

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. Ken Foxe

Re: Freedom of Information Request FOI-000043-2017 Partially Granted

Dear Mr Foxe,

I refer to your request, dated and received on 10th February, 2017 which you have made under the Freedom of Information Act (FOI Act) 2014 for records held by An Garda Síochána. Your request was clarified on the 27th February 2017. I am aware that you have been in contact with a member of my staff regarding this 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 clarified request sought:

- 1. What I am seeking is copies of any rules, regulations, handbooks, guidelines etc on destruction or retention of records/material gathered during the course of employment within An Garda Síochána, and*
- 2. any rules, regulations, handbooks, guidelines etc regarding retention of mobile phones, SIM cards, laptops, and other similar equipment.*

I wish to inform you that I have decided to partially grant your request on the 23rd March 2017.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision.

With regard to the first part of your request a search was conducted at Finance Section, as they have responsibility for the Garda National Repository, for instructions regarding the retention or destruction of records relating to Human Resources, Finance or Procurement. There are a number of legislative and policy guidelines which provide protocols and have a bearing on the management of certain investigative records and materials. However as per your email of 14th February 2017 which states "*I am not seeking such information where it applies to the gathering of evidence for use in criminal investigations as I understand that this would be considered an operational matter*" this information is not being considered for release.

However one particular record, HQ Directive No. 11/09, contains certain relevant instructions regarding the retention and destruction of records held by An Garda Síochána. The instructions make reference to the governing pieces of legislation contained in the Data Protection Act, 1988/2003 and the National Archives Act, 1988. A process is in place in compliance with section 3(1) of the National Archives Act 1988 whereby Certifying Officers have been designated at the rank of Chief Superintendent. There is no routine disposal of documents regardless of category, without an objective assessment first being made of the need to retain each document. While this document is mainly generic in nature with regard to which records it refers to it does specifically mention records which fall within the ambit of the FOI Act insofar as An Garda Síochána is concerned. In addition HQ Directive 291/02 is being provided as it refers to the preservation of historical documents.

With regard to the second part of your request the retention or destruction of ICT equipment is a matter for ICT and not an administrative record relating to HR, Finance or Procurement as set out in Schedule 1, Part 1(n). Therefore this part of your request is being refused as it is deemed out of scope insofar as An Garda Síochána is concerned.

Part 1(n) Schedule 1 - Out of Scope

There are parts in HQ Directive 11/09 which refer to matters outside the scope of the FOI Act insofar as An Garda Síochána is concerned. 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 are being provided.

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 **F01-000043-2016**.

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-000043-2016 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.

28TH MARCH 2017

Schedule 1

Requester Name: Ken Foxe

File Re: FOI_000043-2017

Page No	Description of document	Deletions	Relevant Section of FOI Acts	Reason for decision	Person(s) Consulted	Objections Yes/No	Decision Maker's decision
1 to 5	HQ Directive 11/09	2	Part 1(n) Schedule 1	Out of Scope			Partial Release
6	HQ Directive 219/02	Nil	N/A	N/A			Release
		Total number of pages					6
		Total number of pages for full release					4
		Total number of pages for partial release					2
		Total number of pages being withheld					0

An Garda Síochána

Coimisinéir Cúnta
Stráiteis agus Oifúna
Ceanncheathrú an Gharda Síochána
Páirc an Fhionnuisce
Baile Átha Cliath 8



Assistant Commissioner,
Strategy & Training
Garda Headquarters
Phoenix Park
Dublin 8

Tel/Fax/Tel: (01) 6661901.

Web Site: www.garda.ie

Fax/Fax: (01) 6661905

E-mail/Riombh-phoist: Commissioner_S1@garda.ie

Please quote the following ref. number:

HQ Directive No. 11/09
Date: 21.01.09.

Gach Oifigeach, Cigire agus Stáisiún - Each Officer, Inspector and Station
Is doiciméid fani iontaoibh é seo le h-úsáid ag pearsanra den Gharda Síochána amháin
This is a confidential document for use only by Members of An Garda Síochána

RE: Management of Departmental Records in An Garda Síochána

Under Section 2(2) of the National Archives Act, 1986 "departmental records" means any of the following:-

Books; maps; plans; drawings; papers; files; photographs; films; sound recordings; microfilms & other micrographic records; pictorial records; magnetic tapes; magnetic discs; optical or video discs; other machine-readable records; other documentary or processed material.

To ensure a co-ordinated approach to the management of non-essential departmental records held at offices throughout the organisation a period of seven (7) years is set as the time limit after which certain documents may be destroyed.

