

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-000256-2020 Request Part Granted

Dear

I refer to your request, dated and received on 28th July 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:

I am making this request under the Freedom of Information Act for records on the fleet of cars available to senior politicians including the Taoiseach, Tánaiste, Justice Minister, Minister for Foreign Affairs and former Taoisigh.

Please include the following records:

- *A full list of all cars in the fleet including make, year, mileage and fuel type/electric hybrid etc and which politician the vehicle is assigned to.*
- *Details of all purchases and disposals of vehicles in 2019 and to date in 2020 including the purchase price of vehicles or sale price/scrappage costs of vehicles that have been disposed of;*
- *A copy of the current policy on which politicians are entitled to the use of a State car;*
- *The number of Garda drivers employed to provide the State car service to politicians;*
- *Details of the cost of running the fleet including drivers' salaries, fuel, maintenance etc in 2019.*

I wish to inform you that I have decided to part-grant your request on 18th August 2020

The purpose of this letter is to explain my decision in respect of each part of your request.

1. Findings, particulars and reasons for decision

Upon receipt, your request was forwarded to the relevant sections of An Garda Síochána where a search was conducted in respect of same and a number of records identified.

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.

Part 1 of your request sought "*A full list of all cars in the fleet including make, year, mileage and fuel type/electric hybrid etc and which politician the vehicle is assigned to.*"

As previously outlined above, 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. The types of vehicles used by An Garda Síochána do not constitute an administrative record relating to human resources, finance or procurement. I am therefore refusing this information as it falls outside the scope of the FOI Act insofar as it pertains to An Garda Síochána.

Part 2 of your request sought "*Details of all purchases and disposals of vehicles in 2019 and to date in 2020 including the purchase price of vehicles or sale price/scrappage costs of vehicles that have been disposed of;*" The number of vehicles assigned to the Ministerial Fleet at any given time, including any increases or decrease to same, is an operational policing matter. Pursuant to Part 1(n) of Schedule 1 of the FOI Act, operational policing matters fall outside of the scope of the Act insofar as it applies to An Garda Síochána. Therefore, I am refusing the release of this information.

In addition, I am refusing the release of records containing the purchase price of vehicles or sale price/scrappage costs of vehicles that have been disposed of. I am doing so pursuant to Section 36(1) of the Act wherein:

Commercially sensitive information

36. (1) Subject to subsection (2), a head shall refuse to grant an FOI request if the record concerned contains—

- (b) *financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation, or*
- (c) *information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.*

I am satisfied that the release of prices paid by An Garda Síochána to suppliers for particular goods would prejudice the competitive position of the supplier by making their costs per unit publically known and would also prejudice the conduct of future contractual negotiations. This information therefore is commercially sensitive in accordance with the provisions of section 36 of the FOI Act.

I am cognisant of the fact that the release of information under the Act is, in essence, a release to the public at large. The pricing structure of a supplier with regard to goods provided to An Garda Síochána is not known to competitors or the public in general. If this record were made available to you, it is reasonable to expect that it would prejudice the ability of the supplier to compete in other contracts or negotiations in the future.

I am of the view that the release of a suppliers pricing structure could reasonably be expected to result in a material financial loss by the supplier as it could prejudice their competitive position in the conduct of their business. The placing of these pricing structures into the public domain could also reasonably be expected to give a competitive advantage to other companies seeking similar contracts with public bodies.

Public Interest Test

There is a Public Interest Test associated with Section 36 of the FOI Act whereby my decision must be made having fully considered the public interest relevant to this request.

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 being released.
- The right to commercial confidentiality is outweighed by the needs of the public regarding the expenditure of public funds by a public body.

In considering the public interest factors which favour withholding the records I have taken account of the following:

- Allowing a public body to hold commercial information without undue access by members of the public.
- The best course of action which is in the public interest with regard to these records.

- That An Garda Síochána can conduct its business with external contractors in a confidential manner.
- That there is a reasonable and implied expectation by contractors that financial information pertaining to services provided will be held in a confidential manner.
- That there is no overriding public interest that outweighs the right to privacy by an individual or in this case the financial activities of a service provider.

Having balanced the public interest factors both for and against release, I have decided that the public interest in preserving the information and the reasonable expectation that information can be maintained in a confidential manner by An Garda Síochána, in the context of its financial dealings with external organisations, outweighs the public interest which would be served were these records released to you.

The third part of your request sought “*A copy of the current policy on which politicians are entitled to the use of a State car*”. The provision of security to political office holders is an operational policing matter.

As previously outlined above, 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. Operational policing matters do not come within the ambit of this partially included agency as set out in Part 1(n) of Schedule 1 of the FOI Act. I am therefore refusing this information as it falls outside the scope of the FOI Act insofar as it pertains to An Garda Síochána

Part 4 of your request sought “*The number of Garda drivers employed to provide the State car service to politicians*”. I am refusing the release of records relating to this request, and do so under Section 42 of the FOI Act which states that:

Restriction of Act

42. This Act does not apply to—

- (b) a record held or created by the Garda Síochána that relates to any of the following:
- (i) the Emergency Response Unit;
 - (iii) the Special Detective Unit (SDU);
 - (iv) the witness protection programme sponsored by it;
 - (v) the Security and Intelligence Section;
 - (vi) the management and use of covert intelligence operations;

In accordance with the requirements of Section 42 of the Freedom of Information Act 2014 I am refusing this part of your request.

The final part of your request sought “*Details of the cost of running the fleet including drivers' salaries, fuel, maintenance etc in 2019*”. I can advise that cost of running the Ministerial Fleet in 2019 amounted to €2,557,970.

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-000256-2020**.

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: Garda Síochána Finance Section Public Bank Account

Account Number: 10026896

Sort Code: 900017

IBAN: IE86BOFI90001710026896

BIC: BOFIE2D

You must ensure that your FOI reference number FOI-000256-2020 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 have any questions or concerns regarding the above, please contact the FOI Office by telephone at (046) 9036350.

Yours sincerely,



PAUL BASSETT
FREEDOM OF INFORMATION OFFICER

18 AUGUST 2020.