

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-000242-2016 Partially Granted

Dear

I refer to your request, dated and received on 27th June 2016 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. Records that relate to the functions and management of the organisation are restricted.

Your request sought:

- 1) *The amount An Garda Síochána have spent on hiring out recovery firms to pick up vehicles that have been seized by Gardai for no insurance, part of investigation etc in the years 2014, 2015 and to-date in 2016*
- 2) *The names of companies that have awarded the contract for same*
- 3) *The amount An Garda Síochána have paid each firm for such works in each of the years mentioned above.*

I wish to inform you that I have decided to **partially grant** your request on the 20th July 2016.

1. Findings, particulars and reasons for decision

The purpose of this letter is to explain my decision. The sections of the FOI Act which can apply to deny access to documents are known as its exemption provisions.

The Finance section was contacted to identify the records relating to the costs relating to towage and storage of vehicles.

I am granting the first part of your request 'the amount An Garda Síochána have spent on hiring out recovery firms to pick up vehicles that have been seized by Gardai for no insurance, part of investigation etc in the years 2014,2015 and to-date in 2016' the details of which are outlined below as follows:

An Garda Síochána Expenditure for Towing and Storage of Vehicles

January 2014 – May 2016

2014	2015	2016 (Jan - May)
€4,420,677	€5,513,198	€2,525,678

The above expenditure relates to all towing and storage costs incurred by An Garda Síochána from 1st January 2014 to 31st May 2016. Towing fees include all vehicles detained under Section 41 of the Road Traffic Act 1994, official Garda vehicles and other vehicles seized or transported by An Garda Síochána for investigative, evidential and technical examination purposes. These figures include sums paid to non contracted firms who had been requested to remove a vehicle in an emergency situation or in cases where the location of the vehicle presented a danger to other road users and required immediate removal.

Details relating to Section 41 of the Road Traffic Act 1994 is available at the following URL for your ease of reference: <http://www.irishstatutebook.ie/eli/1994/act/7/section/41/enacted/en/html>. The number of incidents where vehicles were detained under Section 41 is published in An Garda Síochána's Annual Reports for 2013 and 2014. (See <http://www.garda.ie/Controller.aspx?Page=16448>). The 2015 annual report is due to be published shortly.

I am refusing the second part of your request 'the names of companies that have awarded the contract for same' under section 15(1)(d) of the FOI Act as the details of the successful tenderers for towing contracts is already in the public domain and available on the etenders website at the following URL:

<https://irl.eu-supply.com/ctm/Supplier/PublicTenders>

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,

I am refusing the third part of your request 'the amount An Garda Síochána have paid each firm for such works in each of the years mentioned above' under section 32 of the FOI Act as follows:

Section 32 – Law enforcement and public safety

Sections 32(1)(a)(i), 32(1)(a)(ii), 32(1)(a)(iii) and 32(1)(a)(ix) (Law enforcement and public safety) is applicable to the information you have requested. The release of such information could prejudice or impair the investigation of offences by An Garda Síochána in accordance with section 32 of the

FOI Act, as shown below. The functions of An Garda Síochána are, in the main, directed towards the prevention, detection and investigation of criminal activities. It is not in the public interest to impair or prejudice Garda functions by releasing information under the FOI Act which could reasonably be expected to harm an investigation, put at risk public safety or be detrimental to the investigative process. For example, it is reasonable to expect that the persons/companies supplying certain operational related services to An Garda Síochána receive due consideration for their safety and that of their premises and are not unnecessarily placed in situations where they could be subjected to harm in any way. There are certain circumstances when assistance is provided to An Garda Síochána relating to investigations where vehicles are towed and stored by private companies. It is reasonable to expect that the identification of the amount of money paid to private individuals/companies who provide a service in such circumstances could be subjected to intimidation or other harmful methods in an attempt to negatively impact a criminal investigation. Similarly the vehicles towed must not be interfered or tampered with to ensure the investigative process, enforcement of law or lawful methods to protect public safety are not impaired or prejudiced.

As a result of these genuine and reasonable concerns the release of certain records are excluded under section 32 of the FOI Act.

Section 32 – Law enforcement and public safety

32.(1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—

(a) prejudice or impair -

- (i) the prevention, detection or investigation of offences, the apprehension or prosecution of offenders or the effectiveness of lawful methods, systems, plans or procedures employed for the purposes of the matters aforesaid,*
- (ii) the enforcement of, compliance with or administration of any law,*
- (iii) lawful methods, systems, plans or procedures for ensuring the safety of the public and the safety or security of persons and property,*
- (ix) the security of a building or other structure or a vehicle, ship, boat or aircraft, or*

I am of the opinion, that I have satisfied the public interest in this matter by supplying summary details of expenditure as granted in the first part of your request.

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-000242-2016**.

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 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

 **JULY 2016**