IN light of operational experience and having regard to current legislative provisions, a number of documents will be subject to a longer period of retention of ten (10) years. The categories concerned are as follows:-

- Applications, Receipts & Claims for Supplies/Equipment;
- Claims Register;
- Duty Roster;
- Financial Claims subject to Garda Vote;
- Manual Store Records;
- Night Duty; Weekend allowance & Overtime Book;
- Official Receipt Book;
- Record of Annual Leave;
- Record of Interviews with Probationer Gardaí.

Ráiteas Misin/Mission Statement:

An t-ádhúl insíochta is airde a bhaint amach le Cósaim Phearsanta, Tiomantas don Phobal and Slándáil Stáit
To achieve the highest attainable level of Personal Protection, Community Commitment and State Security.

The Commissioner has directed that all Chief Superintendents should be designated as *Certifying Officers* in accordance with the terms of Regulation 3(1) of the National Archives Act, 1988. Certifying Officers will have responsibility for overseeing the implementation of the National Archives Act, 1986, and Regulations, 1988 regarding their respective division/section/department, including certifying records deemed suitable for destruction or retention under the provisions of Section 7 of the Act. Currently, although listed as a Scheduled Body, An Garda Síochána is not legally required to transfer departmental records to the National Archives. Therefore it is imperative that proper record management procedures are put in place to ensure the disposal of non-essential departmental records in line with current policy.

There will be no routine disposal of documents, regardless of category, without an objective assessment first being made of the need to retain each document. Each Superintendent/District Officer will act in the capacity of a *Records Review Officer* to ensure that the destruction of documents only occurs in accordance with set procedures, and may recommend the retention of certain departmental records for a further period and outline the reason for doing so. A record of all document assessments will be retained in the District Office and made available for inspection.

Certain legislative and policy guidelines will have a bearing on the management of Garda departmental records. They are:-

- Criminal Procedure Act, 1993
- HQ Directive No. 219/02 (Preservation of Historical Documents/Records)
- HQ Directive No. 74/07 (Protection of the Environment)
- Data Protection Acts, 1988/2003
- National Archives Act, 1986

HQ Directive No. 219/02 (Preservation of Historical Documents/Records)

Ráiteas Míúin/Mission Statement:

An léibhéal inisriúchte is airde a bhaint amach le Cósaint Phearsanta, Tiomantas don Phobal and Slándáil Stáit
To achieve the highest attainable level of Personal Protection, Community Commitment and State Security.

In the course of assessments of departmental records, cognisance will be taken of the need to preserve the historical integrity of the organisation. Any records identified as being of possible historical value should be notified to the Inspector-in-Charge, Garda Museum/Archives, for further determination.

Data Protection Acts, 1988/2003

Data protection is the safeguarding of the rights of all individuals to privacy and integrity in relation to the processing of their personal data. Data means information in a form that can be processed and includes both automated or electronic data and manual data. Rule 4.7 of the *Data Protection Code of Practice for all Employees of An Garda Síochána* sets out that data should be retained no longer than is necessary for the purpose for which it is required. This requirement places a responsibility on An Garda Síochána to be clear about the length of time data will be kept and the reason why the information is being retained. To ensure compliance with this requirement, Garda Management will ensure that files are regularly reviewed and that personal data is not retained any longer than necessary.

All electronic and manual data will be retained in line with the Garda Commissioner's policy on records management. For the purposes of retention, data will be categorised as essential and non-essential files and retained for the specific timeframes already outlined.

The National Archives Act, 1986

The provisions of the National Archives Act, 1986 applies to original documents only or a good copy where the original is not available. By way of example, HQ Directives and Fógra Tora, currently held in stations/offices countrywide, are copy documents. The master copy of each of these documents is held at Garda Headquarters.

An audit of all records that are 30 years old on the first day of January each year will be carried out by Certifying Officers to ensure compliance with the provisions of the Act. A Retention List of all records that are more than 30 years old will be prepared and certified by the relevant Chief Superintendent and application will then be made on Form GRM2 to the Consenting Officer, Department of An Taoiseach, for permission to retain the departmental records listed therein for a further period of five (5) years. A copy of this form accompanies this directive.

Guidelines for Certifying Officers include –

- Authorised disposal of departmental records must be carried out in a manner that ensures their confidentiality.
- Power to make recommendations for disposal of non-essential records or retention of departmental records.

Ráiteas Misin/Mission Statement:

An léithéal insruichte is airde a bhaint amach le Cósaint I'hearsunta. Tiomantús don Phobal and Slándáil Stáit
To achieve the highest attainable level of Personal Protection, Community Commitment and State Security.

- Conduct an annual audit of departmental record holdings and not later than March of each year seek authorisation from Consenting Officer, Dept. of An Taoiseach to retain relevant records that are more than 30 years old.
- Review departmental records more than 30 years old for which permission to retain has previously been given, every further 5 year period..

