

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

Bí linn/Join us  

Ríomh-phoist:/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000079-2024 Request Part Granted

Dear

I refer to your request, dated and received on 23rd February, 2024 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. A list of all transactions between An Garda Síochána and Daniel Technologies LTD since 2013, including details of products purchased during that time and their cost.*

I wish to inform you that I have decided to part-grant your request on the 20th March 2024. The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision

On receipt of your request, a search was conducted in the relevant sections within An Garda Síochána and I wish to advise as follows. Garda expenditure with Daniel Technologies has been the subject of a previous FOI request, FOI-000309-2023. This request involved details of

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Ag Coinneáil Sábháilte – Keeping People Safe

amounts paid to Daniel Technologies by An Garda Síochána in the period 2015 to August 2023. This request is available on the Garda website at

www.garda.ie/en/information-centre/freedom-of-information/decision-log/finance-general/finance-general-decision-logs-2023.html

I am therefore refusing the release of details of Garda expenditure in the years 2015 – 2022 as the information is in the public domain and the provisions of Section 15(1)(d) apply. Section 15(1)(d) 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 tables below outline the amounts paid to Daniel Technologies in 2013, 2014, 2023 and 2024(to date)

2013	2014	2023	2024
€466,181	€772,927	€1,104,401	€1,096,822

I am refusing to release a full list of all transactions including details of products purchased and their cost. The release of this level of detail would I believe involve the release of commercially sensitive information. This level of detail would require the release of considerable financial and commercial information in respect of Daniel Technologies.

I am satisfied that the release of such financial, and commercial information would undoubtedly prejudice the competitive position of Daniel Technologies by making key sensitive information publically known. As such, this information is commercially sensitive to the company in question, in accordance with the provisions of Section 36 of the Act. Sections 36(1)(b) and (c) of the FOI Act state:

Commercially sensitive information

36. (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, or*
- (c) information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.*

I am cognisant of the fact that the release of information under the Act is, in essence, a release to the public at large. Financial and commercial information, such as that contained within these records is not known to competitors or the public in general. If the records were made available to you it is reasonable to expect that it would prejudice the ability of Daniel Technologies to compete in other contracts or negotiations in the future as competitors would be aware of substantial amounts of sensitive financial, and commercial information.

I am of the view that the release of such information could reasonably be expected to result in a material financial loss by the company as it could prejudice their competitive position in the conduct of their business. The placing of this information into the public domain could also reasonably be expected to give a competitive advantage to other companies seeking similar contracts with public bodies.

Public Interest Test

There is a Public Interest Test associated with section 36 of the FOI Act whereby my decision must be made having fully considered the public interest relevant to this request.

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 being released.
- The right to commercial confidentiality is outweighed by the needs of the public regarding the expenditure of public funds by a public body and the conduct of public procurement.

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

- Allowing a public body to hold commercial information without undue access by members of the public.
- The best course of action which is in the public interest with regard to these records.
- That An Garda Síochána can conduct its business with external contractors in a confidential manner.
- That there is a reasonable and implied expectation by contractors that financial and technical information pertaining to goods provided will be held in a confidential manner.
- That there is no overriding public interest that outweighs the right to privacy by an individual or in this case the financial activities of a supplier.

Having balanced the public interest factors both for and against the release, I am satisfied 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 suppliers outweighs the public interest which would be served were the records released to you. I am further satisfied that the provisions of Section 36(2) do not apply in this instance.

I am also applying the provisions of Section 42 of the Act in this case. Much of the equipment purchased from Daniel Technologies by An Garda Síochána was procured by the Security & Intelligence Section, the Special Detective Unit, and the Emergency Response Unit. Section

42 of the FOI Act restricts access to records held or created by An Garda Síochána that relate to Security & Intelligence Section, the Special Detective Unit, and the Emergency Response Unit. The Act does not apply to records relating to these Sections/Units of An Garda Síochána, and **no right of access to such records exists**.

Section 42 states that:

Restriction of Act

42. *This Act does not apply to—*

(b) a record held or created by the Garda Síochána that relates to any of the following:

- (i) the Emergency Response Unit;*
- (iii) the Special Detective Unit (SDU);*
- (v) the Security and Intelligence Section;*

Section 42 is an absolute exemption which must apply regardless of any public interest which may or may not exist in release. Therefore, in accordance with the requirements of Section 42(b), I must also apply Section 42 to those items purchased by the above Units/Sections of An Garda Síochána.

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-000079-2024**.

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-000079-2024 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,



ASSISTANT PRINCIPAL

PAUL BASSETT

FREEDOM OF INFORMATION OFFICER

20 MARCH, 2024.