

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 DR90



Freedom of Information Office
An Garda Síochána, Athlumney House
IDA Business Park
Johnstown, Navan
Co Meath
C15 DR90

Teileafón/Tel: (046) 9036350

Bí linn/Join us  

Láithreán Gréasain/Website:
www.garda.ie

Ríomh-phoist/Email: foi@garda.ie

Freedom of Information Request FOI-000298-2020 Request Part Granted

Dear .

I refer to your request, dated and received on the 31st August, 2020 which you have 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.

As advised in the acknowledgment letter issued on the 31st August, 2020 has been segregated into two individual requests.

Your request sought:

The number of Gardai dismissed from their job for the first eight months of this year and the corresponding figure for the same period last year.

The reasons for dismissal in each of the cases for 2020. The rank of the Gardai dismissed this year.

The number of Gardai suspended from duty for the first eight months of this year and the corresponding figures for the same period last year. The rank of Gardai suspended this year.

The number of Gardai found to be in breach of Garda internal discipline for the first eight months of this year, the fines in each case and the cumulative fines imposed.

I have now made a decision to part grant your request on 25th September, 2020.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision.

Details of your request were forwarded to the relevant Sections of An Garda Síochána who conducted a search of their records.

Part 1 of your request sought “*The number of Gardai dismissed from their job for the first eight months of this year and the corresponding figure for the same period last year*”. We have been advised that for the first eight months of this year the number of Gardai dismissed was 3 and the corresponding figure for the same period last year was 5. Part 2 of your request sought “*The reasons for dismissal in each of the cases for 2020. The rank of the Gardai dismissed this year*”. I can now advise that the 3 members dismissed in 2020 were Probationers and were dismissed under the Probation regulations.

The table below provides the records requested in part 3 of your request “*The number of Gardai suspended from duty for the first eight months of this year and the corresponding figures for the same period last year*”.

Number of Members Suspended 2019	Number of Members Suspended 2020
14	22

*2019 figures are from Jan 2019 to 15th August 2019 & 2020 figures are from Jan 2020 to 18th August 2020

Part 3 also sought “*The rank of Gardai suspended this year*”. In accordance with Section 37 of the FOI Act I am refusing to provide a breakdown of the rank of the suspended members because I believe that due to the small number of individuals involved, releasing their ranks could lead to them being easily identifiable beyond their family and friends and it would be considered a breach of the confidentiality upon which the information is being held by the Garda Organisation.

Section 2 – Interpretation of the Act

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, 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 into 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 –

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

Section 37 – Personal Information

Section 37(1) provides that a public body shall refuse to grant a request if access to the record concerned would involve the disclosure of personal information. The release of the member's

ranks could allow for a person(s) to become more identifiable and possibly named in the public domain and is personal information. I am therefore applying section 37(1) Personal Information which 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)

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:

Public Interest Test

As per section 37(5) 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 was carried out when considering the release of the personal information. 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 its disciplinary proceedings outweighs the public interest which would be served were the records released to you.

I wish to advise you that I am refusing to release the records you seek in part 4 of your FOI request in accordance with Section 15(1)(d) which states;

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.

Discipline statistical information is now routinely published on the Garda website and is updated on a monthly basis you can access this information by following the link below;

<https://www.garda.ie/en/About-Us/Our-Departments/Governance-and-Accountability/Internal-Affairs/Internal-Affairs.html>

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-000298-2020**.

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: IE86BOFI90001710026896

BIC: BOFIE2D

You must ensure your FOI reference number FOI-000298-2020 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 wish to discuss the above, please contact the FOI office by telephone at (046) 9036350.

Yours sincerely,



ASSISTANT PRINCIPAL

PAUL BASSETT

FREEDOM OF INFORMATION OFFICER

25th **SEPTEMBER, 2020.**