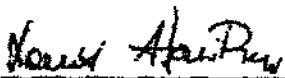
Disposal of Non-essential Departmental Records

When it is deemed necessary to dispose of non-essential departmental records the following procedures will apply:-

- Report submitted to local Superintendent/District Officer, outlining details of departmental records, listing (i) category of record and (ii) period in existence.
- Superintendent/District Officer to conduct assessment on suitability, or otherwise, for disposal of documents listed.
- Superintendent/District Officer will be the final arbiter on all applications for disposal of non-essential records once the stipulated retention period has elapsed, and will forward his/her decision in writing to the Chief Superintendent/Divisional Officer for certification.
- Decision of Superintendent/District Officer to be retained as office record.
- Chief Superintendent/Divisional Officer's certification to be retained as office record.

Advice and guidance on records management procedures is available from:-

Inspector-in-Charge	Telephone:	(01) 6669997/8/9
Garda Museum/Archives	Mobile:	086 - 8281990
Record Tower	E-mail:	museum@garda.ie
Dublin Castle		
Dublin 2.		


 Assistant Commissioner
 Louis Harkin

20 January 2009

Ráireas Misin/Mission Statement:

An t-ádhéad inroichte is airde a bhaint amach le Cósaint Phearsanta, Tiomantas don Phobal and Slándáil Stáit
 To achieve the highest attainable level of Personal Protection, Community Commitment and State Security.

National Archives Act, 1986, Regulations, 1988

**RETENTION OR WITHHOLDING FROM PUBLIC INSPECTION OF
DEPARTMENTAL RECORDS PURSUANT TO SECTION 8(4)**

CERTIFICATE

I, Chief Superintendent _____, Certifying Officer for the Division/Department of _____, certify that pursuant to Section 8(4), National Archives Act, 1986, that to make the record(s) or part or parts thereof of class or classes of records described below in the attached schedule available for public inspection would be: -

- (i) contrary to public interest, or
- (ii) would or might breach a statutory duty, or a breach of good faith on the ground that they contain information supplied in confidence, or
- (iii) would or might cause distress or danger to living persons on the ground that they contain information about individuals, or would or might be likely to lead to an action for damages or defamation.

[Mark as

appropriate]

Records referred to above:

Division/Department:

Date:

CONSENT:

- (a) I consent to the making of this certificate
- (b) I do not consent to the making of this certificate

[Delete as

appropriate]

Signed:

Consenting Officer:
Department of An Taoiseach:

Date:

Review Date:

The listed record(s) must be reviewed at least once from this date _____ and at least once every five (5) year period thereafter.

Ráiteas Míshú/Mission Statement:

An léibhéal inroichte is airde a bhaint amach le Cúisaint Phearsanta. Tiomantas don Phobal and Slándáil Stáit
To achieve the highest attainable level of Personal Protection, Community Commitment and State Security.

AN GARDA SÍOCHÁNA

Oifig An Leas-Choimisinéara
Bainistíochta Straitéisí agus Acmhainní
Ceanncheathrú An Gharda Síochána
Páirc an Fhionnuise
Baile Átha Cliath 8



Office of The Deputy Commissioner
Strategic and Resource Management
Garda Headquarters
Phoenix Park
Dublin 8

Tel/Teicfón: (01) 6662078/6662080

Web site: www.garda.ie

Fax/Facs: (01) 6662084

H.Q. Directive No: 219/02

Please quote the following ref. number:

Date: 6th DECEMBER 2002

EACH CHIEF SUPERINTENDENT

THIS IS A CONFIDENTIAL DOCUMENT FOR USE ONLY BY MEMBERS OF AN GARDA SÍOCHÁNA.

RE: Preservation of Historical Documents/Records

Preserving the heritage of An Garda Síochána is a task entrusted to all members of the service. The preservation of historical documents and records, in particular Inspection Books dating back to the early years of the Garda Síochána, is essential. Members should be aware of the historic value of documents, records, photographs, even I.T. media such as hard drives, disks, cds etc., and make every effort to ensure that they are preserved and made available to future Garda historians and researchers of police history.

The Garda Museum, Record Tower, Dublin Castle is always seeking to add to its historical collection. Staff members are available to advise on the historical significance, or otherwise, of relevant material that may be uncovered.

While the history of the Force is well documented, it is important that historical traditions are maintained. Recording the history of any organisation should be consistent and An Garda Síochána is no different in this regard. Events of today become the history of tomorrow.

Each Chief Superintendent is asked to circulate this throughout their Division or Section. Photographs of present day Garda events and functions are very relevant and will be of considerable value to future Garda historians and researchers of police history.

TP. Fitzgerald

Deputy Commissioner

Mission Statement

To achieve the highest attainable level of Personal Protection, Community Commitment and State Security