

# 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

Bí linn/Join us  

Láithreán Gréasain/Website:  
[www.garda.ie](http://www.garda.ie)

Ríomh-phoist:/Email: [foi@garda.ie](mailto:foi@garda.ie)

## Re: Freedom of Information Request FOI-000005-2021 Request Part-Granted

*Dear*

I refer to your request, dated and received on 4<sup>th</sup> January, 2021 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:

*I am seeking the following under the Freedom of Information Act -*

*Gardai*

- 1. The overall amount received by Gardai in overtime payments for 2020.*
- 2. The top 20 amounts received by Gardai in 2020 in overtime payments and the gender of the Gardai in each case*
- 3. The total pay those Garda made during 2020 in overtime/basic pay/allowance and other payments.*
- 4. The rank of the Gardai concerned and the division in which they work.*

I wish to inform you that I have decided to part-grant your request on 28<sup>th</sup> January, 2021. I have numbered your request for ease of reference.

The purpose of this letter is to explain that decision.

### 1. Findings, particulars and reasons for decision

I wish to advise that I am refusing the first part of your request wherein you seek the 'The overall amount received by Gardai in overtime payments for 2020' in accordance with section 15(1)(d) of the FOI Act as the information is already in the public domain.

Section 15(1)(d) of the FOI Act states:

#### **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 (d) the information is already in the public domain.*

The information sought by you is published on the Garda website [www.garda.ie](http://www.garda.ie) and may be accessed by following the link attached below:

<https://www.garda.ie/en/information-centre/freedom-of-information/publication-scheme/budgets-and-spending/overtime-reports.html>

In respect of part 2 and part 4 of your request, the Finance Directorate have provided the table below which provides details of the top 20 amounts of overtime claimed broken down by rank.

<b>20 highest amounts paid in overtime - 2020</b>		
	<b>Amount</b>	<b>Rank</b>
1	52,953	SERGEANT
2	52,627	SERGEANT
3	52,154	SERGEANT
4	48,302	INSPECTOR
5	46,762	GARDA
6	46,738	SERGEANT
7	46,638	SERGEANT
8	46,163	INSPECTOR
9	46,009	INSPECTOR
10	45,944	SERGEANT
11	43,905	SERGEANT
12	43,358	SERGEANT
13	43,354	SERGEANT
14	43,326	INSPECTOR
15	42,636	INSPECTOR
16	42,499	SERGEANT
17	42,148	SERGEANT
18	41,635	SERGEANT
19	41,296	GARDA
20	41,197	SERGEANT

I am refusing part 3 of your request seeking “*The total pay those Garda made during 2020 in overtime/basic pay/allowance and other payments*” and the parts of your request that sought the gender of the members in receipt of overtime and their Divisions in accordance with Section 37(1) of the FOI Act. I believe if the Division and gender were provided and used in conjunction with the rank it could easily identify individual members.

### **Section 37 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).*

Information that is considered personal is not released under the provisions of the FOI Act when it refers to an identifiable individual(s) and meets the definition as per Section 2 of the FOI Act.

Personal information is defined at section 2 of the FOI Act and includes the following:

### **Section 2 — Interpretation**

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—*

*(iii) information relating to the employment or employment history of the individual,*

I am refusing to provide the information contained within this specific record as I believe that the release of this information, which is specific to an individual(s), will allow for a person(s) to become easily identifiable and possibly named in the public domain. I am also refusing to provide the information contained within these specific records as I believe that it would be considered a breach of the confidentiality upon which the information is being held by the Garda Organisation.

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,
- 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 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 outweighs the public interest which would be served were the records released to you in their entirety.

The nature of Garda work and the requirement that the Garda authorities respond, in some cases at short notice, to immediate policing demands means that there is a necessity to incur overtime expenses to ensure effective policing. Accordingly, there will always be a need for a certain level of overtime to allow An Garda Síochána flexibility when responding to circumstances that require additional resources for specific operations. These additional resources will have to be over and above those available from Gardaí on rostered duty thus ensuring the continuation of normal policing duties unabated.

In addition, police led operations can require the deployment of extra resources on overtime. This includes the implementation of anti-crime and anti-burglary initiatives. Similarly, non-crime related events and events organised by interest groups within the general public can require overtime to police effectively as additional Gardaí may need to be deployed to ensure public safety.

## **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-000005-2021**.

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

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-000005-2021) 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](http://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,

  
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**PAUL BASSETT**  
**FREEDOM OF INFORMATION OFFICER**

28<sup>th</sup> JANUARY, 2021.