

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

Bí linn/Join us  

Láithreán Gréasain/Website: www.garda.ie

Ríomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000408-2016 Request Refused

Dear

I refer to the Freedom of Information Act 2014 and your submission to An Garda Síochána dated and received on 15th November 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 is shown below:

The number of official Garda vehicles damaged in the years 2014, 2015 and 2016 to date. What was the value of this damage. How many claims have resulted from said damage including personal injury claims.

The number of outstanding claims surrounding garda vehicles field during the same time period.

I have now made a final decision to refuse your request on 8th December, 2016.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision

With regards to parts 1 and 2 of your request relating to the number and cost of damage to official garda vehicles, I note that a member of my staff contacted you with a view to clarifying the nature of the “*damage*”. In response you indicated that you sought records of “*All damage sustained in any capacity*”.

A search of the Financial Management System was requested in order to identify possible records that could be relevant to your FOI request. The Finance Section has advised that all work carried out on official vehicles, regardless of the cause are recorded as maintenance. An Garda Síochána publishes the total maintenance costs for official vehicles on its website at <http://garda.ie/Controller.aspx?Page=15991>.

I am therefore refusing this part your request on the basis that the information is already in the public domain under section 15(1)(d) of the FOI Act.

Refusal on administrative grounds to grant FOI requests

15. (1) *A head to whom an FOI request is made may refuse to grant the request where—*

(d) *the information is already in the public domain.*

Furthermore, the Comptroller and Auditor General’s annual reports provides details of damage incurred to official vehicles as a result of road traffic accidents under Vote 20 Garda Síochána, section 6.4.

The 2014 report is available from the Comptroller and Auditor General’s website at <http://www.audgen.gov.ie/documents/annualreports/2014/appacc/en/vote%2020%20garda.pdf> and the 2015 report at <http://www.audgen.gov.ie/documents/annualreports/2015/appacc/en/vote%2020.pdf>.

These figures are compiled specifically for the report and the 2016 figures will be available in 2017.

On reviewing parts 3 and 4 of your request seeking the number of claims received since 2014 and the number of claims currently outstanding I have decided that the records you have sought are not “*administrative records relating to human resources, finance or procurement*”.

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, I am refusing these parts of your request on the basis that they do not fall within the scope of the FOI Act insofar as it pertains to An Garda Síochána.

I advise that the Comptroller and Auditor General’s reports also details the number and costs of compensation claims arising from accidents involving Garda vehicles under section 6.6 of Vote 20 Garda Síochána (see links above).

Furthermore, I advise that any claims for compensation from gardaí or members of the public are referred to the State Claims Agency, who makes the final determination on each claim. The National Treasury Management Agency (NTMA), who also act as the State Claims Agency, may hold the records you seek and may be contacted as follows:

Freedom of Information Unit,
NTMA,
Treasury Building,
Grand Canal Street,
Dublin 2.
Phone: 01-2385050
Email: foi@ntma.ie

2. Rights 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-000408-2016**

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 (FOI-000408-2016) 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 will be removed to protect confidentiality where applicable.

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.

 **DECEMBER, 2016**