

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

Ríomh-phoist:/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000062-2022 Request Part Granted

Dear

I refer to your request, dated and received on 2nd February, 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:

I am making this request under the Freedom of Information Act and would like to be provided with the following information please:

Over the past five years, how many former Assistant Commissioners, Chief Superintendents and Superintendents have been re-employed in some form by An Garda Síochána.

Could I be provided with their names.

Could I also get a breakdown of what services they were hired to carry out and also how much they were paid.

In addition, could I be provided with details of how many were given back a laptop which was previously assigned to them while a serving member of the force.

I wish to inform you that I have decided to part grant your request on the 4th March 2022.

The purpose of this letter is to explain that decision.

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1. Findings, particulars and reasons for decision

Upon receipt, your request was forwarded to the relevant sections within An Garda Síochána. Who have advised this office that Mr. Michael O’Sullivan, former Assistant Commissioner, was engaged from 19th August, 2020 to 1st June, 2021 as Chair/Facilitator to the Westmanstown Rosters Working Group. I also wish to advise that Mr Tony McLoughlin, former Chief Superintendent, was engaged from 17th June, 2021 to present day undertaking work on developing a policy to address online abuse of members via social media platforms. Both of the above engagements were based on a fixed daily rate.

The table below details former Superintendents who were engaged to correct exam papers for the Sergeants’ and Inspectors’ Promotion Examinations for years 2017, 2018 & 2019. There were no examinations held in 2020 or 2021.

List of Superintendents		
Declan Good	Martin Cashen	Joseph O’Connor
John Courtney	Mary Gormley	Michael Fitzpatrick
Elizabeth Devine	John Moloney	Mary Delmar
Kevin Dolan	Gerard Delmar	James O’Connor
Thomas Duggan	Mary Murray	Michael Devine
John Hand	Seamus Cannon	Brian Mohan
Edward McKeown	Ray McHugh	Alf Martyn
Patrick McCarthy	John O’Driscoll	
Paul Moran	Gerard Redmond	
Thady Muldoon	James Cannon	
Enda Walshe	Brendan Connolly	
Joseph Prendergast	Noel Cunningham	

I am refusing to release the rates of pay for each individual, as 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. 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—

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

I am therefore applying Section 37(1) of the FOI Act which states:

Section 37 - Personal Information

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).

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 have 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 employment details and financial affairs of personnel outweighs the public interest which would be served were the records released to you in their entirety.

In addition I am also refusing the last part your request as the records sought do not exist. I am doing so in accordance with Section 15(1)(a) of the FOI Act which 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 (a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,

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-00062-2022**.

Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, 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-000062-2022 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**

4th MARCH, 2022.