

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

Ms Anne-Marie Walsh,

Re: Freedom of Information Request FOI-000456-2016 Request Refused

Dear Ms Walsh,

I refer to your request, dated and received on 6th December, 2016 which you have made under the Freedom of Information Act (FOI Act) 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:

Records and correspondence between the Commissioner/Assistant Commissioners, Minister for Justice and Garda Associations in relation to the threat of strikes by GRA and AGSI members during 2016, to include documents relating to contingency planning.

I wish to inform you that I have decided to refuse your request on the 31st January, 2017.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decisions.

On receipt of your request the offices of the Commissioner, Executive Director Human Resources and People Development, Deputy Commissioner Policing and Security and Assistant Commissioner Legal and Compliance were requested to carry out searches for records (electronic and paper) relevant to your request. Searches were conducted using the following terms “GRA”, “AGSI”, “Associations” “dispute”, “strike”, “action” and

“contingency planning”. The records located as a result of these searches were reviewed for relevance to your request and the provisions of the FOI Act.

With regard to your request for records and correspondence between the Commissioner and the Minister of Justice the Commissioner’s Office have advised that having completed the searches as outlined above, no records could be located.

I am therefore refusing this part of your request pursuant 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,

Having carefully considered the remaining records, I have determined that the records deemed pertinent to your request do not fall within the scope of the FOI Act insofar as it pertains to An Garda Síochána in Part 1(n) of Schedule 1.

Part 1(n) of Schedule 1 of the Act provides that section 6 does not include a reference to An Garda Síochána “*other than insofar as it relates to administrative records relating to human resources, or finance or procurement matters*”.

The records sought are concerned with matters relating to policing and security of the State in the context of a withdrawal of labour. The correspondence outlines plans to ensure that public safety and law enforcement was unaffected in such circumstances.

I am also of the opinion that while certain records detail resource availability, they were created exclusively for operational planning and cannot be considered as administrative records.

I would refer you to the decision by the Office of the Information Commissioner in case *Mr. Y and An Garda Síochána (FOI Act 2014)* (Case No. 160054) which discusses the nature of administrative records and Part 1(n) of Schedule 1 as it applies to An Garda Síochána. The details of this decision is available from their website (<http://www.oic.gov.ie/en/>)

Please find attached a schedule of records with respect to your request.

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:

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

Please ensure that you quote reference number **FOI-000456-2016** in all correspondence.

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, where applicable, will be removed to protect confidentiality.

Should you wish to discuss the above, please contact me by telephone at (046) 9036350.

Yours sincerely,



HELEN DEELY
FREEDOM OF INFORMATION OFFICER.


FEBRUARY 2017

Page No	Description of document	From	To	Deletions	Relevant Section of FOI Acts	Reason for decision	Person(s) Consulted	Objections Yes/No	Decision Maker's decision
1	26/10/2016 Contingency planning	A/C DMR	A/C Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
2 - 7	31/10/2016 Contingency planning	Deputy Commissioner Policing and Security	A/C Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
8 - 9	01/11/2016 Contingency Requirements	A/C Legal & Compliance	All Divisions & A/Cs		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
10 - 11	04/11/2016 GBA - Suspended	C/Supt Policy Development and Monitoring	All Divisions & A/Cs		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
12 - 13	04/11/2016 AGSI - Suspended action	C/Supt Policy Development and Monitoring	All Divisions & A/Cs		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
14	03/11/2016 Contingency planning	A/C Legal & Compliance	Deputy Commissioners		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
15 - 17	03/11/2016 Essential Policing Requirements	A/C Legal & Compliance	All Divisions & A/Cs		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
18	03/11/2016 Press Release	Press Office	All Divisions & A/Cs		Part 1(n) Schedule 1	Not an Administrative Record for HR Finance or Procurement			Refuse
19	03/11/2016 Press Release	Press Office	All Divisions & A/Cs		Part 1(n) Schedule 1	Not an Administrative Record for HR Finance or Procurement			Refuse
20 - 21	03/11/2016 Contingency planning	Supt Kevin St	A/C Corcoran		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
22	03/11/2016 Contingency planning	A/C Eastern	D/Comm O'Quinlan		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
23 - 26	02/11/2016 Contingency planning	A/C Legal and Compliance	All Divisions & A/Cs		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
27 - 29	01/11/2016 Contingency planning	A/C Legal and Compliance	All Divisions & A/Cs		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
30 - 36	31/10/2016 Contingency planning	A/C DMR	Deputy Commissioner Policing and Security		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
37 - 38	21/10/2016 Contingency planning	Gen Sec Association of Garda Superintendents	Commissioner & A/C Legal and Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
39 - 43	21/10/2016 Contingency planning	A/C Legal and Compliance	Gen Sec Association of Garda Superintendents		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
42 - 45	27/10/2016 Contingency planning	Gen Sec Association of Garda Superintendents	Commissioner & A/C Legal and Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
46 - 52	27/10/2016 Contingency planning	A/C Special Crime Operations	Deputy Commissioner Policing & Security		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
53	21/10/2016 Press release	Press Office	Deputy Commissioners		Part 1(n) Schedule 1	Not an Administrative Record for HR Finance or Procurement			Refuse
54	20/10/2016 Contingency planning	C/Supt Louih	Deputy Commissioner Policing & Security		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
55 - 64	19/10/2016 Contingency planning	Head of I.T. Planning	Office of Deputy Commissioner Policing & Security		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
65 - 68	19/10/2016 Contingency planning	C/Supt CavanMonaghan	Deputy Commissioner Policing and Security & A/C Northern Region		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
69 - 70	19/10/2016 Contingency planning	C/Supt Louih	Deputy Commissioner Policing and Security & A/C Northern Region		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse

