

# An Garda Síochána

Oifig Saoráil Faisnéise  
An Garda Síochána  
Teach Áth Luimnigh  
Lárionad Gnó Udáras Forbartha Tionscail  
Baile Sheáin  
An Uaimh  
Contae na Mí



Freedom of Information Office  
An Garda Síochána  
Athlumney House  
IDA Business Park  
Johnstown  
Navan  
Co Meath

Teileafón/Tel: (046) 9036350



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

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

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## Re: Freedom of Information Request FOI-000466-2016 Request Refused

*Dear*

I refer to your request, dated 22<sup>nd</sup> December, 2016 and received on 23<sup>rd</sup> December, 2016 which you have made under the Freedom of Information Act (FOI) 2014 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:

- 1. Has Irish Water Ltd or any commercial company, entity or individual associated with Irish Water Ltd in any way whatsoever, including water meter installation contractors, subcontractors, any company (within or outside) of the state, legal entity or individuals) financially subscribed, financially compensated, made financial contributions too and or made recompense (in any form) to the Department of Justice and Equality as payment for the provision of the services of An Garda Síochána during attendance at water meter installations for the period 2013-to present?*
- 2. Has Irish Water Ltd or any company associated with it whatsoever (including water meter installation contractors, subcontractors, companies, legal entities or individuals) been invoiced for the provision of the services of An Garda Síochána by An Garda Síochána during attendance at water meter installations for the period 2013-to present?*
- 3. What is the aggregate cost of overtime and subsistence made payable to members of An Garda Síochána for attendance at water meter installations during the period 2013 - to present?*

I understand that in a conversation with a member of my staff you have confirmed that part 1 of your request has been directed to the Department of Justice and Equality as this relates to records they may hold.

I wish to inform you that I decided to refuse your request on the 16<sup>th</sup> January 2017.

The purpose of this letter is to explain that decision.

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

An Garda Síochána has a role in ensuring peaceful protests can take place, and also in preventing injury and protecting life. Our objective with any such operation is to ensure the safety of the public.

An Garda Síochána respect people's right to peaceful protest and will facilitate same. Gardai attend protests to facilitate free movement of traffic and to prevent any breaches of the peace. Preservation of the peace means that the right to protest has to be balanced against the constitutional right to execute daily activities and freedom of movement unhindered. Ideally both can occur side by side. Gardai would urge those involved in protests not to block public thoroughfares or interfere with traffic flow.

With regard to the part 2 of your request seeking details of any invoices issued to Irish Water or any associated company by An Garda Síochána, the Financial Management System within An Garda Síochána was queried to identify if the records could be extracted to provide an answer to your request. It has been determined that these specific financial records do not exist.

Therefore, I must refuse your request pursuant to section 15(1)(a) of the FOI Act which states:

*15. (1) 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,*

In relation to part 3 of your request I advise that members of An Garda Síochána are typically rostered for multiple duties and criminal investigations in the course of their work. The breakdown of the cost of manpower associated with each duty type is not captured separately on the Financial Management System.

Similarly, a unique project code does not exist in respect of overtime and travel and subsistence for the operational duties referred to in your request. In the absence of such a project code it is not possible to identify the requested costs.

In accordance with the requirements of Section 15(1)(a) of the FOI Act, I am satisfied that all reasonable steps have been taken to identify and locate the requested records.

Your request is therefore refused under Section 15(1)(a) of the Act which states:

*15. (1) A head to whom an FOI request is made may refuse to grant the request where—*

*(b) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,*

## 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-000466-2016**.

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:** BOFIIIE2D

**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](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**

16<sup>th</sup> JANUARY 2017