

An Garda Síochána

Oifig Saoráil Faisnéise
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-000009-2016

Dear

I refer to the Freedom of Information Act 2014 and your submission to An Garda Síochána dated and received on 11th January 2016.

Part 1 of Schedule 1(n) of the Freedom of Information Act 2014 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:

The current number of firearms officers in the Garda Police Force as of the date of the request from 2012 till present date?

Number of incidents where firearms have been discharged by the police January 2012?

How many firearms incidents there have been in Garda force area since January 2012 and how many incidents firearms officers have attended?

I have now made a final decision to refuse your request on 18th January 2016.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decisions to deny access

The position regarding your two questions, listed below, is that the information you have sought is outside the scope of the terms of the Freedom of Information Act 2014. The information is not an administrative record which relates to human resources, finance or procurement. Therefore, I regret to inform you that I am unable to accede to your request.

Number of incidents where firearms have been discharged by the police January 2012?

How many firearms incidents there have been in Garda force area since January 2012 and how many incidents firearms officers have attended?

I can advise you that the use of a firearm by a member of An Garda Síochána must be reported to the Garda Síochána Ombudsman Commission (GSOC) who are subject to the Freedom of Information Act 2014. The information you seek may be available from GSOC upon a suitable request being made under the Freedom of Information Act 2014. You can email a request to foi@gsoc.ie.

Part of your request sought:

The current number of firearms officers in the Garda Police Force as of the date of the request from 2012 till present date?

I am refusing part of your request under section 32(1)(a)(i) and 32(1)(a)(ii) of the Freedom of Information Act 2014 as I am of the opinion that this information can be reasonably expected, if used inappropriately, to prejudice or impair the Garda Organisation operational capabilities in:

(i) *“the prevention, detection or investigation of offences, the apprehension or prosecution of offenders or the effectiveness of lawful methods, systems, plans or procedures employed for the purposes of the matter aforesaid”*

(ii) *“the enforcement of, compliance with or administration of any law”*

The detail sought by you in your request of 11th January 2016 fundamentally seeks to identify the operational capabilities of An Garda Síochána with regard to firearms throughout the Garda Organisation. An Garda Síochána has unique functions, as set out in Section 7 (1) of the Garda Síochána Act 2005, of which one is “*protecting the Security of the State*”, I am of the opinion that nothing should jeopardise, impair or prejudice the ability of An Garda Síochána to carry out that function to its fullest capability.

It is my opinion the release of this information into the public domain in any form via a Freedom of Information request is an unnecessary risk to the law enforcement procedures employed throughout the State and to individual Gardaí both armed and unarmed. It is reasonable to believe that the information sought and merged with other Garda information readily available in the public domain, such as Garda specialist sections, could result in an overall picture being developed with regard to the allocation of firearms throughout the Organisation. This would be of benefit to criminal organisations and individual criminals alike.

In addition, the overall number of Gardaí that have access to a firearm could not be provided as it would include information that is exempted in accordance with section 42 (b) of the Freedom of Information Act 2014 as set out below.

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.
 - (ii) the Secret Service Fund maintained by it;
 - (iii) the Special Detective Unit (SDU);
 - (iv) the Witness Protection Programme sponsored by it;
 - (v) the Security and Intelligence Section;
 - (vi) the Management and use of covert intelligence operations;
 - (vii) the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993;
 - (viii) the Criminal Justice (Terrorist Offences) Act 2005;
 - (ix) the Criminal Justice (Surveillance) Act 2009;
 - (x) the Communications (Retention of Data) Act 2011,
- (c) Record(s) held by the Criminal Assets Bureau.
- (d) Record(s) relating to an inquiry within the meaning of section 42 Garda Síochána Act 2005 other than (a) a record relating to the appointment of a person to conduct an inquiry under section 42 Garda Síochána Act 2005, or (b) a record relating to the expenses or other matters concerning the general administration of an inquiry under that section.

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 **F01-000009-2016**.

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: 1E86B0F190001710026896

BIC: BOFIE2D

You must ensure that your FOI reference number 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



HELEN DEELY
FREEDOM OF INFORMATION OFFICER

18th January 2016