

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

Riomh-phoist/Email: foi@garda.ie

Ms. Elaine Keogh

Re: Freedom of Information Request FOI-000290-2017 Request Refused

Dear Ms Keogh,

I refer to your request, dated 28th June 2017 and received on 29th 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:

All information in relation the breakdown of the budget for overtime in the Southern Region from 2006 to 2016.

Please break the response down to identify each unit the budget was allocated to e.g. crime, community policing, traffic corps, detective branch etc.

Please also break it down by calendar year and by division and district

I wish to inform you that I have decided to refuse your request on the 17th July 2017

The purpose of this letter is to explain my decision.

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

The Garda Financial Management System was queried by the Finance Directorate seeking the records you requested, however the term “budget” used in your request is suggestive of the funds that are allocated for expenditure on overtime and not the actual amount spent on overtime. Therefore the request was interpreted as seeking the funds allocated for overtime rather than the funds spent on overtime.

The sections of the FOI Act which can apply to deny access to documents are known as exemption provisions.

The requirements of the FOI Act, as it pertains to An Garda Síochána, only refers to records created on or after the 21st April 2008, unless otherwise specified: such as personal information. Section 2 as shown below provides for the start date (effective date) with regard to the date for which records held by An Garda Síochána are considered to be subject to the FOI Act.

Interpretation

2. (1) In this Act —

“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;

Therefore your request will only be considered from 21st April 2008 onwards and records prior to that date are not considered in accordance with section 2 of the FOI Act.

Section 15- Refusal on administrative grounds to grant FOI requests

Section 15 (1) (a)

Your request sought the overtime budget allocated to each Garda Division and Garda District contained within the Southern Region broken down by activity type i.e. “*community policing, traffic corps, detective branch*”. The records sought by you do not exist in the format requested. The allocation of budgets is provided for at a Regional level and information regarding the budget allocated to each Division or District is not held centrally by the Garda Finance Section. To create the record sought by you it would require each Division and District to be contacted and asked to provide the amount allocated for overtime purposes (if an allocation was provided) and to review the activity of each Garda claiming from the overtime budget. This would require a significant amount of time and resources to compile and would incur FOI fees in excess of the limit (€1,000) prescribed for under the FOI Act.

As the records do not exist in the format you have requested I am refusing your request under section 15 (1) (a) of the FOI Act.

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 overtime expenses to ensure effective policing. Accordingly, there will always be a need for a certain level of overtime to allow An Garda Síochána flexibility when responding to

circumstances that require additional resources for specific operations. These additional resources will have to be over and above those available from Gardaí on rostered duty thus ensuring the continuation of normal policing duties unabated. It should also be noted that overtime is only payable to members at Garda, Sergeant and Inspector Rank.

The FOI Section has received and answered a number of requests seeking details of overtime in An Garda Síochána which may be of interest to you. These decisions are published in the FOI Section of An Garda Síochána website.

In addition to the above I am able to provide an annual total for overtime incurred by civilian members of An Garda Síochána and Garda members from 2008 to 2016 at Appendix A. These figures are broken down by each Division for the Southern Region.

3. 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 **F01-000290-2017**.

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 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 OFFICER.

17TH JULY 2017

Appendix A

FOI-000290-2017

Southern Garda Overtime by Division 2008 to 2016

Division	2008	2009	2010	2011	2012	2013	2014	2015	2016
Cork City	€ 3,001,879	€ 2,216,60	€ 2,104,53	€ 2,333,54	€ 963,772	€ 1,230,87	€ 736,791	€ 856,368	€ 1,143,41
Cork North	€ 1,174,182	€ 1,050,30	€ 916,680	€ 975,565	€ 432,152	€ 419,069	€ 457,310	€ 474,963	€ 549,211
Cork West	€ 1,300,273	€ 976,465	€ 996,142	€ 1,023,22	€ 440,572	€ 435,654	€ 292,366	€ 331,369	€ 369,815
Kerry	€ 1,927,118	€ 1,435,63	€ 1,334,21	€ 1,027,95	€ 634,921	€ 825,603	€ 439,743	€ 526,553	€ 930,000
Limerick	€ 3,329,289	€ 2,679,75	€ 3,429,37	€ 3,184,03	€ 1,207,94	€ 1,200,72	€ 912,810	€ 1,462,73	€ 1,472,03
Grand Total	€10,732,741	€ 8,358,76	€ 8,780,94	€ 8,544,32	€ 3,697,36	€ 4,111,91	€ 2,839,02	€ 3,651,99	€ 4,464,47

Civilian Overtime by Division 2008 to 2016

Division	2008	2009	2010	2011	2012	2013	2014	2015	2016
Cork City	€ 27,195	€ 17,895	€ 28,701	€ 7,781	€ 25,054	€ 3,190	€ 4,467	€ 2,111	€ 7,505
Cork North	€ 10,971	€ 5,491	€ 6,075	€ 3,928	€ 12,449	€ 5,163	€ 2,164	€ 814	€ 6,809
Cork West	€ 77,049	€ 21,036	€ 21,106	€ 9,795	€ 15,716	€ 11,034	€ 10,710	€ 13,386	€ 18,480
Kerry	€ 60,904	€ 17,974	€ 17,915	€ 5,193	€ 13,794	€ 11,217	€ 3,560	€ 4,021	€ 7,371
Limerick	€ 67,671	€ 20,795	€ 31,890	€ 28,428	€ 17,532	€ 8,403	€ 6,311	€ 6,280	€ 11,437
Grand Total	€ 243,790	€ 83,191	€ 105,687	€ 55,125	€ 84,545	€ 39,007	€ 27,212	€ 26,612	€ 51,602