

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

Mr. Eamonn Patterson,

Re: Freedom of Information Request FOI-000324-2017 Request Part Granted

Dear Mr. Patterson,

I refer to your request, dated and received on the 21st July 2017 which you have made 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:

1) The amount that An Garda Síochána received in fees from members of public seeking fingerprints for the purpose of employment and or visa purposes in the years 2014, 2015, 2016 and to-date in 2017; The number of fingerprints taken for same in each of those years for reason mentioned above

2) The amount that An Garda Síochána received in fees from issuing Garda Age ID cards in the years 2014, 2015, 2016 and to-date in 2017; The number of Garda Age ID cards issued in each of those years referred

3) The amount that An Garda Síochána received in non public duty services performed by Gardai in the years 2014, 2015, 2016 and to-date in 2017; If AGS charge commercial companies a fee for Garda Traffic Escort for either personnel or equipment to get or leave a venue; If no fee applies for same, the reasons for same; The length of time after an event in AGS were requested to perform non public duty issues, do AGS submit their bill to the commercial company in question seeking their costs, also in that letter did AGS inform that

company that they must receive their fee within the subsequent 30 days or face legal action by An Garda Síochána

4) In the years 2014, 2015, 2016 and to-date in 2017 has any commercial premise and or company ever request from An Garda Síochána an extension to the timeframe in which they must cover the policing bill when members of AGS performed non public duty services at their event.'

The FOI Act does not confer a general right of access to information; rather it confers a right of access to records. Therefore, your request for information has been treated as a request for access to records containing the information you seek.

I have now made a final decision to part grant your request on the 18th August 2017. The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision

Details of your request were provided to the Finance Section within An Garda Síochána who conducted a search for records relating to your request.

I wish to advise that I have made a decision to part grant Part 1 of your request:

1) The amount that An Garda Síochána received in fees from members of public seeking fingerprints for the purpose of employment and or visa purposes in the years 2014, 2015, 2016 and to-date in 2017; The number of fingerprints taken for same in each of those years for reason mentioned above

Section 15(1)(d) of the FOI Act states that:

*'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,'*

I am refusing the release of receipts for fingerprint fees for employment and visa purposes for 2014 and 2015 on the basis that the information is already in the public domain. These miscellaneous receipts are available in the **Appropriation Account 2015 - Vote 20 - Garda Síochána** on the website of the Office of the Comptroller & Auditor General. I am providing you with the following URL for ease of reference:

<http://www.audgen.gov.ie/viewdoc.asp?fn=/documents/annualreports/2015/AppAcc/E n/Vote 20.pdf>

However, in order to provide you with the most up to date information, **Table A** below sets out the total amount received in respect of the taking of fingerprints for employment and visa purposes for 2016 and 2017 (January-July): The monies received are returned to the Exchequer.

TABLE A

Taking of Fingerprints for Employment and Visa Purposes	2016	2017
Amount Received*	€49,585	€26,610

*figures correct as of 10th August 2017

An Garda Síochána provides the facility whereby members of the public can apply to have fingerprints taken for all purposes other than crime investigation. The appropriate fee is payable by the applicant. An Garda Síochána ensures that only Garda members competent in fingerprinting, having undergone the appropriate training, should perform the task and that the fingerprints should be of the best quality possible. The fee for this service is €60 for the first set of fingerprints and €30 for each subsequent set if taken together.

I have decided to refuse *“The number of fingerprints taken for same in each of those years for reason mentioned above”*

To provide an analysis and breakdown in relation to this part of your request would prove voluminous by reason of the nature and volume of the records involved. The process of extracting such records would cause a disruption to the working of a vast number of functional sections of An Garda Síochána as these particular records are not held centrally. Therefore, I am refusing this element of your request under Section 15(1)(c) of the FOI Act wherein it states:

“Refusal on administrative grounds to grant FOI requests

15. (1) *A head to whom an FOI request is made may refuse to grant the request where—*

- (c) *in the opinion of the head, granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, require the retrieval and examination of such number of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of work (including disruption of work in a particular functional area) of the FOI body concerned,”*

I wish to advise that I have made a decision to part grant Part 2 of your request:

2) *The amount that An Garda Síochána received in fees from issuing Garda Age ID cards in the years 2014, 2015, 2016 and to-date in 2017; The number of Garda Age ID cards issued in each of those years referred*

The Intoxicating Liquor Act 1988 (Age Card) Regulations 2010 provide for a voluntary Age Card scheme. Age Cards can be obtained by individuals aged 18 and over to show that they have reached the legal age for purchasing alcohol. An Age Card is a “proof of age card” and not an “identity card”. The Age Card is solely for the purpose stated above and should not be obtained or used for any other purpose.

The Garda National Age Card is available to individuals who have reached their eighteenth birthday by the date of application. Age Cards can be purchased on the Age Card website www.agecard.ie. The scheme is administered by the Garda Community Relations Bureau based at Harcourt Square in Dublin. The card is widely accepted as proof of age by retailers of alcohol/tobacco, licensed premises and other facilities. It carries advanced security features which protect against forgery or reproduction.

The fee for an Age Card is €10. The cost to replace a lost/stolen Age Card is also €10. In the event that the applicant does not bring the application form to be authenticated at a

Garda Station within three months of the date of online application, the form will no longer be valid and will not be processed. In this instance an additional €10 fee is required.

