

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-000076-2016 Out of Scope

Dear

I refer to the Freedom of Information Act 2014 and your submission to An Garda Síochána dated and received on the 24th February 2016.

Part 1 (n) of Schedule 1 of the Freedom of Information Act 2014 (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:

Under the Freedom of Information legislation I would like copies of the following records created in 2015.

- 1. The review audit report on the NBCI.*
- 2. The review audit report into Mayo Division.*
- 3. The audit report into Cavan/Monaghan Division.*
- 4. The "Report to the commission in relation to financial controls in 2014".*
- 5. The audit of the regional support unit eastern region.*

I have now made a final decision to **refuse your request for audit report into Cavan/Monaghan Division.**

The purpose of this letter is to explain my decision.

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

In considering your request I have reviewed the legislative obligations placed upon An Garda Síochána under section 7 of the Garda Síochána Act 2005 and the unique position the Garda

Organisation holds within Irish Society. Under section 7 of the Garda Síochána Act 2005 the primary function of An Garda Síochána is to provide policing and security services for the State. This is a unique function attributed to An Garda Síochána with the objective of:

- (a) preserving peace and public order,
- (b) protecting life and property,
- (c) vindicating the human rights of each individual,
- (d) protecting the security of the State,
- (e) preventing crime,
- (f) bringing criminals to justice, including by detecting and investigating crime, and
- (g) regulating and controlling road traffic and improving road safety.

The Auditing of the functions that are carried out in the process of applying the above mention objectives and primary function using numerous pieces of legislation does not meet the threshold of an Administrative Record. The Audit of operational activities, application of legislation, seizure of property, investigations and oversight processes is not in itself an administrative record for the purposes of Human Resources, Finance or Procurement as set out at Part 1(n) of Schedule 1 of the FOI Act.

This particular Audit examines operational policing activities and reviews operational records and the audits compilation of events in a single auditing document is not akin to an administrative record or in any way related to administrative functions as set out in the FOI Act for An Garda Síochána as a partially included public body.

An Administrative Record is considered to be a document which is referenced/used when a decision is being made with regards to human resources, finance or procurement. A record to support a decision made by An Garda Síochána with regard to human resources, finance or procurement, would appear to be a quintessential administrative record. The Audit Report into the Cavan/Monaghan Division is not a quintessential administrative record.

Therefore I am deeming your request out of the scope of the FOI Act and this audit report cannot be provided.

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 **F01-000076-2016**.

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**
HELEN DEELY
FREEDOM OF INFORMATION OFFICER.

25th April 2016