

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



Ríomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000283-2016 Refused

Dear

I refer to the Freedom of Information Act 2014 and your submission to An Garda Síochána dated 25th July 2016 and received on 26th July 2016.

Part 1(n) of Schedule 1 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 :

‘Records outlining the budget afforded to the Garda Covert Human Intelligence Section (CHIS) in the years 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and up to 30/06/2016.

The records sought would cover each year individually.

‘In addition, I seek information relating to the number of gardai currently assigned to the Covert Human Intelligence Section (CHIS), broken down by into garda rank and Garda Region.’

I wish to inform you that I have now made a final decision to refuse your request on 27th July 2016.

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.

As previously advised, Part 1(n) of Schedule 1 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". I am refusing your request on the basis that this Act does not apply to a record held or created by An Garda Síochána that relates to intelligence gathering operations as outlined below :

Section 42(b)(v)&(vi) of the Freedom of Information Act 2014:

Restriction of Act

42. 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*

In accordance with the requirements of Section 42(b)(v)&(vi) of the Freedom of Information Act 2014 I am refusing your request.

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 **F01-000283-2016**.

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: 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
LOUISE SYNNOTT
FREEDOM OF INFORMATION OFFICER.

4th August, 2016 .