

An Garda Síochána

Oifig Saorála 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: [Tel No Unit]

Láithreán Gréasain/Website: www.garda.ie

Bí linn/Join us  

Ríomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000376-2016

Dear

I refer to the Freedom of Information Act 2014 and your submission to An Garda Síochána received on 18th October 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:-

- 1) *The total amount received by gardai in retirement lump-sum payments in 2015 in each of the following divisions — Sligo/Leitrim and Roscommon/Longford.*
- 2) *The total amount received by gardai in retirement lump-sum payments in 2014 in each of the following divisions — Sligo/Leitrim and Roscommon/Longford.*
- 3) *The highest amount received by a Garda last year in a retirement lump sum in each of the above divisions and the total amount paid to the top three gratuity recipients in each of these divisions in 2015.*
- 4) *The total amount paid in overtime to gardai in each of the above divisions last year and the top 10 amounts received by gardai and their rank in each of these divisions.*

I have now made a final decision to partially-grant your request on 14th November 2016.

The purpose of this letter is to explain that decision.

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

Your request was forwarded to the Human Resource Management Section and the Finance Directorate where searches were conducted in this regard.

Parts 1, 2 & 3 of your request sought:

- 1) *The total amount received by gardai in retirement lump-sum payments in 2015 in each of the following divisions — Sligo/Leitrim and Roscommon/Longford.*
- 2) *The total amount received by gardai in retirement lump-sum payments in 2014 in each of the following divisions — Sligo/Leitrim and Roscommon/Longford.*
- 3) *The highest amount received by a Garda last year in a retirement lump sum in each of the above divisions and the total amount paid to the top three gratuity recipients in each of these divisions in 2015.*

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

*'A head to whom an FOI request is made may refuse to grant the request where –
(a) The record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken.'*

Following extensive searches in both the Finance Directorate and the Pensions Section of Human Resource Management Section, I am to advise you that no records were collated in respect of the above. The Finance Directorate have advised this office that information regarding retirement lump-sums are charged to a central cost centre and therefore the information cannot be extracted on a Divisional basis.

The Pensions Section of Human Resource Management do not hold any information regarding retirement lump-sums due to this being processed by the Financial Shared Services Centre, Department of Justice and Equality.

Part 4 of your request sought:

- 4) *The total amount paid in overtime to gardai in each of the above divisions last year and the top 10 amounts received by gardai and their rank in each of these divisions.*

Please see table below which outlines the amount paid in overtime to members of An Garda Síochána in the Sligo/Leitrim and Roscommon/Longford Divisions for 2015.

Division	Amount
Sligo/Leitrim	€591,180.01
Roscommon/Longford	€733,054.38

The latter part of this section of your request is seeking *'the top 10 amounts received by gardai and their rank in each of these divisions'*

Section 2 – Interpretation

2. (1) *In this Act—
“personal information” 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*

I believe that by releasing this information, the individuals involved will become easily identifiable beyond their family and friends and it would be considered a breach of the confidentiality upon which the information is being held by the Garda Organisation. The release of this information, which is specific to each individual, will allow for a person to become more identifiable and possibly named in the public domain. I am therefore applying Section 37(1) Personal Information which states:

Section 37 - Personal Information

- 37 (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).*

There is a Public Interest Test applicable to section 37 of the FOI Act.

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 public interest in members of the public exercising their rights under the FOI Act,
- That there is more than just a transitory interest by the public in this information,
- The right to privacy is outweighed by the needs of the public.

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 by members of the public,
- 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,
- That there is no overriding public interest that outweighs the individual's right to privacy.

A public interest test was carried out when considering the release of the personal information but having balanced the factors both for and against the release, I decided that the public interest in preserving the personal information on what is essentially a personal decision outweighs the public interest which would be served were the records released to you.

I am in a position to advise you however, that the amount paid out in overtime and the top 20 amounts received by Gardaí on a national basis is available on the Freedom of

Information Decision Log and may be accessed by following the attached link:
www.garda.ie/Documents/User/FOI-000008-2016%20Decision.pdf

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-000376-2016**.

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 (FOI-000376-2016) 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.

14TH NOVEMBER 2016

Ag obair le Pobail chun iad a chosaint agus chun freastal orthu / Working with Communities to Protect and Serve