

# 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](http://www.garda.ie)

Bí linn/Join us  

Riomh-phoist/Email: [foi@garda.ie](mailto:foi@garda.ie)

**Ms Tessa Fleming,  
News Editor,  
Northern Sound.**

## **Re: Freedom of Information Request FOI-000077-2017. Partially Granted.**

*Dear Ms Fleming,*

I refer to your request, dated and received on 24<sup>th</sup> February, 2017 which you have made under the Freedom of Information Act (FOI) 2014 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. How many retirements have been taken in each of the Garda stations in Cavan and Monaghan since 2011?*
- 2. What was the rank of each retired Garda? (eg. Garda, Sergeant, Superintendent, etc)*
- 3. How many new recruits have been stationed at each Garda station in Cavan and Monaghan since 2011?*
- 4. What was the total number of rank and file Gardaí in the Cavan/Monaghan Garda Division in 2011?*
- 5. What was the total number of Gardaí in senior management roles in the Cavan/Monaghan Garda Division in 2011?*

6. *What is the current total number of rank and file Gardaí in the Cavan/Monaghan Garda Division?*
7. *What is the current total number of Gardaí in senior management roles in the Cavan/Monaghan Garda Division?*

For ease of reference I have numbered each part of your request as above.

I wish to inform you that I have decided to partially grant your request on the 22<sup>nd</sup> March, 2017.

The purpose of this letter is to explain that decision.

### **1. Findings, particulars and reasons for decisions.**

Following a search of records within the Human Resource and People Management Section, in response to your FOI request I advise as follows.

I advise that I am refusing parts 1 and 2 of your request.

With regard to this request I must refuse this information at the level of station for the Cavan Monaghan Division as there is a small number of retirements for each station which in my opinion, if released to you, would facilitate the identification of particular individuals. Due to the personal nature of the information being requested regarding an individual's employment history, the information cannot be provided under section 37 of the FOI Act. Personal information is defined at section 2 of the FOI Act and includes the following.

#### ***Section 2 – Interpretation***

2. *(1) In this Act—*

*“personal information” means information about an identifiable individual that, either—*

*(a) would, in the ordinary course of events, be known only to the individual or members of the family, or friends, of the individual, or*

*and, without prejudice to the generality of the foregoing, includes—*

*(iii) information relating to the employment or employment history of the individual,*

I believe that the individuals involved will become easily identifiable beyond their family and friends and it would be considered a breach of the confidentiality upon which the information is being held by the Garda Organisation. I am therefore applying Section 37(1) Personal Information which states:

#### ***Section 37 - Personal Information***

*37 (1) Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual).*

There is a Public Interest Test applicable to section 37 of the FOI Act.

### ***Public Interest Test***

As per section 37 of the FOI Act I have considered the public interest issues which arise in this case and have taken account of the following factors in favour of release:

- Ensuring openness and transparency of organisational functions to the greatest possible extent.
- The public interest in the public exercising their rights under the FOI Act.
- That there is more than just a transitory interest by the public in this information.
- The right to privacy is outweighed by the needs of the public.

In considering the public interest factors which favour withholding the records I have taken account of the following:

- Allowing a public body to hold personal information without undue access by members of the public.
- The public interest is not best served by releasing these records.
- That the Organisation can conduct its business in a confidential manner.
- That there is a reasonable and implied expectation by employees that sensitive personal information will remain confidential.
- That there is no overriding public interest that outweighs the individual's right to privacy.

Having balanced the factors both for and against the release, I decided that the public interest in preserving the personal information and the reasonable expectation that information can be maintained in a confidential manner by An Garda Síochána outweighs the public interest which would be served were the records released to you.

I am therefore providing the retirements figures for the Cavan/Monaghan Division by rank for the period 1<sup>st</sup> January, 2011 and 31<sup>st</sup> December, 2016 as I believe the public interest is served by the release of the information at this level.

<b>Total No. Garda members who retired from the Cavan/Monaghan Division 2011 - 2016</b>						
<b>Rank/Year</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Garda	17	13	10	0	8	9
Sergeant	6	2	6	6	2	4
Inspector	0	1	1	0	0	0
Superintendent	0	1	0	0	0	0
Chief Superintendent	1	0	0	0	1	0
<b>TOTAL</b>	<b>24</b>	<b>17</b>	<b>17</b>	<b>6</b>	<b>11</b>	<b>13</b>

I advise that there have been no retirements in this division from 1<sup>st</sup> January, 2017 and 1st March, 2017. Therefore I am refusing this part of your request pursuant to section 15(1)(a) of the FOI Act, which 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—
- (a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,

I advise that I am also refusing part 3 of your request pursuant to Part 1(n) of Schedule 1 of the FOI Act (cited above).

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. 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.

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, I advise that 21 Garda Probationers (recruits) have been assigned to the Cavan/Monaghan Division since 2011.

I advise that I am granting parts 4 and 5 of your request for the numbers of garda allocated to the Cavan/Monaghan Division in 2011.

The table below shows the manning levels for the Division by rank as of 31<sup>st</sup> December 2011.

<b>Chief Superintendent</b>	<b>Superintendent</b>	<b>Inspector</b>	<b>Sergeant</b>	<b>Garda</b>	<b>Total</b>
0	6	6	64	284	360

Also I am granting parts 6 and 7 of your request for the current numbers of garda allocated to the Cavan/Monaghan Division in 2017.

The table below shows the manning levels for the Division as of 31<sup>st</sup> January, 2017 by rank. I advise that the staffing levels are compiled on a monthly basis. Therefore the most recent figures prior to receipt of your request were as of 31<sup>st</sup> January, 2017.

Chief Superintendent	Superintendent	Inspector	Sergeant	Garda	Total
1	5	6	53	251	316

## 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-000077-2017**.

*Freedom of Information, 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-000077-2017) 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](http://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 .**

23<sup>rd</sup> MARCH, 2017