

# An Garda Síochána

Oifig Saorála Fáisnéise  
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  

Please quote reference number FOI-000095-2017

Láithreán Gréasain/Website:  
[www.garda.ie](http://www.garda.ie)

Ríomh-phoist/Email: [foi@garda.ie](mailto:foi@garda.ie)

Date:

---

**Wayne O'Connor**  
**Sunday Independent**

## **RE: Freedom of Information Request FOI-000158-2017** **Partially Granted**

*Dear Mr. O'Connor,*

I refer to your request, dated and received on the 4<sup>th</sup> April 2017, 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

Your request sought:

- *The amount paid in respect of contracts for media training by An Garda Síochána in each of the years 2012, 2013, 2014, 2015, 2016, 2017.*
- *A breakdown of the media training provided in 2016 and 2017; including the dates the training took place, the rank of the gardai to receive the training and the type of media training provided.*

I wish to inform you that I have decided to partially grant your request on the 2<sup>nd</sup> May, 2017.

The purpose of this letter is to explain my decision.

## 1. Findings, particulars and reasons for decision.

A search of the financial management system was conducted at Finance Section, Garda Headquarters to identify the companies that were paid from the Garda Vote relating to public relations and media training services.

I advise that the expenditure on media and communication training by An Garda Síochána have been the subject of a number of requests under the FOI Act. An Garda Síochána, in keeping with section 8 of the FOI Act, maintains a list of decisions made on all non-personal requests, including the full decision letter on the Garda website ([www.garda.ie](http://www.garda.ie)), in the Freedom of Information section.

The following requests relate to your request:

Request Number	Section	Year
FOI-000180-2016	Finance Procurement	2016
FOI-000021-2017	Finance General	2017
FOI-000095-2017	Finance General	2017
FOI-000098-2017	Finance General	2017

I advise that I am refusing your request for “*amount paid in respect of contracts for media training by An Garda Síochána in each of the years 2012, 2013, 2014, 2015, 2016*” pursuant to section 15(1)(d) and (i)(i) of the FOI Act, which 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
- (d) the information is already in the public domain,
  - (i) the request relates to records already released, either to the same or previous requester where –
    - (i) the records are available to the requester concerned, or

However, I am granting your request for the amounts paid in respect of contracts for media training in 2017. I advise payments in relation to media training up to 31<sup>st</sup> March, 2017 are a total of € 3,600.00.

I advise that I am refusing second part of your request seeking a “*breakdown of the media training provided in 2016 and 2017*” pursuant to 15(1)(d) and (i)(i) of the FOI Act, as cited above. The records you seek for 2016 are already contained in the decision numbers FOI-000021-2017 and FOI-000095-2017 listed above.

With respect to the details sought for 2017, I advise that I am refusing this information under section 36(1)(b) & (c) which states:

### ***Commercially sensitive information***

36. (1) Subject to subsection (2), a head shall refuse to grant an FOI request if the record concerned contains—

- (b) *financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the*



*competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation, or*

- (c) *information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.*

I am of the view that the release of the details requested, in conjunction with the total payments made in 2017, would disclose The Communications Clinic's pricing structure due to the small number of training sessions conducted in 2017.

The pricing structure of The Communications Clinic with regard to the services provided to An Garda Síochána is not known to their competitors or the public in general. If these records were made available to you, it is reasonable to expect that it would prejudice the ability of The Communications Clinic to compete in other contracts or negotiations in the future.

I am conscious of the fact that records disclosed under the provisions of the FOI Act are considered a release to the world at large and not just the individual requesting the information.

In addition the publication of such information could reasonably be expected to result in a material financial loss by The Communications Clinic as it could prejudice their competitive position in the conduct of their business. The publication of the services provided with the fees charged into the public domain could also reasonably be expected to assist competitors by giving them competitive advantage when seeking the same media contracts as The Communications Clinic. In addition the current customers may become aware of a difference in fees being applied by The Communications Clinic which could in turn prejudice any current or future negotiations with these customers.

With regard to your request I draw your attention to a recent Office of Information Commissioner decision titled: Mr X and University College Cork (UCC) (FOI Act 2014) case number: 150444. This particular case is relevant as the competitive position of a commercial entity was considered under section 36(1)(b) of the FOI Act.

### **Public Interest Test**

There is a Public Interest Test associated with section 36 of the FOI Act whereby my decision must be made having fully considered the public interest relevant to this request.

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 being released.
- The right to commercial confidentiality is outweighed by the needs of the public regarding the expenditure of public funds by a public body.

In considering the public interest factors which favour withholding the records I have taken account of the following:

- Allowing a public body to hold commercial information without undue access by members of the public.
- The best course of action which is in the public interest with regard to these records.
- That An Garda Síochána can conduct its business with external contractors in a confidential manner.
- That there is a reasonable and implied expectation by contractors that financial information pertaining to services provided will be held in a confidential manner.
- That there is no overriding public interest that outweighs the right to privacy by an individual or in this case the financial activities of a service provider.

Having balanced the public interest factors both for and against the release, I decided that the public interest in preserving the information and the reasonable expectation that information can be maintained by An Garda Síochána without prejudicing future financial endeavors by external service providers outweighs the public interest which would be served were the records released to you.

However, I advise that the following ranks were involved in media training in 2017: Assistant Commissioner; Civilian Professional; Assistant Principal, Superintendent; Inspector; Sergeant and Garda.

## **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-000158- 2017**.

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:** BOFIIIE2D

**You must ensure that your FOI reference number FOI-000158-2017 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](http://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.**

 MAY 2017