

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

Láithreán Gréasain/Website:
www.garda.ie

Bí linn/Join us  

Ríomh-phoist/Email: foi@garda.ie

Ms. Claire Murphy

Re: Freedom of Information Request FOI-000217-2016 Request Part Grant

Dear Ms. Murphy,

I refer to the Freedom of Information Act 2014 (FOI Act) and your submission to An Garda Síochána dated and received on 12th May 2017.

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:-

- *Please provide a list of all electronic devices including mobile phones, tablets, laptops and police radios that have been misplaced, lost or stolen by members of An Garda Síochána between 2010 and 2017.*
- *Please outline how many of these devices contained personal or confidential information.*
- *Has there been any disciplinary action taken in relation to any of these lost devices? If so please outline detail.*

I wish to inform you that I have decided to part granted your request on the 9th June, 2017.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision.

An Garda Síochána is listed as a partially included agency Part 1(n) of Schedule 1 of the FOI Act as 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". In this regard I wish to inform you that parts of your request are outside the scope of the Freedom of Information Act 2014.

The term "administrative records" is understood to mean records relating to the processes of running and managing a business or organisation. As a result the FOI Act excludes operational policing business as opposed to the defined administrative processes of An Garda Síochána.

Therefore I have refused the part 1 & 2 of your request as this does not come within the ambit of this partially included agency as set out in Part 1(n) of Schedule 1 of the FOI Act as the records sought by you are not administrative records that relates to human resources, finance or procurement.

Part 3 of your request sought "Has there been any disciplinary action taken in relation to any of these lost devices? If so please outline detail".

The Discipline Section at Internal Affairs is responsible for the oversight of all investigations undertaken by An Garda Síochána under provisions of the *Garda Síochána (Discipline) Regulations 2007/2011* (Statutory Instrument Nos. 214 of 2007 (www.irishstatutebook.ie/eli/2007/si/214/made/en/print) and 620 of 2011 (www.irishstatutebook.ie/eli/2011/si/620/made/en/print), which came into effect on 1st June, 2007 and 22nd November, 2011. The purpose of these Regulations is to provide a code of conduct for all members of An Garda Síochána, which must be strictly adhered to. Any suspected breaches may be subject of investigation by Officers appointed pursuant to the Regulations. The penalties provided under the Regulations include dismissal; requirement to retire or resign as an alternative to dismissal, reduction in rank; reduction in pay; warning, caution and advice.

Members of An Garda Síochána are subject to the Garda Síochána (Discipline) Regulations, 2007 as amended. As per the Regulations, minor disciplinary matters are locally addressed by way of Regulation 10. Such records are retained locally and are not held centrally. Matters of a more serious nature (Part 3) and less serious nature (Part 2) are progressed centrally through the Discipline Section.

Tables below show the number of members who were the subject of a disciplinary proceedings and the number found to be in breach of the discipline regulations in respect of the failure to report loss of or ensure safe custody of a Tetra Radio for the years 2011, 2013, 2014, 2015, 2016 or to date in 2017.

Year	Breach	Result
2011	Discreditable conduct & Neglect of Duty	*TRIP €150 and Reprimand.
2011	Neglect of Duty	Regulation 10- Informal Caution

Year	Breach	Result
2013	Neglect of Duty	TRIP €250
2013	Disobedience of Orders	TRIP €50 & Warning
2013	Disobedience of Orders	TRIP €50

Year	Breach	Result
2014	Neglect of Duty	Reprimand

Year	Breach	Result
2015	Neglect of Duty	Reprimand

*Total Temporary Reduction in Pay

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 Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, Johnstown, Navan, Co. Meath, C15 DR90 and quoting reference number **F01-000217-2017**.

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.

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 OFFICE

9th June, 2017