factors both for and against the release of the information, I decided that the public interest in preserving the personal information and the reasonable expectation that information 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 addition to Section 37, I am also redacting records in accordance with Section 36 (1)(b)

### **Section 36 – Commercial Sensitive Information**

*(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'*

This exemption is to protect the hotel whose commercially sensitive information is held in the enclosed records, for the provision of their services to An Garda Síochána. I am satisfied that the release of the actual number of bedrooms hired for Garda members in carrying out their duty protecting Vice President Pence could prejudice the competitive position of the hotels by making the room rate provided to An Garda Síochána publically known. I consider this information to be 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 agreements and details of the rooms in Trump International Golf Links Hotel provided to An Garda Síochána for the Vice President's visit is not known to competitors or the public in general. If the records were to be made available to you, it is reasonable to expect that it would prejudice the ability of the suppliers to compete in other contracts or negotiations in the future.

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 hotel 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 businesses seeking similar contracts with public bodies.

I am satisfied that the release of the details involved could prejudice the competitive position of Trump Internal Golf Links Hotel and also that the information is commercially sensitive due to the fact that it exposes the fee structure of the hotel.

As per section 36 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,
- Ensuring openness and transparency in the expenditure of public funds.

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

- The public interest is not best served by releasing these records,
- That the Organisation can conduct its business in a confidential manner,
- Protecting the vital interests of the business community,
- In not preventing or impeding a company from the effective pursuit of their legitimate business.

Having balanced the public interest factors both for and against the release, I decided that the public interest in preserving the information and the reasonable expectation that information can be maintained by An Garda Síochána without prejudicing future financial endeavors by external service providers outweighs the public interest which would be served were the records released to you.

I also have considered the provisions of section 36(2) and decided that they do not have any bearing on the decision as the overriding interest is to protect the sensitive commercial and financial information in this case.

Following searches in the relevant sections, I am to advise you that no records have been identified in respect of parts 2, 3, 4 & 5 of your request. Therefore in accordance with Section 15 (1)(a) of the FOI Act I am these parts of your request as no records exist.

***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*



## 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-000501-2019**.

***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-000501-2019) 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,

  
MARIA BRODIGAN

ACTING ASSISTANT PRINCIPAL

FREEDOM OF INFORMATION OFFICER

13<sup>th</sup> JANUARY. 2020



*Trump International*  
GOLF LINKS & HOTEL  
DOONBEG



Room No. : [REDACTED]  
Arrival : 02/09/19  
Departure : 30/09/19  
Folio Number : [REDACTED]  
Cashier : [REDACTED]  
Page : 1 of 3

Date: 13/09/19




INFORMATION INVOICE

Date	Description	Charges	Payment
02/09/19	[REDACTED]	234.00	
02/09/19	[REDACTED]	15.00	
02/09/19	[REDACTED]	234.00	
02/09/19	[REDACTED]	15.00	
02/09/19	[REDACTED]	234.00	
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03/09/19	[REDACTED]	15.00	
03/09/19	[REDACTED]	234.00	

VAT Number: IE3238084PH

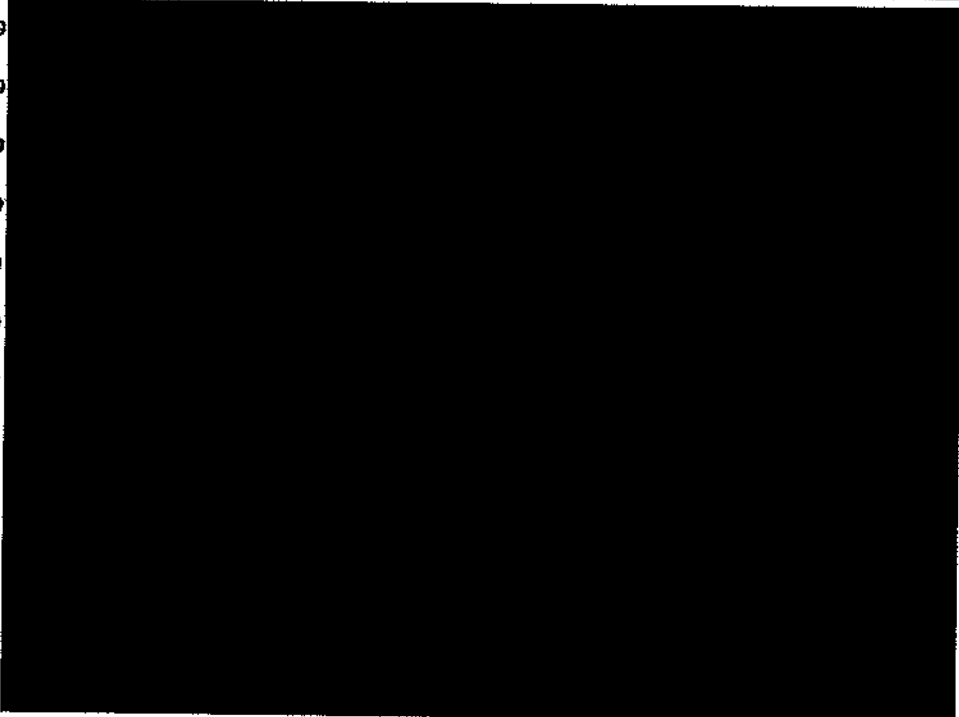


*Trump International*  
**GOLF LINKS & HOTEL**  
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*Trump International*  
GOLF LINKS & HOTEL  
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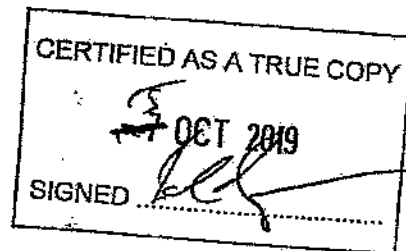
Date: 13/09/19

INFORMATION INVOICE

Date	Description	Charges	Payment
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THIS IS NOT A VAT  
INVOICE



VAT Number: IE3238054PH