

# 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](http://www.garda.ie)

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

## Re: Freedom of Information Request FOI-000199-2020 Request Part Grant

*Dear*

I refer to your request, dated 9<sup>th</sup> June, 2020 and received on 10<sup>th</sup> June, 2020 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 Freedom of Information Act, I am requesting the release of the number of official complaints of racist abuse made against the force by members of the public since 2014.*

*I am also requesting the release of the number of official complaints of racism against staff and members of the force, made by fellow staff or members of the force to HR since 2014.*

*I am also seeking information regarding any action taken regarding the above and the outcome of any complaints made.*

I wish to inform you that I have decided to part grant your request on the 17<sup>th</sup> June, 2019.

The purpose of this letter is to explain that decision.

## 1. Findings, particulars and reasons for decision

Upon receipt, your request was forwarded to the HR Section of An Garda Síochána to determine if the records that you are seeking exist.

I am refusing Part 1 of your request were you sought “*the release of the number of official complaints of racist abuse made against the force by members of the public since 2014*” in accordance with 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.

HR records refer to personal records of staff working within An Garda Síochána. They also relate to statistical information in respect of the organisation, e.g. sick leave, discipline, retirements, etc. Financial records relate to the financial expenditure of the organisation and procurement records relate to the contracting of services and the tendering process associated with same. Consequently, part 1 of your request falls outside the scope of the FOI Act insofar as it pertains to An Garda Síochána.

In relation to part 2 and 3 of your request this office has been informed that in 2017 there were two official complaints of racism that involved staff members of An Garda Síochána. However, following investigations the complaints were not upheld and therefore no action was taken. In respect of 2014, 2015, 2016, 2018 and 2019 there was no recorded cases of racial complaints. Subsequently I am refusing the release of records for those years in accordance with the requirements of Section 15(1)(a) of the Freedom of Information Act 2014 as the records concerned do not exist.

### ***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-000199-2020**.

***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:** BOFIIIE2D

**You must ensure that your FOI reference number (FOI-000199-2020) 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](http://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

 JUNE, 2020.