

# 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**  

*Please quote reference number*

Láithreán Gréasain/Website:  
[www.garda.ie](http://www.garda.ie)

Ríomh-phoist/Email: [foi@garda.ie](mailto:foi@garda.ie)

Date:

**Mr David Labanyi**

## **Re: Freedom of Information Request FOI-000124-2017 Request Refusal**

***Dear Mr. Labanyi,***

I refer to your request, dated 26<sup>th</sup> March, 2017 and received on 27<sup>th</sup> March, 2017 which you have made under the Freedom of Information Act (FOI) 2014 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:

*I would like to request copies of all correspondence, minutes, briefing material and reports, including drafts, relating to the issue of inaccurate breathtest data, inaccurate MAT checkpoint data and discrepancies in the number of tests recorded vis a vis intoxilyser mouthpieces ordered.*

*I would also like to include in this request all references to the Garda audit into the operation of MAT checkpoints and operation of breathtesting and the issue of drink driving enforcement generally, including the conviction rate and issues with prosecution.*

*The scope of this request is from January 2015 to March 1<sup>st</sup>, 2017. With regards to correspondence the bodies covered are: The Department of Justice, and/or the*

I wish to inform you that I have decided to refuse your request on the 28<sup>th</sup> March, 2017.

The purpose of this letter is to explain my decision.

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

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.

The Office of the Information Commissioner in its decision in case number 160054 outlines that *"It seems to me that the purpose of Part 1(n) is to restrict the right of access of those functions or processes of An Garda Síochána that relate to the administration or management of the organisation, and only in relation to matters concerning human resources, or finance or procurement matters. Records relating to the core functions of An Garda Síochána such as the investigation of criminal activity, are excluded from the ambit of the Act."*

Your request has sought records in respect of an operational policing matter which does not come within the ambit of this partially included agency as set out in Part 1(n) of Schedule 1 of the FOI Act.

I am therefore refusing your request as it falls outside the scope of the FOI Act insofar as it pertains to 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 **F01-000124-2017**.

Freedom of Information  
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:** 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](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 me by telephone at (046) 9036350.

Yours sincerely,

 **SUPERINTENDENT**  
**HELEN DEELY**  
**FREEDOM OF INFORMATION OFFICER**

**28<sup>th</sup> March, 2017**