

# 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

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

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

**Mr. Pearse Doherty, TD**  
**Dáil Éireann.**  
**Kildare Street.**  
**Dublin 2.**

## **RE: Freedom of Information Request FOI-000241-2017** **Request Part-Granted**

*Dear Deputy Doherty,*

I refer to your request, dated and received on 29<sup>th</sup> May 2017, which you have made on 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 numbers of Gardaí working in each of the following Section for each of the last ten years:*

*The Criminal Assets Bureau, the Garda Bureau of Fraud Investigation, Garda National Economic Crime Bureau, and the same data for the number of Gardaí attached to the Office of Director of Corporate Enforcement.*

*I am also seeking any analysis carried out or requests made regarding the appropriate number of Gardaí in each of these Sections over the same period.,*

I have now made a decision to part-grant your request on 23<sup>rd</sup> June 2017.

The purpose of this letter is to explain my decision.

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

A search of the records held by the Human Resource Management section identified a number of records relating to your request.

Your request sought *the number of Gardaí working in the Criminal Assets Bureau, the Garda Bureau of Fraud Investigation, Garda National Economic Crime Bureau and the Office of Director of Corporate Enforcement.*

The Garda organisation is only subject to the provisions of the FOI Act 2014 and was not subject to the provisions of the FOI Act of 1997. As a result the start date for the provision of records, excluding personal records, as set out in section 2(1) of the FOI Act for An Garda Síochána is 21<sup>st</sup> April 2008. This date is known as the *effective date* which is outlined below.

*“effective date” means:*

*(c) in the case of an entity that immediately prior to enactment of this Act, was not a public body within the meaning of the Act of 1997, but is a public body within the meaning of this Act, 21 April 2008, unless provision is made to the contrary by order under section 6;*

On that basis I am refusing to provide information in respect of years 2006 and 2007 as sought by you in the first part of your request: *‘the numbers of Gardaí working in each of the following Sections for each of the last ten years’.*

The Garda Bureau of Fraud Investigation became known as the Garda National Economic Crime Bureau (GNECB) on the 1<sup>st</sup> September 2016. The agreed allocation of Garda members on secondment to the Office of the Director of Corporate Enforcement (ODCE) from GNECB is seven (7) members (1 Detective Inspector, 2 Detective Sergeants and 4 Detective Gardaí) to aid in the investigation and prosecution of offences under the Companies Act. In the years where there is an increase in this number members have been temporarily transferred from other sections to the ODCE to assist in particular investigations. There are regular meetings between the GNECB and the ODCE.

An Garda Síochána’s Modernisation and Renewal Programme 2016-2021 provided for the review and restructuring of the Computer Crime Investigation Unit (CCIU) (formally attached to GBFI) to establish a dedicated Garda Cyber Crime Bureau to ensure An Garda Síochána has the capacity and capabilities to deal with cyber-crime and cyber-security. The Garda Cyber Crime Bureau (GCCB) was established on 1<sup>st</sup> September 2016. This accounts for the reduction in staffing levels at the GNECB at year end the 31<sup>st</sup> December 2016.

The table below outlines the staffing levels at year’s end for the period 2008 to 2016.

<b>Year end</b>	<b>GBFI/GNECB</b>	<b>*ODCE</b>
2008	65	8
2009	66	8
2010	62	10
2011	70	10
2012	71	8.5
2013	69	6.5
2014	62	6.5
2015	61	6
2016	41	5

\*Seconded from GBFI/GNECB to the ODCE



I am refusing to release the numbers of staff attached to the Criminal Assets Bureau for years 2008 to 2014 under Section 15(1)(d) of the Freedom of Information Act 2014 which states:

*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.*

The staffing levels for the Criminal Assets Bureau is published in the CAB Annual reports for 2008, 2009, 2010 and 2013 - which are available on the Garda website and may be accessed by following the attached link: <http://www.garda.ie/Controller.aspx?Page=1984&Lang=1>

The CAB annual report for 2012 and 2014 are available on the Department of Justice and Equality website and may be accessed by following the links below:

<http://www.justice.ie/en/JELR/Pages/CAB-AR-2012>

[http://www.justice.ie/en/JELR/Pages/Criminal Assets Bureau Annual Report 2014](http://www.justice.ie/en/JELR/Pages/Criminal%20Assets%20Bureau%20Annual%20Report%202014)

However, I can advise you of the staffing levels in the Criminal Assets Bureau for years 2011, 2015 and 2016. They are set out in the table below:

Year	Criminal Assets Bureau
2011	35
2015	34
2016	34

In respect of the last part of your request sought:

*'any analysis carried out or requests made regarding the appropriate number of Gardai in each of these Sections over the same period'*

The FOI Act restricted the type of records accessible from An Garda Síochána to "administrative records". The FOI Act further limited the access to Garda records to the three areas of Human Resources, Finance or Procurement. These restrictions are set out in Part 1(n) of Schedule 1 of the FOI Act.

Your request regarding "Any analysis carried out or request made regarding the appropriate number of Gardai in each of these sections over the same period" does not meet the criteria of an administrative record or fall within the scope of the FOI Act insofar as An Garda Síochána is concerned.

Previously, and of relevance to your request, the Office of Information Commissioner (OIC) has discussed the term 'administration' within the meaning of the FOI Act. While the term is not defined in the FOI Act the OIC has taken the view that *general administration* refers to the management of an office or Organisation such as records relating to personnel, pay matters, recruitment, accounts, Information Technology, accommodation and internal organisation office procedures. Records which do not relate to such matters are not contained in the administrative function of an organisation. OIC Case number 160055: Mr. X and the Office of the Attorney General, refers.

Further to the above case the term 'administrative records' was also considered by the OIC. OIC Case Number 160054: Mr. Y and An Garda Síochána (FOI Act 2014), refers and is

understood to mean records relating to the processes of running/managing a business or organisation. In the aforementioned case the OIC described the purpose of Part 1(n) of the FOI Act;

*“is to restrict the right of access to those functions or processes of An Garda Síochána that relate to the administration or management of the organisation and only in relation to matters concerning human resources, finance or procurement matters.”*

Your request does not fall within the finance or procurement areas and does not meet the criteria provided by the OIC (Case Number 160054) with regard to human resources. This OIC decision states:

*“The term “human resources” refers to the staff of an organisation, and would involve matters such as the administration of annual leave, sick leave, staff development, performance management etc.”*

Therefore I am refusing this part of your request in that it refers to operational policing matters and is not an administrative records relating to HR, Finance or Procurement.

However I wish to advise that, resources are kept under review by senior Garda management within the national units comprising Special Crime Operations including the GNECB in the context of crime trends, policing needs and other operational strategies in place, to ensure optimum use is made of Garda resources and the best possible Garda service is provided in support of operational policing personnel at a District, Divisional and Regional level.

## **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-000241- 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-000241-2017 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,

  
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**HELEN DEELY**  
**FREEDOM OF INFORMATION OFFICER.**

  
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**JUNE 2017**