

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-000039-2016

Partially Granted

Dear

I refer to the Freedom of Information Act 2014 and your submission to An Garda Síochána dated and received on the 1st 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:

“In accordance with section 12 of the Freedom of Information Act 2014, I wish to request access to the following record/detail:

The amount spent on food and drink by An Garda Síochána between 1 January 2015 and 31 January 2016.

- A tabular breakdown of what food and drink items most money was spent on.

- A tabular breakdown of how much was spent per month on food and drink by An Garda Síochána.

I am aware that you had discussion with a member of my staff about this request. You agreed your request should be amended to provide the amount of subsistence claimed in each of the 6 operational Regions on a monthly basis for the period 1st January 2015 to 31st January 2016.

I have now made a final decision to partially grant your request based on your amended request.

The purpose of this letter is to explain that decision.

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

The data sought, if released on a monthly basis, could inadvertently identify the operational costs associated with specific events/incidents that would potentially be detrimental to the effectiveness of lawfully methods, systems or plans used for the detection, prevention and investigation of crime in the future. The specific costs of investigating a significant incident are not routinely released for operational reasons as the cost of investigating a serious crime should not be a prohibitive factor when endeavoring to carry out the functions of An Garda Síochána as set out in section 7 of the Garda Síochána Act 2005.

7.— (1) The function of the Garda Síochána is to provide 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.

Releasing the subsistence expenditure on a monthly basis could result in a note worthy crime investigation being attributed, correctly or incorrectly, certain financial costs. The provision of records that would enable the compilation of information (that is not otherwise available to the general public) concerning the comparative subsistence expenditure associated with each division is not, in my view, in the best interest of the public. An Garda Síochána deploy resources as required and shall not release information that will either deliberately or inadvertently prejudice future investigations or the enforcement of law or impair its ability to secure the safety of public.

Therefore the information is not being provided in the manner you have requested as it could prejudice the effectiveness of lawful methods used by An Garda Síochána to prevent, detect and investigate crime. My decision has been made in accordance with section 32(1)(a)(i), 32(1)(a)(ii) and 32(1)(a)(iii) of the Freedom of Information Act 2014 as shown below.

Section 32 states:

(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 matter aforesaid

(ii) “the enforcement or, compliance with or administration of any law

(iii) lawful methods, systems, plans or procedures for ensuring the safety of the public and the safety or security of persons and property,

However the quarterly figure for Domestic Subsistence Expenditure per operational division is provided at Appendix A for the following Garda Regions:

- Dublin Metropolitan Region,
- Eastern Region,
- Northern Region,
- South Eastern Region,
- Southern Region and
- Western Region

Information about the Garda Regions can be found on the Garda website at www.garda.ie or click on the link <http://www.garda.ie/Controller.aspx?Page=21&Lang=1>.

Subsistence Allowance is payable in certain circumstances and for specific periods of time. The Garda Representative Association publishes the rates on their website and they can be found at <http://www.gra.cc/subsistence.shtml>

Subsistence allowance is payable in accordance with the conditions set out under the terms of Article 5(1) and (2) of the Garda Síochána Allowances (Consolidation) Order, 1965 as amended. The Garda Síochána Allowances (Consolidation) Order, 1965 can be found on the Irish statute book website at www.irishstatutebook.ie

Subsistence is usually paid when a member of An Garda Síochána performs duty away from their permanent Garda station. Subsistence only comes in to effect if a Garda is away from their permanent Garda station for a period of 5 hours or more. The rates vary depending on the time a member is away from their permanent station and includes both day rates and night rates.

Subsistence allowance will not ordinarily be paid in respect of absences on duty that are performed within 3.22 kilometers of their station. However where it is certified by a District Officer that it was impossible for a member to obtain a break for refreshments during his tour of duty a subsistence allowance may be paid for duty conducted within 3.22 kilometers of their station.

The purpose of the subsistence allowance is to reimburse members for expenditure they incurred as a result of performing duties away from their permanent station. In some situations where it is foreseeable that there will be a significant amount of expenses incurred by an individual in the course of their duty they can seek an advance of subsistence allowance. This is provided for to offset the financial burden of paying a significant sum for lodgings and/or refreshments out of their own account. An application for an advance of subsistence allowance is considered on a case by case basis and on its own merits.

The increase in subsistence expenses in one quarter when compared with another can be attributed to a variety of situations and not necessarily connected to a specific type of event or investigation. The nature of Garda work and the requirement that the Garda authorities respond, in some cases at short notice, to immediate policing demands means that there is a necessity to incur subsistence to ensure effective policing. The subsistence being incurred may rise or fall in any given period depending on the demands being made of An Garda Síochána to ensure the safety of the public, which is always of paramount importance.

