

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

Láithreán Gréasain/Website:

www.garda.ie



Riomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000041-2017. Request Refusal.

Dear

I refer to your request, dated 12th February, 2017 and received on 13th February, 2017 which you have made under the Freedom of Information Act (FOI) 2014 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:

Number of cell tower stingray units deployed country wide.

Number of intercepted SMS and Voice calls country wide.

Number of subpoena requests submitted to email providers and social media companies.

Number of computer remote access tools deployed such as FinFisher.

Number of intrusion attempts against garda computer infrastructure in 2016.

Number of gag orders issued in 2016.

All information request periods are for 2016 only.

I wish to inform you that I have decided to refuse your request on the 14th February, 2017.

The purpose of this letter is to explain my decision. This explanation has the following parts:

1. An explanation of the relevant findings concerning the records to which access is denied;
2. A statement of how you can appeal this decision should you wish to do so.

1. Findings, particulars and reasons for decision.

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 seeks records concerned with operational policing matters which 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.

In addition, section 42 of the FOI Act provides for certain restrictions relating to information held by An Garda Síochána and those which are relevant to parts 1-4 of your request are provided below.

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:

- (iii) the Special Detective Unit (SDU);*
- (v) the Security and Intelligence Section;*
- (vi) the management and use of covert intelligence operations;*
- (vii) the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993;*
- (viii) the Criminal Justice (Terrorist Offences) Act 2005;*
- (ix) the Criminal Justice (Surveillance) Act 2009;*
- (x) the Communications (Retention of Data) Act 2011,*

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-000041-2017**.

Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, 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: BOFIE2D

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,

 **SUPERINTENDENT**

HELEN DEELY
FREEDOM OF INFORMATION OFFICE

15th February, 2017