

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  

Riomh-phoist:/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000367-2016 Request Refused

Dear

I refer to your request, dated and received on 10th October 2016 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 wish to request any record relating to the general operation of the Protected Disclosures Policy within An Garda Síochána, including but not limited to any review of the scheme.

For clarity, the request is not seeking documentation relating to any individual protected disclosure made under the policy.

I have now made a final decision to refuse your request on 4th November 2016.

The purpose of this letter is to explain that decision.

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

Your request was forwarded to Human Resources & People Development (HR & PD) and a search was conducted for records relating to your request.

The Garda Síochána has published the policy/procedures document for the making of a protected disclosure and it can be found on the Garda Síochána website at the following link <http://garda.ie/Documents/User/Protected%20Disclosures%20Policy.pdf> . The Commissioner has authorised Chief Superintendent Human Resources and People Development to act as Protected Disclosure Manager with the Director of Civilian Human Resources as an alternate Protected Disclosures Manager. The document policy/procedures document was established in accordance with section 21(1) of the Protected Disclosures Act, 2014.

An Garda Síochána has not conducted a review of the policy/procedures document for making protected disclosures however the Policing Authority has conducted such a review. As a result there were no records held by HR & PD with regard to a review of the protected disclosure policy/procedures by An Garda Síochána.

Section 15(1)(a) of the FOI Act is pertinent to your request as a review was not conducted by An Garda Síochána.

Section 15(1)(d) of the FOI Act is also pertinent to your request as the information “*relating to the general operation of the Protected Disclosures Policy within An Garda Síochána*” is already in the public domain.

I am refusing your request under the provisions of section 15(1)(a) and 15(1)(d) of the FOI Act as shown below.

Refusal on administrative grounds to grant FOI requests

15. (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,

(d) the information is already in the public domain,,

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 **FOI-000365-2016**.

Freedom of Information Office
An Garda Síochána,
Athlumney House
IDA Business Park,
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
HELEN DEELY
FREEDOM OF INFORMATION OFFICER

7th
NOVEMBER 2016