Section 15(1)(d) of the FOI Act states that:

*'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,'*

I am refusing the release of receipts for Age Cards for 2014 and 2015 on the basis that the information is already in the public domain. These miscellaneous receipts are available in the **Appropriation Account 2015 - Vote 20 - Garda Síochána** on the website of the Office of the Comptroller & Auditor General. I am providing you with the following URL for ease of reference:

[http://www.audgen.gov.ie/viewdoc.asp?fn=/documents/annualreports/2015/AppAcc/En/Vote 20.pdf](http://www.audgen.gov.ie/viewdoc.asp?fn=/documents/annualreports/2015/AppAcc/En/Vote%20.pdf)

However, in order to provide you with the most up to date information, **Table B** below sets out the total amount received in respect of the issuing of National Age Cards in 2016 and 2017 (January-July): These monies received are returned to the Exchequer.

TABLE B

Age Cards	2016	2017
Amount Received*	€251,500	€160,000

*figures correct as of 10th August 2017

I have decided to refuse the release of *'The number of Garda Age ID cards issued in each of those years referred'*.

An Garda Síochána became subject to Freedom of Information under the FOI Act, 2014. Under Part 1 of Schedule 1 of the FOI Act a number of agencies were defined as "*partially included*" and An Garda Síochána is listed as one of them at Part 1(n).

The FOI Act specifically states that An Garda Síochána is subject to the Act in relation to "*administrative records relating to human resources, finance or procurement matters*" only.

The term "administrative records" is understood to mean records relating to the processes of running and managing a business or organisation. The records you are requesting do not meet the criteria of administrative records as defined in the Act and do not come within the ambit of this partially included agency as set out in Part 1(n) of Schedule 1 of the FOI Act.

I am therefore refusing this part of your request as it is falls outside the scope of the FOI Act insofar as it pertains to An Garda Síochána.

I wish to advise that I have made a decision to part grant Part 3 of your request.

3) *The amount that An Garda Síochána received in non public duty services performed by Gardai in the years 2014, 2015, 2016 and to-date in 2017; If AGS charge commercial companies a fee for Garda Traffic Escort for either personnel or equipment to get or leave a venue; If no fee applies for same, the reasons for same; The length of time after an event in AGS were requested to perform non public duty issues, do AGS submit their bill to the commercial company in question seeking their costs, also in that letter did AGS inform that company that the must receive their fee within the subsequent 30 days or face legal action by An Garda Síochána*

Section 15(1)(d) of the FOI Act states that:

*'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,'*

I am refusing the release of non-public duty receipts for 2014 and 2015 on the basis that the information is already in the public domain. Payments for non public duty services rendered by Gardai are available in the **Appropriation Account 2015 - Vote 20 - Garda Síochána** on the website of the Office of the Comptroller & Auditor General. I am providing you with the following URL for ease of reference:

[http://www.audgen.gov.ie/viewdoc.asp?fn=/documents/annualreports/2015/AppAcc/En/Vote 20.pdf](http://www.audgen.gov.ie/viewdoc.asp?fn=/documents/annualreports/2015/AppAcc/En/Vote%20.pdf)

However, in order to provide you with the most up to date information, **Table C** below sets out the total amount received in respect of Non Public Duty Receipts for 2016 and January-July 2017:

TABLE C

Non Public Duty Receipts	2016	2017 (Jan-July)
Amount Received*	€5,212,947	€2,258,510

*figures correct as of 10th August 2017

Under Section 30 of The Garda Síochána Act 2005, An Garda Síochána may provide and charge for police services for events on private property or in areas open to the public, if;

- (a) *it is in the public interest and consistent with the functions of An Garda Síochána to provide the services, and*
- (b) *the Commissioner is satisfied that the person has paid or will pay to the Commissioner the charges for the services.*

Non-public duty is performed by members of An Garda Síochána under arrangements made with organisers of events such as football matches, concerts, and race meetings etc. who seek to engage the services of members of An Garda Síochána to perform duties to which they would not normally be assigned.

Members of An Garda Síochána have been made available for the performance of such duties and the State has charged for their services. This work is normally done by members

who would otherwise be off duty. It is generally the practice to charge organisations for the costs of duties performed by members inside the event.

In general, the cost of policing duties performed by Gardaí outside the event such as traffic control, beat patrols and other public policing duties which would be additional to those normally performed at the location, are not paid by the organisation hosting the event but fall to be paid from the Garda Vote.

In many cases it is difficult to define where the public duty ends and where the non-public liability of the organisation begins, but at all times, it is the policy of An Garda Síochána that the safety of the public must be the ultimate consideration.

You have also sought *'If AGS charge commercial companies a fee for Garda Traffic Escort for either personnel or equipment to get or leave a venue; If no fee applies for same, the reasons for same; The length of time after an event in AGS were requested to perform non public duty issues, do AGS submit their bill to the commercial company in question seeking their costs, also in that letter did AGS inform that company that they must receive their fee within the subsequent 30 days or face legal action by An Garda Síochána'*.

Section 11 of the FOI Act provides for a right of access to records held by FOI bodies. Requests for information are therefore not valid requests under the Act, as opposed to requests for records. FOI bodies are not required to create records under the Act if none exist and it does not oblige FOI bodies to answer general queries nor provide a mechanism for answering questions, except to the extent that a question can reasonably be inferred to be a request for records which contain the answer to the question asked or the information sought.

I wish to advise that I have made a decision to refuse Part 4 of your request:

4) In the years 2014, 2015, 2016 and to-date in 2017 has any commercial premise and or company ever request from An Garda Síochána an extension to the timeframe in which they must cover the policing bill when members of AGS performed non public duty services at their event.'

In this regard, I am applying Section 15(1)(a) of the Freedom of Information Act 2014 to your request as the record containing the information you have requested does not exist, wherein it states:

*'A head to whom an FOI request is made may refuse to grant the request where—
(a) the record concerned does not exist'*

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-000324-2017**.

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-000324-2017 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

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

18th AUGUST 2017