

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

Bí linn/Join us  

Láithreán Gréasain/Website: www.garda.ie

Ríomh-phoist:/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000014-2016 Request Refusal

Dear :

I refer to your request dated 11th January 2016 which was received by this office on 11th January 2016 which you have made under the Freedom of Information Act 2014 for records held by this organisation.

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:

- a) *The number of requests made for telecommunications records for 2015, 2014, 2013, 2012, 2011 and 2010*
- b) *The amount paid to third parties (Internet Service Providers, mobile or landline telecommunications companies) arising from these requests for 2015, 2014, 2013, 2012, 2011 and 2010*
- c) *The aggregate number of requests submitted to each third party*
- d) *A split of requests which were accepted/rejected by each third party*

I have now made a final decision to **refuse your request**.

The purpose of this letter is to explain that decision.

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

The sections of the Act which can apply to deny access to documents are known as its exemption provisions.

Part 5 of the Freedom of Information Act 2014 sets out the restrictions of the Act.

In this regard, your request is refused under Section 42 (b) wherein it states that:

'the Act does not apply to 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;*

The records you have requested fall within the provisions under Section 42 of the Freedom of Information Act and therefore the information will not be provided to you.

Requests for "call related data" are processed under the provisions of the Communications (Retention of Data) Act, 2011, which creates an obligation on the communications service providers to retain certain categories of data for defined periods. The categories of data are set out in Schedule 2 of the 2011 Act. Section 6 (1) of the 2011 act sets out the criteria for An Garda Síochána making a disclosure request as follows:

A member of the Garda Síochána not below the rank of chief superintendent may request a service provider to disclose to that member data retained by the service provider in accordance with section 3, where that member is satisfied that the data are required for-

- (a) the prevention, detection, investigation or prosecution serious offence,*
- (b) the safeguarding of the security of the State,*
- (c) the saving of human life.*

The interception of communications messages is provided for under the provisions of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act, 1993. Under Section 2 of the Act, 'Authorisations' for interceptions under the Act may be given by the Minister for Justice and Equality, but only for the purpose of criminal investigation or in the interests of the security of the State.

The conditions justifying interception for the purpose of criminal investigation are set out in Section 4 of the Act. The conditions justifying interception in the interests of security of the State are set out in Section 5 of the Act.

Section 8 of the Act provides for the review of the operation of the Act by a 'designated' High Court Judge. The designated judge has the duty of keeping the operation of the Act under review, of ascertaining whether its provisions are being complied with and of reporting to the Taoiseach at intervals of not more than twelve months. An Garda Síochána cooperates fully with the designated Judge in the exercise of his powers under Section 8 of the 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 above address and quoting reference number **F01-000014-2016**.

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: IE86B0F190001710026896

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,

 **SUPERINTENDENT**
HELEN DEELY
FREEDOM OF INFORMATION OFFICER

28th January 2016