The attached table shows the amount of subsistence expenses incurred on domestic duties for An Garda Síochána on a divisional basis in the six (6) regions and includes both day rate and night rate subsistence.

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 **F01-000039-2016**.

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

26th February 2016

Appendix A

Region	Division	Q1	Q2	Q3	Q4	Grand Total
DMR	DMR East (PDMRE)	€ 36,109	€ 52,464	€ 35,491	€ 34,442	€ 158,506
DMR	DMR North (PDMRN)	€ 44,230	€ 49,259	€ 64,448	€ 74,000	€ 231,937
DMR	DMR North Central (PDMNC)	€ 50,760	€ 73,717	€ 99,987	€ 85,440	€ 309,903
DMR	DMR South (PDMRS)	€ 37,112	€ 56,039	€ 63,754	€ 61,369	€ 218,274
DMR	DMR South Central (PDMSC)	€ 99,876	€ 145,706	€ 138,169	€ 120,803	€ 504,554
DMR	DMR West (PDMRW)	€ 69,160	€ 98,609	€ 102,576	€ 112,398	€ 382,743
Region	Division	Q1	Q2	Q3	Q4	Grand Total
Eastern	Kildare (PCWKE)	€ 21,523	€ 29,660	€ 27,887	€ 36,790	€ 115,860
Eastern	Laois/Offaly (PLSOY)	€ 39,250	€ 42,701	€ 41,326	€ 94,819	€ 218,096
Eastern	Meath (PMEAT)	€ 21,826	€ 32,234	€ 45,190	€ 28,784	€ 128,033
Eastern	Westmeath (PLDWH)	€ 12,918	€ 25,604	€ 15,626	€ 19,939	€ 74,088
Eastern	Wicklow (PWICK)	€ 15,403	€ 25,920	€ 18,418	€ 25,639	€ 85,379
Region	Division	Q1	Q2	Q3	Q4	Grand Total
Northern	Cavan/Monaghan (PCNMN)	€ 30,842	€ 45,388	€ 31,363	€ 35,294	€ 142,888
Northern	Donegal (PDONL)	€ 25,716	€ 42,088	€ 46,001	€ 59,888	€ 173,693
Northern	Louth (PLHMH)	€ 20,558	€ 29,522	€ 24,483	€ 31,668	€ 106,231
Northern	Sligo/Leitrim (PSOLM)	€ 8,103	€ 30,990	€ 62,878	€ 24,570	€ 126,541
Region	Division	Q1	Q2	Q3	Q4	Grand Total
South Eastern	Kilkenny/Carlow (PKKCW)	€ 11,816	€ 20,265	€ 16,275	€ 31,601	€ 79,957
South Eastern	Tipperary (PTIPP)	€ 19,613	€ 29,762	€ 27,769	€ 45,089	€ 122,235
South Eastern	Waterford (PWDKK)	€ 16,575	€ 33,474	€ 19,642	€ 22,230	€ 91,922
South Eastern	Wexford (PWXWW)	€ 22,536	€ 16,064	€ 21,420	€ 30,204	€ 90,223
Region	Division	Q1	Q2	Q3	Q4	Grand Total
Southern	Cork City (PCORK)	€ 41,170	€ 54,100	€ 51,891	€ 60,673	€ 207,833
Southern	Cork North (PCRKN)	€ 11,260	€ 20,494	€ 15,098	€ 20,253	€ 67,105
Southern	Cork West (PCRKW)	€ 18,345	€ 21,997	€ 15,256	€ 19,384	€ 74,982
Southern	Kerry (PKRRY)	€ 22,740	€ 25,655	€ 25,891	€ 34,524	€ 108,810
Southern	Limerick (PLIMK)	€ 29,731	€ 39,351	€ 32,049	€ 43,570	€ 144,700
Region	Division	Q1	Q2	Q3	Q4	Grand Total
Western	Clare (PCLAR)	€ 42,985	€ 54,297	€ 59,886	€ 49,366	€ 206,535
Western	Galway (PGALW)	€ 44,166	€ 67,169	€ 119,172	€ 75,620	€ 306,127
Western	Mayo (PMAYO)	€ 38,296	€ 49,012	€ 63,251	€ 44,260	€ 194,819
Western	Roscommon/Longford (PRNGY)	€ 26,461	€ 47,218	€ 48,843	€ 41,452	€ 163,974
Region	Division	Q1	Q2	Q3	Q4	Grand Total
Grand Total		€ 879,081	€ 1,258,759	€ 1,334,040	€ 1,364,069	€ 4,835,948

*figures provided are operational and liable to change