

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-000016-2016

Request Refusal

Dear [redacted],

I refer to the Freedom of Information Act 2014 and your submission dated 4/12/2015 and transferred to An Garda Síochána on 14/01/2016.

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 is shown below:

"I request a true copy from The Minister of Public Expenditure and Reform, Mr Brendan Howlin, of the accounts and payments made by the Department of Finance to the contractor who supplied and installed the 2008, €500,000 cost of supply, delivery, installation and maintenance of DRS (Digital Recording System) in all Garda Stations and that such be released to me under the terms of the Freedom of Information Act 2014."

I wish to inform you that your request has been refused.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision

I am refusing your request as the information you seek is the subject of the inquiry being conducted by the ongoing Fennelly Commission. Under section 31(2)(c) of the Freedom of Information Act 2014 a request for information pertaining to the proceedings of any body appointed by either or both Houses of the Oireachtas to enquire into specific matters may be refused. The Fennelly Commission was established under S.I. No 192 of 2014 *Commission of Investigation (Certain Matters relative to An Garda Síochána and other persons) Order 2014* and the Schedule of the Terms of Reference include the following:

1(b) states

“ To establish the immediate circumstances surrounding the installation of telephone recording systems operated by An Garda Síochána at the said Garda Stations referred to at (a) above and to establish what authorisation was sought or obtained by An Garda Síochána for such installation and, including the funding, installation, maintenance and / or upgrading of those telephone recording systems, to include the public procurement procedure followed in 1996 and further in relation to the installation of the NICE recorder system in 2008 ”

The information you requested has been provided to the Fennelly Commission and forms part of the Commission's investigation.

I am refusing your request in accordance with section 31(2)(c) of the Freedom of Information Act 2014 as the performance of the functions of the Commission has not been completed.

Section 31(2)(c) is as follows;

Section 31

“(2)A head may refuse to grant an FOI request if the record concerned relates to the appointment or proposed appointment, or the business or proceedings, of—

(a) a tribunal to which the Tribunals of Inquiry (Evidence) Act 1921 applies,

(b) any other tribunal or other body or individual appointed by the Government or a Minister of the Government to inquire into specified matters at least one member, or the sole member, of which holds or has held judicial office or is a barrister or a solicitor, or

(c) any tribunal or other body or individual appointed by either or both of the Houses of the Oireachtas to inquire into specified matters,

and the request is made at a time when it is proposed to appoint the tribunal, body or individual or at a time when the performance of the functions of the tribunal, body or individual has not been completed.”

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 **F01-000016-2016**.

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: IE86B0F190001710026896
BIC: BOFIIIE2D

Your 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.

27th January 2016