

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

Mr. Dan Griffin,
The Irish Times

Re: Freedom of Information Request FOI-000337-2017 Request Refused

Dear Mr. Griffin,

I refer to your request, dated and received on the 27th July 2017 which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by An Garda Síochána. I also refer to correspondence of Superintendent O'Donnell dated 10th August 2017 relating to Part 1 of your request.

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:

In accordance with the Freedom of Information Act 2014, I request the following records which I believe to be held by An Garda Síochána:

- 1. --The amount of money made by the sale of Garda properties, such as old Garda barracks, in the past three years broken down by property and sale price.*
- 2. --The amount of money made from Garda auctions of recovered stolen property in the past three years.*

I have numbered the details of your request for ease of reference. As you are aware, Part 1 of your request was transferred to the Office of Public Works as per correspondence of this Office dated 10th August 2017. This particular decision letter will deal with Part 2 of your request.

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 refuse your request on the 22nd 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 refuse Part 2 of your request:

2. –‘The amount of money made from Garda auctions of recovered stolen property in the past three years.’

An Garda Síochána continue to make efforts to reunite owners with property recovered, particularly in the recovery of property stolen in the course of thefts and burglaries. ‘Property Recovered Days’ are held to assist An Garda Síochána to reunite rightful owners with their property. Every year, large quantities of property are recovered by An Garda Síochána. However, when the property is not marked there is a lesser chance of it being returned to the owner. It is recommended that all householders mark their property using methods such as engraving, stencilling, UV pen etc. Property that is marked is less desirable to a burglar as it is harder for them to sell. Also, if property is stolen and marked there is a greater chance of it being returned to the owner.

In the event that the injured party of recovered stolen property cannot be identified and all avenues of enquiry have been exhausted, the property can be returned to the finder (if deemed appropriate) after 1 year and 1 day in the possession of An Garda Síochána. Once the finder indicates (by signing a waiver) that it is not his/her intention to reclaim the property, the property may be sold at auction once it is of sufficient value.

There is no specific financial item code in existence on the Financial Management System (FMS) within the Finance Section of An Garda Síochána specifically relating to receipts for the auction of recovered stolen property. It is therefore not possible to identify the amount of money received from the auction of such items. 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 isolating and/or 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*

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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,”

However, in order to assist you with your request, details of receipts relating to the ‘Proceeds of sales of used vehicles, old stores, forfeited and unclaimed property’ are available under ‘4.2 Analysis of miscellaneous receipts’ in the **Appropriation Accounts 2015 - Vote 20 - Garda Síochána** for both years 2014 and 2015. These receipts are allocated as ‘Appropriations-in-Aid’. These accounts are available 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)

I wish to advise that the 2016 Appropriation Accounts are not yet published, however I can inform you that receipts totalling €931,000* relate to the ‘Proceeds of sales of used vehicles, old stores, forfeited and unclaimed property’ for 2016. The income received from the proceeds of these sales is returned to the Exchequer each year.

*Figures as of 18.8.17, operational and liable to change.

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-000337-2017**.

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-000337-2017 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

23rd AUGUST 2017