

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

Re: Freedom of Information Request FOI-000471-2017 Request Refused

Dear

I refer to your request, dated the 23rd October, 2017 and received on the 24th October, 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 number of marked and unmarked Garda Cars, Vans, Motorcycles, jeeps allocated to each Garda Division as of 30 September 2014, 30 September 2015, 30 September 2016 and 30 September 2017*
- 2) *The number of Garda Command and Control Vehicles in use as of 30 September 2014, 30 September 2015, 30 September 2016 and 30 September 2017*
- 3) *The number of Garda Prison Truck in use as of 30 September 2014, 30 September 2015, 30 September 2016 and 30 September 2017*
- 4) *The average cost of fitting out a marked Garda Car, Marked Garda Van and Motorcycle*

I wish to inform you that I have decided to refuse your request on the 20th November, 2017.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

On receipt of your request, a search was conducted by the Fleet Management Section within An Garda Síochána.

I am refusing Part 1, 2 and 3 of your request as ‘*the number*’ of Garda vehicles allocated to each Garda Division are not considered administrative records for the purposes of the FOI Act insofar as An Garda Síochána is concerned.

Part 1(n) of Schedule 1 the FOI Act –Partially Included Agencies

Section 6(2)(a) of the FOI Act provides that an entity specified in Schedule 1, Part 1 of the Act shall, subject to the provisions of that Part, be a Public body for the purposes of the Act. Schedule 1, Part 1 contains details of bodies that are partially included for the purposes of the Act and also details of the certain specified records that are excluded. If the records sought come within the description of the exclusions of Part 1, then the Act does not apply and no right of access exists.

Part 1(n) of Schedule 1 of the FOI Act provides that An Garda Síochána is not a public body for the purposes of the FOI Act other than in relation to administrative records relating to human resources, or finance or procurement matters.

The term “administrative records” is understood to mean records relating to the processes of running and managing a business or organisation.

I am therefore refusing Part 1, 2 and 3 of your request as it falls outside the scope of the FOI Act insofar as the records do not meet the criteria of administrative records as defined in the Act.

However, in order to assist you, I wish to advise that information relating to the profile of the Garda Fleet is available on the FOI Publication Scheme (Transport Section) on the Garda website at the following URL: <http://garda.ie/Controller.aspx?Page=15991&Lang=1>

Following a detailed search within the Fleet Management Section of An Garda Síochána, I am to advise you that no records have been identified in respect of Part 4 of your request. It has been determined that a record containing ‘*The average cost of fitting out a marked Garda Car, Marked Garda Van and Motorcycle*’ does not exist.

I am therefore refusing your request on administrative grounds in accordance with Section 15(1)(a) of the FOI Act which states:

Refusal on administrative grounds to grant FOI requests

15(1)(a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken

Garda vehicles are procured by the Office of Government Procurement on behalf of An Garda Síochána. Such contracts pursue the supply of Garda vehicles supplied by the manufacturer complete with fit out. Such contracts are advertised on the etenders website at www.etenders.gov.ie

For example, the most recent request for tender - 'Request for Tenders for the supply of Large Sports Utility Vehicles and Pickup Trucks with 4x4 Off Road Capability, plus Police Fit Out for An Garda Síochána, Reference number: KFP051F' is available at the following URL:
<https://irl.eu-supply.com/app/rfq/publicpurchase.asp?PID=117495>

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-000471-2017**.

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-000471-2017 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

 **NOVEMBER 2017**