

# 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  

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

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

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**Ms. Niamh Kinsella**

## **Re: Freedom of Information Request FOI-000254-2017 Request Refused**

*Dear Ms. Kinsella,*

I refer to your request, dated 8<sup>th</sup> June, 2017 received on 09<sup>th</sup> June, 2017 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:

*The period I am interested in is January 2017-8th June 2017*

*I am seeking copies of all records, to include files, letters, emails, briefing notes, meeting minutes, relating to meetings and correspondence on the hiring of Detectives to Garda Stations in Dublin,*

*Also relevant to the interview process and hiring of detectives to the Special Detective Unit based in Harcourt Street Garda Station.*

I have now made a decision to refuse your request on 5<sup>th</sup> July 2017.

The purpose of this letter is to explain my decision.

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

A search was carried out at the Competitions Office of the Human Resources and People Development Section of An Garda Síochána for the records sought by you. A number of records were located. However, I am refusing your request on the basis that the records you seek are currently part of an internal process currently underway in An Garda Síochána. The records are part of a deliberative process that is ongoing within the Organisation and as such will form an integral part of any outcome that is yet to be decided upon. Section 29 of the Freedom of Information Act 2014 refers as follows:

### *Deliberations of FOI bodies*

29. (1) A head may refuse to grant an FOI request—

(a) if the record concerned contains matter relating to the deliberative processes of an FOI body (including opinions, advice, recommendations, and the results of consultations, considered by the body, the head of the body, or a member of the body or of the staff of the body for the purpose of those processes), and

(b) the granting of the request would, in the opinion of the head, be contrary to the public interest,

and, without prejudice to the generality of paragraph (b), the head shall, in determining whether to grant or refuse to grant the request, consider whether the grant thereof would be contrary to the public interest by reason of the fact that the requester concerned would thereby become aware of a significant decision that the body proposes to make.

### **Public Interest Test**

As per section 29 of the FOI Act 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,
- Ensuring fairness of procedures and that decisions are fair and equitable and evenly applied,

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

- Allowing a public body to make its decisions without undue intrusion into the process,
- The public interest is not best served by releasing these records,
- Premature release could negatively affect future decision making processes.
- Premature release could contaminate the decision making process.

A public interest test was carried out when considering the release of the records but, having balanced the factors both for and against the release, I have, on balance, decided that the

public interest in preserving the integrity of the decision making process would be better served by withholding the records.

Therefore, in accordance with the requirements of section 29(1)(a) and 29(1)(b) of the Freedom of Information Act 2014 I am refusing the first part of your request.

### **Restriction of the Act.**

Section 42 refers to the restrictions included in the FOI Act with regard to records that are exempt for release by An Garda Síochána.

In this regard, the second part of your request is refused under Section 42 (b) wherein it states that:

*'the Act does not apply to a record held or created by An Garda Síochána that relates to any of the following:*

- (i) the Emergency Response Unit;*
- (ii) the Secret Service Fund maintained by it;*
- (iii) the Special Detective Unit (SDU);*
- (iv) the witness protection programme sponsored by it;*
- (v) the Security and Intelligence Section;*
- (vi) the management and use of covert intelligence operations;*
- (vii) the interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993;*
- (viii) the Criminal Justice (Terrorist Offences) Act 2005;*
- (ix) the Criminal Justice (Surveillance) Act 2009;*
- (x) the Communications (Retention of Data) Act 2011;*

Garda personnel assigned throughout the country, together with the overall policing arrangements and operational strategies are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda Resources and the best possible Garda service is provided to the general public. All Garda resources are kept under constant review by the Garda Commissioner. Furthermore when allocations are taking place comprehensive consultation is carried out with Local Management during which all factors are taken into consideration. Where a deficiency in resources is identified the matter is considered fully and addressed accordingly.

## **1. 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-000254- 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:** BOFIE2D

**You must ensure that your FOI reference number FOI-000254-2017 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 OFFICE**

**6<sup>th</sup> July, 2017**