

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

Re: Freedom of Information Request FOI-000435-2016. Partially Granted.

Dear

I refer to your request, dated 29th November, 2016 and received on 30th November, 2016 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 apply for the following copies of all notes, records, emails and relevant information under the Freedom of Information Act.

- 1. The information pertains to copies of all emails and attachments sent by the Garda Commissioner Noirin O'Sullivan to the justice minister, or vice versa, via the commissioner's official email and a gmail account called noirinos@gmail.com.*
- 2. I wish to obtain a detailed list of all emails and their subject matter sent and received by the commissioner using her official email and Gmail addresses to francesryanfitzgerald@gmail.com and francesfitzgerald@mail.com.*

I wish to obtain a list of all emails and a brief description of their subject matter as opposed to the contents of such correspondence.

3. *I also wish to obtain a list of all emails which the commissioner sent and received using her gmail account noirinos@gmail.com since 2012. I want a list of the recipients, subject matter and date of sending.*
4. *I want a list of all emails which the commissioner both sent and received from her official email addresses to her gmail account. I wish to obtain a list of all emails and a brief description of their subject matter as opposed to the contents of such correspondence.*
5. *I also wish to obtain a copy of the garda's policy on email and its use for official purposes and copies of any circulars and instructions issued to gardai on email usage since 2012.*
6. *I also wish to obtain information on any disciplinary proceedings taken against gardai of all ranks for breaching any regulation connected with sending or receiving emails and internet usage.*
7. *I also wish to obtain all notes, records and documents held and created by the force in connection with the commissioner's use of the above mentioned gmail account.*
8. *I want a list of the number of gardai disciplined for such offences or breaching regulations on emails, their rank, the date of such findings made against them and information on the fines and sanctions imposed since 2012."*

I have numbered each part of your request for reference purposes.

I wish to inform you that I have decided to partially grant your request on the 27th December, 2016.

The purpose of this letter is to explain my decision. This explanation has the following parts:

1. An explanation of the relevant findings concerning the records to which access is denied:
2. A statement of how you can appeal this decision should you wish to do so.

1. Findings, particulars and reasons for decision.

Your request was forwarded to the Information Technology section to conduct searches for records relevant to your request. They have advised that only emails sent or received through official email accounts are stored on An Garda Síochána's email servers, where the searches were performed. Our software allows for searching by Message, Subject, Attachment Text, Attachment name.

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, searches were restricted to email subjects that relate to human resources, finance or procurement using the Subject

and Date parameters specified in your request. The following keywords were used when searching; "finance", "procurement", "human resources", "funding", "request for tender", "RFT", "OGP", "tender", "staff", "personnel", "recruitment", "members" and "expenditure".

The Information Technology section reports that having conducted an electronic search of official emails no records were found relating to parts 1 and 2 of your request. Furthermore, An Garda Síochána does not hold emails sent between external email servers and therefore cannot provide the records requested in part 3. Section 15(1)(a) of the FOI Act 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.

Therefore I advise that I am refusing the parts 1, 2 and 3 of your request.

Part 4 of your request sought "*a list of all emails which the commissioner both sent and received from her official email addresses to her gmail account*". I advise that I am granting you access to these records. This search produced a total of 9 records of which are included in Appendix A.

I am refusing part 5 of your request seeking "*a copy of the garda's policy on email and its use for official purposes and copies of any circulars and instructions issued to gardai on email usage since 2012.*" as it is outside the scope of the FOI Act insofar as it pertains to An Garda Síochána.

This part of your request is seeking information pertaining to Garda Information Technology and Information Technology Security matters. These types of records do not come within the ambit of this partially included agency as set out in Part 1(n) of Schedule 1 of the FOI Act (cited above).

I advise that part 6 and 8 of your request are duplicates and therefore I am treating them as one.

I advise that I am granting these parts of your request.

Human Resources and People Development of An Garda Síochána was requested to conduct a search for records relating to this part of your request. I wish to make you aware that disciplinary proceedings initiated internally relating to misuse of emails or internet usage on Garda equipment is not specifically identifiable under a separate heading within the discipline section in Human Resources and People Development.

However, such misuse by Gardai on Garda equipment may lead to a breach of discipline under a more generic section of the Garda Síochána (Discipline) Regulations 2007 as amended. These Regulations are available at www.oireachtas.ie

However, a search of electronic discipline records was carried out to identify members who have been disciplined for inappropriate use of official emails since 2012. I advise that 1 garda and 1 sergeant were found in breach for using inappropriate language and content being sent via official email. Both matters were dealt with by advice, which is an instruction by local management on proper procedures.

I advise that I am refusing part 7 of your request which sought *all notes, records and documents held and created by the force in connection with the commissioner's use of the above mentioned gmail account* on the basis that these records are outside the scope of the FOI Act as far as it pertains to An Garda Síochána under Part 1(n) of Schedule 1 of the FOI Act (cited above).

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-000435 - 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-000435-2016 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 DECEMBER, 2016

MailMeter Investigate

SearchGroup BuilderTag BuilderExport Request Builder

Between email addresses: noirinos@gmail.com

Date range: Custom

Address

From: 01/01/2012

and: Address

Find this text: "Finance" OR "procurement" OR "hum"

To: 29/11/2016

Show me: Emails

Message

Attachment Text

Subject

Attachment Name

Search

Limit to: All messages

Clear

Tags

Apply selected tags to selected messages

Apply

Filter emails

Test_PCW

(9 items)

Export

	From	Subject	Time Sent			Size (KB)
1	<input type="checkbox"/> caullivan, noirin p	FW: Draft letter to staff re survey	11/09/2014 10:17:41	1	1	327
2	<input type="checkbox"/> caullivan, noirin p	FW: Draft letter to staff re survey	12/09/2014 10:21:09	1	2	332
3	<input type="checkbox"/> commissioner	FW: Draft press release for recruitment campaign	25/11/2015 09:34:17	1	1	24
4	<input type="checkbox"/> noirin o's	Police funding 'omnishambles' criticised by NIPs - BelfastTel...	10/12/2015 13:04:04	2	0	1
5	<input type="checkbox"/> noirin o's	PAC criticises "hands-off" approach to police cuts Public...	10/12/2015 13:10:48	4	0	2
6	<input type="checkbox"/> mccloughlin, anthony	FW: Garda Vote Expenditure in support of satellite structure	19/01/2016 19:07:50	1	0	7
7	<input type="checkbox"/> noirin o's	Fwd: FW: Garda Vote Expenditure in support of satellite stru...	19/01/2016 20:16:27	1	0	7
8	<input type="checkbox"/> noirin o's	Watch: CCTV footage shows armed raider in 'Hulk' mask terror...	29/01/2016 05:58:24	1	0	1
9	<input type="checkbox"/> noirin o's	CAPG Members	20/02/2016 21:41:49	2	0	3

(9 items)

Export