

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-000046-2016

Refusal Letter

Dear

I refer to the Freedom of Information Act 2014 and your submission to An Garda Síochána dated and received on the 5th February 2016.

Part 1 (n) of Schedule 1 of the Freedom of Information Act 2014 (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 am making a freedom of information request under section 12 of the Freedom of Information Act 2014. Can I have access to the Asset Register that is held by An Garda Síochána as per section 12 of the Freedom of Information act 2014.

I have now made a final decision to **refuse your request**

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decisions to deny access

An Garda Síochána retains a Firearms Register and a General Assets Register. I am refusing to provide you with details of both Registers on a number of grounds as set out below.

I am refusing your request on administrative grounds as the nature of the information concerned would require the retrieval and examination of such number of records concerned that would cause an unreasonable interference or disruption to the working of a functional Section within An Garda Síochána. The records contain information which is exempted under the Act therefore requiring a significant amount of work to identify records maintained by those exempted sections and remove/redact them from the registers prior to being provided.

Section 15 (1) (c) of the Freedom of Information Act 2014 states:

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—*
- (c) *in the opinion of the head, granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, require the retrieval and examination of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of work (including disruption of work in a particular functional area) of the FOI body concerned"*

I am also refusing the provision of both the Firearms and General Assets Registers of An Garda Síochána under Section 32(1)(a)(i), 32(1)(a)(ii), 32(1)(a)(iii), 32(1)(a)(ix) & 32(1)(a)(x) of the Act. The information contained in the registers could, in my opinion, reasonably be expected to prejudice or impair the operational capabilities of Gardaí when dealing with criminal elements of society. The identification of assets held in each Garda Station will allow criminal elements to amass knowledge regarding the capabilities of Gardaí in specific areas around the State. This information, not elsewhere available in the public domain, could reasonably be expected to allow a criminal better prepare for a Garda response to an act of criminality. The release of this type of detailed information creates a risk to Garda members and society alike and is likely to prejudice the capabilities of An Garda Síochána to carry out its functions under section 7 of the Garda Síochána Act 2005.

Section 32 of the Act states:

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 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*

- (x) *the security of any system of communications, whether internal or external, of the Garda Síochána, the Defence Forces, the Revenue Commissioners or a penal institution,'*

The provision of details of the General Assets Register or the Firearms Register of An Garda Síochána could reasonably be expected to affect the Security of the State therefore I am also refusing your request under Section 33(1)(a) of the Freedom of Information Act 2014 wherein it states:

Security, defence and international relations

33. (1) *A head may refuse to grant an FOI request in relation to a record (and in particular but without prejudice to the generality otherwise of this subsection, to a record to which subsection (2) applies) if, in the opinion of the head, access to it could reasonably be expected to affect adversely –*
- (a) *the security of the State,'*

Part 5 of the Freedom of Information Act 2014 (Restriction of the Act) also applies to the General Assets Register and the Firearms Register of An Garda Síochána; specifically Section 42.

Restriction of Act

42. *This Act does not apply to—*
- (a) *a record held or created by the Garda Síochána that relates to any of the following;*
 - (i) *the Emergency Response Unit;*
 - (ii) *the Secret Service Fund maintained by it;*
 - (iii) *the Special Detective Unit (SDU);*
 - (iv) *the witness protection programme sponsored by it;*
 - (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 **F01-000046-2016**.

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,

29TH FEBRUARY 2016