

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 Seán McCárthaigh
The Times,

Re: Freedom of Information Request FOI-000031-2017 **Request Refused**

Dear Mr McCárthaigh,

I refer to your request, dated and received on the 31st January 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 wish to request a record of staffing levels of An Garda Síochána at station (sub-district) level for December 31st 2016 (ideally in spreadsheet format),"

I wish to inform you that I have decided to refuse your request on the 24th February, 2017.

The purpose of this letter is to explain my decision.

1. Part 1(n) of Schedule 1 - Partially Included Agencies.

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, finance or procurement matters". Therefore, only administrative records that relate to human resources, finance or procurement shall be considered.

The FOI Act does not define the term "*administrative records*" as provided for in Part 1(n) apart from stating that they relate to human resources, or finance or procurement matters. The term "*administrative records*" is understood to mean records relating to the processes of running/managing a business or organisation. The purpose of Part 1(n) is to restrict the right of access to those functions or processes of An Garda Síochána that relate to the administration or management of the Organisation, and only in relation to matters concerning human resources, or finance or procurement. As a result the core business of An Garda Síochána is safeguarded from release under the provisions of the FOI Act. A part of the core functions is the operational necessity to meet public demands with regard to security and public safety. The allocation of resources within the confines of a Garda Division are proportionate to the requirements necessary to meet the core functions of An Garda Síochána in any given area within that Division. Therefore the allocation of staff is considered an operational matter and does not meet the components of an administrative record as per the FOI Act.

The redistribution of staff within a Garda Division can be a gradual process as public needs dictate or it can be an immediate response to a significant change in security requirements. Extra resources will be sourced and allocated to a particular Garda Station(s) to provide for particular security needs. This type of resource allocation is made based on security risk assessments and as an operational requirement. Indeed the threat level against particular circumstances will be assessed and bespoke protection plans devised on that basis inclusive of resource allocation which cannot be considered an administrative process.

It should be noted that the allocation of Gardaí within a division can be determined by the Chief Superintendent of that Division and in such a situation the function of HRM is to ensure that the allocation is carried out appropriately and equitably. This shows that the HRM allocation of resources at an administrative level is to Garda Division but beyond that it is an operational function.

However in recognition of the fact that the release of such information is not considered within the ambit of the FOI Act and in accordance with the desire to be transparent in all matters, as far as possible, the District resource figures are published on the Garda website for years 2011 to 2016. Click on the link below to access the figures:

<http://www.garda.ie/Documents/User/Garda%20Staffing%20Levels%202011-2016.pdf>

In accordance with the FOI Act I am refusing your request on the basis that I deem it out of the scope of the FOI Act insofar as An Garda Síochána is concerned (Part 1 (n) Schedule 1 refers).

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 **F01-000031-2017**.

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-000031-2017 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.

27TH FEBRUARY 2017