

An Garda Síochána

Oifig Saoráil Faisnéise
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

Bí linn/Join us  

Ríomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000467-2016 Refused

Dear

I refer to your request dated and received on the 28th December 2016 which you 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 is shown below:

I would now wish to request the following details under the FOI Act 2014.

- 1. A breakdown of overtime payments for the period 1/1/16 to 31/10/16 for each of the five Districts within the Division of Tipperary, ie Thurles, Tipperary Town, Cahir, Clonmel and Nenagh.*
- 2. A breakdown of the payments for the period 1/1/16 and 31/10/16 for each rank and for each District ...ie Garda, Sergeant and Inspector.*
- 3. A breakdown of overtime payments for the period 1/1/16 and 31/10/16 for each rank Garda Sergeant and Inspector for the Division of Tipperary in the event a breakdown cannot be provided for each District within the Tipperary Division.*

I wish to inform you that I have decided to refuse your request on 24th January 2017.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decisions

The details of your request were considered in the context of the FOI Act, Part 1(n) of Schedule 1 whereby An Garda Síochána is a partially included agency for the purposes of the provision of records.

With regard to the questions above, information regarding overtime at District level is an operational matter and is not considered an administrative record for the purposes of finance. The nature of Garda work and the requirement that the Garda authorities respond, in some cases at short notice, to immediate policing demands means that there is a necessity to incur overtime expenses to ensure effective policing. Accordingly, there will always be a need for a certain level of overtime to allow An Garda Síochána flexibility when responding to circumstances that require additional resources for specific operations. These additional resources will have to be over and above those available from Gardaí on rostered duty thus ensuring the continuation of normal policing duties unabated. The overtime incurred by individual ranks at District level is directly linked to the core functions of An Garda Síochána and the provision of policing services.

In addition a number of police led operations, in various years, required the deployment of extra resources on overtime. This includes the implementation of anti-crime and anti-burglary initiatives such as Operation Anvil and Operation Thor. Similarly non-crime related events and events organised by interest groups within the general public can require overtime to police effectively as additional Gardaí may need to be deployed to ensure public safety.

The sections of the FOI Act which can apply to deny access to records are known as its exemption provisions. Section 37 (as shown below) is relevant to these records as they contain personal information. Personal information, as defined at section 2 of the FOI Act, 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 –

- (ii) information relating to the financial affairs of the individual,*

Section 37 – Personal Information

I am refusing to provide the records by District as it is my opinion that the information contained therein comes within the ambit of the definition of *Personal Information* as per section 2 of the FOI Act.

This decision is made in accordance with section 37(1) of the FOI Act.

Section 37 of the FOI Act states;

“(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).”

When applying section 37(1) of the FOI Act a Public Interest Test must be applied to ensure the actions taken are done so in the best interest of the public.

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 right to privacy is outweighed by the needs of the public,
- The public interest in members of the public exercising their rights under the FOI Act,

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,
- The public interest is not best served by releasing these records,
- That the Organisation can conduct its business in a confidential manner,
- That there is a reasonable and implied expectation by employees that personal financial information will remain confidential.

A Public Interest Test was carried out when considering the release of the personal information. Having balanced the factors both for and against the release, I decided that the public interest in preserving the personal information of Garda members 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 my opinion the release of personal financial information by District can reasonably be expected to lead to the identification of the Garda members who have an expectation that financial information would remain confidential. It is my opinion that the public interest regarding overtime figures is satisfied by the publication of overtime figures at Regional and Divisional level. The following decision contains the latest figures available at <http://www.garda.ie/Documents/User/FOI-000401-2016%20Decision.pdf>

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-000467-2016**.

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: BOFIE2D

You must ensure that your FOI reference number (FOI-000467-2016) 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 OFFICER.

25th January 2017