

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-000232-2021 Request Part-Grant

Dear

I refer to your request, dated 26th June, 2021 and received on 28th June, 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 wish to make a request under the Freedom of Information Act 2014.

With regard to the Special Investigation Unit within the Department of Social Protection to which Gardai are seconded to help investigate Pandemic Unemployment Payment claims:

- 1. What is the exact current number of Gardai investigating Pandemic Unemployment Payment claims in the unit?*
- 2. How many Gardai have been brought in to work at the Special Investigation Unit since 2014? Specifically, how many new Gardai have joined the unit each year since 2014, with the breakdown provided annually to date.*

3. *How much does it cost to employ Gardai in the unit per year? I would like the following information broken down by year from 2014 to 2020, as well as for the period January 2021 to date: The overall cost of wages for Gardai seconded to the unit.*
4. *Can you provide a breakdown of the ranks of Gardai currently seconded to the Special Investigation Unit?*
5. *How much overtime has been paid to Gardai seconded to the Special Investigation Unit for the year 2019, for the year 2020, from the period March 2020 to date, and for the period January 2021 to date.*

I wish to inform you that I have decided to part-grant your request on the 22nd July 2021.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

Details of your request were provided to the relevant sections within An Garda Síochána who conducted a search for records relating to your request. For ease of reference I have numbered your request.

There are currently 19 Garda members with Special Investigation Unit duties within the Department of Social Protection. However, it is not recorded if they are solely investigating Pandemic Unemployment Payment claims. I am therefore refusing Part 1 of your request in accordance with Section 15 1(a) of the FOI Act as the records does not exist.

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,

In relation to Part 2 of your request seeking “*How many Gardai have been brought in to work at the Special Investigation Unit since 2014? Specifically, how many new Gardai have joined the unit each year since 2014, with the breakdown provided annually to date*” please see Table A below.

Table A

2014	2015	2016	2017	2018	2019	2020	2021 (to-date)
20	0	0	8	0	4	3	0

Please find Table B below which outlines the records sought in Part 3 and Part 5 of your request.

Table B

	2015	2016	2017	2018	2019	2020	Q1 2021
Total costs recharged to SIU	€1,265,687	€1,078,405	€1,011,323	€1,041,125	€991,829	€1,113,415	€346,812
	>The costs shown are those that are recharged to the SIU. These include payroll costs and a small amount of travel and subsistence						
	>The payment for 2015 includes costs related to December 2014. The secondment recharges only commenced from December 2014 and this element was recharged in 2015						
	2019	2020	Q1 2021				
Overtime element included in costs above	€27,887	€36,668	€9,145				

Furthermore I wish to advise you that I am refusing part 4 of your request seeking “*Can you provide a breakdown of the ranks of Gardai currently seconded to the Special Investigation Unit*” in accordance with Section 37(1) of the FOI Act. I believe because of the small numbers involved if a breakdown of rank were provided 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.

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-000232-2021**.

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-000232-2021 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

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

22nd JULY, 2021.