

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-000179-2016 Refused

Dear

I refer to the Freedom of Information Act 2014 (FOI Act) and your submission to An Garda Síochána dated 5th May 2016 and received on 10th May 2016.

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:

In accordance with the Freedom of Information Act, I wish to request access to the following information/documents held by your department;

1. *Details of payments made by An Garda Síochána to TV contractors/companies (EG - Sky) in 2016, 2015 and 2014*

*The amount of money spent by An Garda Síochána to TV companies is as follows:
Sky Business - €3,363 in 2014 and €3,110 in 2015
UPC Communications IRE LTD - €28,211 in 2014, and €21,366 in 2015.
Virgin Media Ireland LTD - €5,273 in 2015.*

2. *Please confirm if the service provided from Sky /UPC includes access to sports channels (such as Sky Sports 1) and also any horse racing channels, such as Horse Racing UK.*
3. *Can you also please state how much of the total paid to each provided does these sports/horse racing channels account for (other words, how much did it cost for the sports channels / horse racing channel)*
4. *If sports/horse racing channels are included in the service, can An Garda Síochána please state why they feel it is necessary for these to be included in the TV service.*
5. *Also, please state what service was provided in 2014 and 2015 by Sky Business (as stated in the response) – ie what service was provided for the money paid to Sky Business?*
6. *Please also provide all letters, correspondences, documents regarding TV subscriptions and*
7. *the use of TV companies in the functions of An Garda Síochána.*

I wish to inform you that I have decided to refuse all seven parts of your request on the 23rd June 2016. The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decisions.

The refusal to provide detailed information is based on section 32(1)(a)(i), of the FOI Act as set out below.

Section 32(1)(a)(i) - 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,

I am conscious of the fact that once records are disclosed under the provisions of the FOI Act there is no control as to whom the information is shared with. Therefore a release of records under the FOI Act is considered a release to the world in general and not just the individual requesting the information.

The business arrangements for payments to TV Service providers are currently being enquired into. The release of the records at this time would be contrary to the purpose of the inquiry procedures and could reasonably be expected to impair the effectiveness of lawful methods, plans and procedures employed for the purpose of conducting confidential inquiries.

In addition to the above and in respect of your query the potential prejudicial harm that could reasonably be expected relates to the functions carried out by An Garda Síochána as set out in the Garda Síochána Act 2005. Section 7 of the 2005 Act details the functions of An Garda Síochána as providing policing and security services for the State with the objective of -

- (a) preserving peace and public order,
- (b) protecting life and property,

- (c) vindicating the human rights of each individual,
- (d) protecting the security of the State,
- (e) preventing crime,
- (f) bringing criminals to justice, including by detecting and investigating crime, and
- (g) regulating and controlling road traffic and improving road safety.

The release of records at this time would be prejudicial to some of the functions of An Garda Síochána as set out in section 7 of the Garda Síochána Act 2005. It would also impair the ability of the investigative process with regard to the ongoing inquiries.

Section 32 of the FOI Act makes provision for a Harm Test to be conducted with regard to the release of records.

Harm Test

A disclosure of records during an inquiry process can reasonably be expected to assist in the development of policing counter measures by persons involved in the inquiry should they be so included. The inquiry process cannot be exposed or subjected to public scrutiny prior to the completion of the process as it is reasonable to expect the information to be used in manner that is potentially counter-productive to the aims of the inquiry process. This of course is then contrary to the public interest in allowing An Garda Síochána to carry out its functions as a police force. In addition, it would be harmful to the enforcement, compliance and administration of Garda functions as set out at section 7 of the 2005 Act. Any disclosure of records that are detrimental to the effectiveness of policing methods, plans and procedures is also harmful to the public interest.

I have decided that it is not in the public interest to release the records and additionally it is potentially harmful to the ongoing investigative procedures. Therefore I am refusing your FOI Request in accordance with section 32(1)(a)(i) of the FOI Act.

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 **F01-000179-2016**.

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**