

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-000185-2016 Request Refused

Dear

I refer to the Freedom of Information Act 2014 (FOI Act) and your submission to An Garda Síochána dated 10th May and received on the 11th May 2016.

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 is shown below:

“All internal An Garda Síochána reports on the following issue:

*- Moral within the force, leaking of information to media/journalists,
This is to include all reports carried out by An Garda Síochána into issues relating to morale among members.*

Please also state how much it cost to produce these internal reports”

I have now made a final decision to refuse your request on 2nd June 2016.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decisions.

A number of different Garda sections were asked to search their records and databases, inclusive of Human Resources and People Development, Finance Section and Strategy and Change Management with regard to your request. Searches were conducted seeking records that related to “*morale*”. No records were located specifically relating to reports on morale within An Garda Síochána for years 2010 to 2015.

In addition there is no specific cost code associated with specific reports relating to morale. Therefore the search conducted on the financial database returned no files and financial records do not exist specifically on that particular topic.

I am refusing your request under section 15 of the FOI Act as no records exist in HR & PD and Strategy and Change Management. As stated above, due to no specific cost code being assigned to reports relating to morale, no financial records exist in the Finance Section.

Section 15 - Refusal on administrative grounds to grant FOI requests

Section 15 of the FOI Act states that;

(1) A head to whom an FOI request is made may refuse to grant the request where –

(a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken.

As the records do not exist I am refusing you request under section 15(1)(a) of the FOI Act.

With regard to the second part of your request which seeks information on “*leaking of information to media/journalists*,” I am refusing to provide records on this as it is not within the scope of the FOI Act insofar as An Garda Síochána is concerned. Part 1(n) Schedule 1 refers in this instance.

Part 1(n) of Schedule 1 – Partially included agencies

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 unsanctioned provision (*leaking*) of information to the media or members of the press corp. is not an administrative matter for human resources, finance or procurement and would be more appropriately dealt with as part of an investigative process either criminally through the Courts or through the Garda Síochána (Disciplinary) Regulations 2007 as amended.

The Discipline Section at Internal Affairs is responsible for the oversight of all investigations undertaken by An Garda Síochána under provisions of the Garda Síochána (Discipline) Regulations 2007 as amended (hereafter referred to as Regulations) which came into effect on 1st June, 2007. The purpose of these Regulations is to provide a code of conduct for all members of An Garda Síochána, which must be strictly adhered to. Any suspected breaches, such as the unauthorised provision of data/information, may be subject of investigation by Officers appointed pursuant to the Regulations. The penalties provided under the Regulations include dismissal; requirement to retire or resign as an alternative to dismissal, reduction in rank; reduction in pay; warning, caution and advice.

As per the Regulations, minor disciplinary matters are locally addressed by way of Regulation 10. Such records are retained locally and are not held centrally. Matters of a more serious nature (Part 3) and less serious nature (Part 2) are progressed centrally through the Discipline Section.

Section 62 of the Garda Síochána Act 2005 (2005 Act) : *Confidentially of certain information*, places the onus on members of An Garda Síochána and civilian staff to retain information that was obtained in the course of their employment in a confidential manner. Section 62 of the 2005 Act creates criminal offences for knowingly disclosing information that could have a harmful effect on Garda operations or individuals cooperating with An Garda Síochána in certain circumstances. The penalty, on summary conviction, is a fine of €3,000 or 12 months imprisonment and if convicted on indictment a fine of €75,000 and 7 years in imprisonment can be imposed.

An Garda Síochána staff survey: *An Garda Síochána Online Survey Analysis Report* was completed during May 2014 and compiled into a high level report by the Garda Síochána Analysis Service. This report is not directly related to morale but may be of interest to you and is published on the Garda website as part of the Research Publications. In addition a Civil Service survey was conducted during 2015. This survey was commissioned by the Department of Public Expenditure and Reform and carried out on their behalf by the Central Statistics Office and covered all Civil Servants. Further information on the survey and the overall results are available on the Department of Public Expenditure and Reform's website. The full survey was published in January 2016 and is available at the web link below.

<http://www.per.gov.ie/en/civil-service-employee-engagement-survey/>

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 **F01-000185-2016**.

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

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.

 JUNE 2016