

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-000270-2016 Partially Granted

Dear

I refer to your amended request dated and received on the 20th July 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:

- *The Garda overtime bill nationally for the first six months of 2016.*
- *The Garda overtime bill nationally for the first six months of 2015.*
- *The number of overtime hours recorded in the first six months of 2016.*
- *The number of overtime hours recorded in the first six months of 2015.*
- *The top 20 amounts of overtime received by members of the force, their rank and the district in which they serve for the first six months of this year.*
- *The overtime bill for the Dublin Metropolitan Region for the first six months of 2016*
- *The overtime bill for the Dublin Metropolitan Region for the first six months of 2015.*
- *The overtime bill for the DMR North Central Division for the first six months of 2016.*
- *The overtime bill for the DMR North Central Division for the first six months of 2015.*

I wish to inform you that I have decided to partially grant your request on 15th August 2016.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decisions

Details of your request were provided to the Finance Section who conducted a search of their records and identified the following records as outlined below.

Parts 1 and 2 of your request are seeking '*The Garda overtime bill nationally for the first six months of 2016 and the Garda overtime bill nationally for the first six months of 2015*'

Please see Table A below which outlines the Garda overtime expenditure nationally for the first 6 months of 2015 and 2016.

Table A: - Garda Overtime Expenditure

January – June 2015	January – June 2016
€20,065,517	€29,586,354

The Commissioner officially launched a National Anti Crime Strategy titled Operation Thor on the 2nd November, 2015 with a primary focus on crime prevention and the targeting of individuals involved in the commission of burglary and burglary related crime.

A budget of €5 million was provided by the Department of Justice & Equality to support the effective implementation of Operation Thor, to include a combination of additional high visibility patrols, checkpoints, rapid armed response and public awareness measures. This supplementary budget was provided to cover Operation Thor activities from the period 2nd November, 2015 to 27th March, 2016 and has been fully expended. €4.5 million was devolved to Garda Regions/Branches in the form of overtime in order to facilitate additional policing activity with the remainder going towards a high profile national crime prevention awareness campaign and targeted crime prevention advice for local communities.

In February 2016 an extra €5 million was allocated by the Department of Justice and Equality to resource additional measures to tackle organised crime. €3.7 million was devolved to Garda Regions/Branches in the form of overtime in order to facilitate multiple rolling checkpoints, extra patrols and implementing measures to tackle organised crime. The remainder was used to provide operational equipment to support the abovementioned measures. The €5 million was fully expended by the end of June 2016.

Parts 3 and 4 of your request seeks '*The number of overtime hours recorded in the first six months of 2016 and the number of overtime hours recorded in the first six months of 2015*'.

Please see Table B below which outlines the number of Garda overtime hours recorded nationally for the first 6 months of 2015 and 2016.

Table B: - Garda Overtime Hours

January – June 2015	January – June 2016
618,354	904,689

Part 5 of your request is seeking ‘*the top 20 amounts of overtime received by members of the force, their rank and the district in which they serve for the first six months of this year*’.

I am part-granting this section of your request. 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).”

In 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 sensitive personal 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 this personal financial information by District can reasonably be expected to lead to the identification of the Garda members in receipt of the overtime. There is also a reasonable expectation by Garda members that his type of financial information would remain confidential. It is my opinion that the public interest is satisfied by releasing the records at Regional level.

However, I am in a position to provide the top 20 amounts of overtime received by Region from January to June 2016 and this information is set out in Table C below. It should be further noted that overtime is only payable to members at Garda, Sergeant and Inspector rank.

**Table C: - List of members receiving highest overtime payments*
1st - January 2016 to 30th June 2016**

No.	Rank	Location	Amount
1	Sergeant	DMR	€34,666
2	Garda	DMR	€31,690
3	Garda	DMR	€30,704
4	Sergeant	DMR	€29,774
5	Garda	DMR	€26,339
6	Garda	DMR	€25,978
7	Sergeant	DMR	€25,560
8	Inspector	DMR	€25,138
9	Sergeant	DMR	€24,961
10	Sergeant	DMR	€24,908
11	Garda	DMR	€24,851
12	Sergeant	DMR	€24,702
13	Inspector	DMR	€24,510
14	Garda	DMR	€24,331
15	Inspector	DMR	€24,215
16	Sergeant	DMR	€24,208
17	Sergeant	DMR	€24,141
18	Sergeant	DMR	€24,019
19	Sergeant	DMR	€23,900
20	Garda	DMR	€23,892

*The figures shown refer to the amount of overtime paid out and not necessarily the period within which the costs were incurred. This is due to a number of factors such as

the fact that the roster system worked by An Garda Síochána does not align with the calendar months and payment of overtime is generally issued within two weeks after the end of each roster. Therefore overtime can be incurred in two different months and paid out in a different third month. For example overtime incurred on 29th March 2016 is included in the roster ending 24th April 2016 which was paid in early May 2016. It is also possible, whilst not a widespread common occurrence, for overtime to be retrospectively claimed for previous months and recorded in the months the claim is paid and not the month the overtime was incurred.

Parts 6 and 7 of your request are seeking the *'The overtime bill for the Dublin Metropolitan Region for the first six months of 2016 and the overtime bill for the Dublin Metropolitan Region for the first six months of 2015'*

Please see Table D below which outlines the Garda overtime expenditure for the Dublin Metropolitan Region for the first 6 months of both 2015 and 2016.

Table D: - Garda Overtime Expenditure for the Dublin Metropolitan Region

Dublin Metropolitan Region	
January – June 2015	€11,407,776
January – June 2016	€18,472,902

Parts 8 and 9 of your request are seeking *'the overtime bill for the DMR North Central Division for the first six months of 2016 and the overtime bill for the DMR North Central Division for the first six months of 2015'*.

Please see Table E below which outlines the Garda overtime for the DMR North Central Division for the first 6 months of both 2015 and 2016.

Table E: - Garda Overtime Expenditure for DMR North Central

DMR North Central Division	
January – June 2015	€2,271,559
January – June 2016	€4,554,875

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 **F0I-000270-2016**.

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: BOFIIE2D

You must ensure that your FOI reference number (FOI-000270-2016) 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

17th AUGUST 2016.