

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

Ríomh-phoist:/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000326-2017 Request Part Granted

Dear

I refer to your request, dated and received on 24th 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:

'I would be obliged if you could send through details of overtime paid monthly in the Donegal division over the last year (including June and July). Is this possible? Would you be also able to advise whether there is to be a reduction in overtime?'

I wish to inform you that I have decided to part grant your request on the 15th August 2017.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decisions

Details of your request were forwarded to the Finance Directorate within An Garda Síochána who conducted a search for records containing the details of your request and the following records have been identified.

The data sought, if released on a monthly basis, could inadvertently identify the operational costs associated with specific events/incidents that would potentially be detrimental to the effectiveness of lawful methods, systems or plans used for the detection, prevention and investigation of crime in the future. The specific costs of investigating a significant incident are not routinely released for operational reasons as the cost of investigating a serious crime should not be a prohibitive factor when endeavoring to carry out the functions of An Garda Síochána as set out in section 7 of the Garda Síochána Act 2005.

7.— (1) The function of the Garda Síochána is to provide policing and security services for the State with the objective of—

- a) preserving peace and public order,*
- b) protecting life and property,*
- c) vindicating the human rights of each individual,*
- d) protecting the security of the State,*
- e) preventing crime,*
- f) bringing criminals to justice, including by detecting and investigating crime,*
and
- (g) regulating and controlling road traffic and improving road safety.*

Releasing the overtime expenditure on a monthly basis could result in a note worthy crime investigation being attributed, correctly or incorrectly, certain financial costs. The provision of records that would enable the compilation of information (that is not otherwise available to the general public) concerning the comparative overtime expenditure associated with each division is not, in my view, in the best interest of the public. An Garda Síochána deploy resources as required and shall not release information that will either deliberately or inadvertently prejudice future investigations or the enforcement of law or impair its ability to secure the safety of public.

Therefore the information is not being provided in the manner you have requested as it could prejudice the effectiveness of lawful methods used by An Garda Síochána to prevent, detect and investigate crime. My decision has been made in accordance with section 32(1)(a)(i), 32(1)(a)(ii) and 32(1)(a)(iii) of the Freedom of Information Act 2014 as shown below.

Section 32 states:

(1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to —

(a) prejudice or impair —

- (i) the prevention, detection or investigation of offences, the apprehension or prosecution of offenders or the effectiveness of lawful methods, systems, plans or procedures employed for the purposes of the matter aforesaid*

- (ii) *the enforcement or, compliance with or administration of any law*
- (iii) *lawful methods, systems, plans or procedures for ensuring the safety of the public and the safety or security of persons and property,*

However, the quarterly figure for overtime for the Donegal Division is provided below. These figures show the cost of overtime incurred by An Garda Síochána over a set period of time. These figures tend to show a more realistic trend in overtime costs across the Organisation. Quarterly figures are less likely to be susceptible to sharp increases or decreases which result from specific events or targeted operations over a short period of time.

Garda Overtime	Quarter 1 2017*	Quarter 2 2017*
Donegal Division	€397,127	€553,024

**Figures are operational and liable to change, figures as of 9th August 2017.*

You also sought ‘*Would you be also able to advise whether there is to be a reduction in overtime?*’

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.

The nature of Garda work and the requirement that the Garda authorities respond to immediate policing demands means that there is a necessity to incur overtime expenses to ensure effective policing, in some cases at short notice. 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. In addition a number of police led operations require the deployment of extra resources on overtime. This includes the implementation of anti-crime and anti-burglary initiatives such as Operation Thor. Similarly non-crime related events and events organised by interest groups within the general public can require overtime to police effectively as additional Gardaí may need to be deployed to ensure public safety.

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-000326-2017**.

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-000326-2017 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

 **AUGUST 2017**