

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

Re: Freedom of Information Request FOI-000364-2016 Request Partially Granted

Dear

I refer to the Freedom of Information Act 2014 and your submission to An Garda Síochána dated 5th October and received on the 6th October 2016.

Part 1(n) of Schedule 1 of the Freedom of Information Act 2014 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 shown below:

-records relating to the money An Garda Síochána has spent on ballistic vests/bullet proof/Kevlar vests for its members in the years 2010, 2011, 2012, 2013, 2014, 2015 and up to and including the 31/09/2016.

These records should detail be broken down by year and detail the overall cost per annum spent on ballistic vests as well as the number of gardai who received such ballistic vests per annum.

I wish to inform you that I have decided to partially grant your request on 25th November, 2016.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decisions to deny access

The specialist equipment assigned to each member of An Garda Síochána serves an operational requirement within the environment in which they operate. Equipment such as Ballistic and Anti-Stab Vests serves as a protective measure, allowing Gardaí to carry out their functions to protect society and preserve the peace.

I am providing the cost of ballistic and anti-stab vests that were purchased in 2010, 2011, 2012, 2013, 2014, 2015 and 2016:

Year	2010	2011	2012	2013	2014	2015	2016 (30/09)
Cost	€280,998	€98,737	€128,650	€95,406	€251,561	€115,639	€263,883

I advise that I am refusing the second part of your request seeking *the number of gardai who received such ballistic vests per annum*” pursuant to section 36(b) and (c) which states:

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 the actual number of units purchased would prejudice the competitive position of the supplier by making the cost per unit publically known. 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 the supplier with regard to the services provided to An Garda Síochána is not known to competitors or the public in general. If the records were made available to you it is reasonable to expect that it would prejudice the ability of supplier to compete in other contracts or negotiations in the future.

I am of the view that the release of the 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.

In this regard, I am advised that An Garda Síochána's Procurement Section is currently in discussions with the Office of Government Procurement regarding a tendering process for the provision of this equipment.

Furthermore the supplier's current customers may become aware of a difference in pricing structures being offered to An Garda Síochána which could prejudice any current or future negotiations with these customers.

The release of this information into the public domain could reasonably be expected to disadvantage the supplier when tendering for future contracts as competitors would be aware of the pricing structure and thereby likely to affect current and future contractual negotiations.

Therefore, I am refusing this part of your request under the provisions of section 36(1)(b) & 36(1)(c) as it seeks commercially sensitive information.

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 the release, I decided that the public interest in preserving the information and the reasonable expectation that information can be maintained by An Garda Síochána without prejudicing future financial

endeavors by external service providers outweighs the public interest which would be served were the records released to you.

Having engaged in the consultation process with the supplier I advise that they do not consent to the release of this information. I also have considered the provisions of section 36(2) and decided that they do not have any bearing on the decision as the overriding interest is to protect the sensitive commercial and financial information in this case.

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-000364-2016**.

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: IE86B0F190001710026896
BIC: BOFIIIE2D

You must ensure that your FOI reference number 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 me by telephone at (046) 9036350.

Yours sincerely,

Helen Deely SUPERINTENDENT
HELEN DEELY
FREEDOM OF INFORMATION OFFICER

30th NOVEMBER 2016