

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 ND62



Freedom of Information Office,
An Garda Síochána, Athlumney House,
IDA Business Park,
Johnstown, Navan,
Co Meath.
C15 ND62

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-000426-2022 Part Grant

Dear

I refer to your request, dated 1st December, 2022 and received on 2nd December, 2022 which you have made under the Freedom of Information Act 2014 (FOI Act) 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:

Under the FOI Act 2014, I am seeking the following:

- *a copy of the credit card statements for all cards held by personnel, units, or offices at Garda HQ for the period 1 Jan 2021 to date of receipt of the request. If there are a very high number of cards, I am happy to take copies of statements for the ten cards that would have had the most transactions (in terms of value) during that period.*

I would prefer to receive this information electronically, ideally in its original electronic format.

I wish to inform you that I have decided to part grant your request on the 3rd January, 2023.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision.

Upon receipt, your request was forwarded to the Finance Directorate within An Garda Síochána who conducted a search of their records in respect of same. I have been advised by Finance

Section that credit cards are held by the Office of the Garda Commissioner, the Office of the Chief Administrative Officer, and by Finance Section. I have attached herewith copies of the monthly statements for each credit card. You will note that for several of the credit cards there are not statements for each individual month. However, Finance Section have advised that in a month where there has been no activity on a card, no statement issues from the bank for the card for that particular month. As such, attached is the complete set of records.

The Freedom of Information Act provides that in certain circumstances, a public body may refuse the release of certain records or part thereof. As such a number of redactions have been applied to the records sought. These redactions are detailed in the attached Schedules of Records.

Section 37 – Personal Information

Under the FOI Act, records are released without any restriction as to how they may be used and thus, release under the FOI Act, is in effect, and regarded as being released to the world at large. As a result, I am conscious of my obligations to retain personal information in a confidential and secure manner and prevent personal information from being released in to the public domain unnecessarily. Section 2 of the FOI Act defines personal information as follows:

2.(1) In this Act—

"personal information" means information about an identifiable individual that, either—

- (a) would, in the ordinary course of events, be known only to the individual or members of the family, or friends, of the individual, or*
- (b) is held by an FOI body on the understanding that it would be treated by that body as confidential,*

and, without prejudice to the generality of the foregoing, includes—

- (ii) information relating to the financial affairs of the individual,*

I am refusing to provide details such as the credit card account number and credit limit as these details are unique to the individual and assigned accordingly by the bank to the said individual, not the Office. They therefore refer to information relating to the financial affairs of the individual. To release this information would be considered a breach of the confidentiality upon which the information is being held by the Garda Organisation. I am therefore applying Section 37(1) of the Act to these parts of the records. Section 31(1) states:

37. (1) Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual).

While Section 2 of the Act provides that certain information about staff of an FOI body cannot be considered to be personal information, I do not consider any of those exceptions to apply in this case. There is a Public Interest Test applicable to section 37 of the FOI Act.

Public Interest Test

As per section 37 of the FOI Act I have considered the public interest issues which arise in this case and have taken account of the following factors in favour of release:

- Ensuring openness and transparency of organisational functions to the greatest possible extent,
- The public interest in members of the public exercising their rights under the FOI Act,
- That there is more than just a transitory interest by the public in this information,
- The right to privacy is outweighed by the needs of the public.

In considering the public interest factors which favour withholding the records I have taken account of the following:

- Allowing a public body to hold personal information without undue access by members of the public,
- The public interest is not best served by releasing these records,
- That the Organisation can conduct its business in a confidential manner,
- That there is a reasonable and implied expectation by employees that sensitive personal information will remain confidential,
- That there is no overriding public interest that outweighs the individual's right to privacy.

A public interest test was carried out when considering the release of the personal information but having balanced the factors both for and against the release, I decided that the public interest in preserving the personal information and the reasonable expectation that information can be maintained in a confidential manner by An Garda Síochána in the context of the financial affairs of personnel outweighs the public interest which would be served were the records released to you in their entirety.

By releasing the invoices in a redacted form and providing the costs associated with the Office holder's credit card, I am of the opinion that the public interest is satisfied.

Section 32: Law Enforcement and Public Safety.

Section 32 is a harm based exemption. It applies where access to a record concerned could reasonably be expected to prejudice or impair the matters specified in the subsections. An Garda Síochána is obliged to identify the potential harm that may occur if the records are released and having identified that harm consider the reasonableness of any expectation that the harm will occur.

The provision of information which could result in a security risk cannot be provided for operational and security reasons. I believe that access to certain information contained within the records presents a risk to their ability to conduct security related functions confidentially. Certain details can identify the purpose and nature of the duties being conducted inclusive of dates, times and locations. The release of such information presents an unnecessary and potentially harmful risk to these Gardaí personally and the success of their functions performed in ensuring the security of the State.

The release of records that could potentially identify the accommodation frequented by the Garda Executive, including the Garda Commissioner, both nationally and internationally

presents a potentially harmful risk to their own safety if the information was to be used for criminal purposes.

The Garda Commissioner in conjunction with being the Head of Policing Services is also the Head of the Security Service of the State. Therefore, any information regarding the security of the Commissioner especially in his capacity as Head of Security, will not be provided for operational and security reasons. I am conscious of the fact that once records are disclosed under the provisions of the FOI Act there is no control as to whom the information is shared with. Therefore, a release of records under the FOI Act is considered a release to the world in general and not just the individual requesting the information.

It is for these reasons that I am applying the provisions of Section 32 to certain of these records.

32. (1) *A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—*

(a) prejudice or impair—

(i) the prevention, detection or investigation of offences, the apprehension or prosecution of offenders or the effectiveness of lawful methods, systems, plans or procedures employed for the purposes of the matters aforesaid,

(ii) the enforcement of, compliance with or administration of any law,

(iii) lawful methods, systems, plans or procedures for ensuring the safety of the public and the safety or security of persons and property,

(b) endanger the life or safety of any person,

I am of the opinion that the release of such specific information will unnecessarily expose the Garda capabilities in many areas of our operational duties and therefore it is reasonable to expect that it would impair or prejudice the Organisation's capability to enforce current legislation and investigate crime.

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-000426-2022**.

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: An Garda Síochána Imprest Account

Account Number: 30000302

Sort Code: 951599

IBAN: IE28DABA95159930000302

BIC: DABAIE2D

You must ensure that your FOI reference number (FOI-000426-2022) 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 the FOI Office by telephone at (046) 9036350.

Yours sincerely,



ASSISTANT PRINCIPAL

PAUL BASSETT

FREEDOM OF INFORMATION OFFICER

3 JANUARY, 2023