71 - 72	18/10/2016 Contingency planning	C/Supt Wenford	Deputy Commissioner Policing and Security	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse
73 - 74	18/10/2016 Contingency planning	C/Supt Kilkenny/Carlow	Supt Office of Deputy Commissioner Policing and Security	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse
75 - 77	18/10/2016 Contingency planning	C/Supt Clare	Deputy Commissioner Policing and Security & A/C Western Region	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse
78 - 80	03/11/2016 Contingency planning	Deputy Commissioner Policing and Security	A/C Legal and Compliance	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse
81	03/11/2016 Press Release	Press Office	Supt Policing and Security	Part 1(n) Schedule 1	Not an Administrative Record for HR Finance or Procurement	Refuse
82 - 83	03/11/2016 Contingency planning	Supt Policing and Security	C/Supt Crime Policy & Admin	Part 1(n) Schedule 1	Not an Administrative Record for HR Finance or Procurement	Refuse
84 - 86	03/11/2016 Contingency planning	Supt Policing and Security	A/C Legal & Compliance	Part 1(n) Schedule 1	Not an Administrative Record for HR Finance or Procurement	Refuse
87 - 88	03/11/2016 Contingency planning	Deputy Commissioner Policing and Security	A/C Legal & Compliance	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse
89 - 90	02/11/2016 Contingency planning	Deputy Commissioner Policing and Security	A/C Legal & Compliance	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse
91 - 92	01/11/2016 Media query	Deputy Commissioner Policing and Security	A/C Security & Intelligence	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse
93 - 94	01/11/2016 Media query	Deputy Commissioner Policing and Security	Deputy Comm Governance & Strategy, CAO & A/Cs	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse
95 - 102	31/10/2016 Contingency planning	Deputy Commissioner Policing and Security	A/C Executive Support & Corporate Services	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse
103	27/10/2016 Contingency planning	Deputy Commissioner Policing and Security	Each A/C E/D Dir C/Supt & Supt	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse
104 - 105	28/10/2016 Contingency planning	Deputy Commissioner Policing and Security	Gen Sec Association of C/Supts Gen Sec Association of Garda Supts	Part 1(n) Schedule 1	Not an Administrative Record for HR Finance or Procurement	Refuse
106 - 107	28/10/2016 Contingency planning	Deputy Commissioner Policing and Security	Each A/C C/Supt & Supt	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse
108 - 109	27/10/2016 Contingency planning	Deputy Commissioner Policing and Security	Each A/C E/D Dir C/Supt & Supt	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse
110 - 113	27/10/2016 Contingency planning	Deputy Commissioner Policing and Security	A/C Legal & Compliance	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse
114 - 123	26/10/2016 Association of Garda Superintendents	Deputy Commissioner Policing and Security	Office of the Commissioner	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse
124 - 126	25/10/2016 Contingency planning	Deputy Commissioner Policing and Security	A/C Legal & Compliance	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse
127 - 128	21/10/2016 Contingency planning	Deputy Commissioner Policing and Security	Each A/C E/D Dir C/Supt	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse
139 - 150	20/10/2016 Contingency planning	Deputy Commissioner Policing and Security	Gen Sec Association of C/Supts Gen Sec Association of Garda Supts	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse
151 - 161	20/10/2016 Contingency planning	Deputy Commissioner Policing and Security	Each Supt	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse
162 - 165	19/10/2016 Contingency planning	Deputy Commissioner Policing and Security	A/C Legal & Compliance	Part 1(n) Schedule 1	Refers to Operational Matters	Refuse

167 - 169	19/10/2016 Contingency Planning Meeting	Deputy Commissioner Policing and Security	AVC Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters		Refuse
168 - 172	19/10/2016 Association of Garda Superintendents	Deputy Commissioner Policing and Security	AVC Security & Intelligence		Part 1(n) Schedule 1	Refers to Operational Matters		Refuse
173	18/10/2016 Contingency Planning Meeting	Deputy Commissioner Policing and Security	AVC Northern		Part 1(n) Schedule 1	Refers to Operational Matters		Refuse
174 - 176	18/10/2016 Contingency Planning Meeting	Deputy Commissioner Policing and Security	AVC Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters		Refuse
177 - 183	18/10/2016 Contingency Planning Meeting	Deputy Commissioner Policing and Security	AVC Eastern		Part 1(n) Schedule 1	Refers to Operational Matters		Refuse
184 - 190	18/10/2016 Contingency Planning Meeting	Deputy Commissioner Policing and Security	Policing & Security		Part 1(n) Schedule 1	Refers to Operational Matters		Refuse
				Total number of pages			190	
				Total number of pages for full release			0	
				Total number of pages for partial release			0	
				Total number of pages being withheld			190	

Page No	Description of document	From	To	Deletions	Relevant Section of FOI Acts	Reason for decision	Person(s) Consulted	Objections Yes/No	Decision Maker's decision
1 - 2	Letter 19/10/2016 Contingency planning	A/C Legal & Compliance	Deputy Commissioners		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
3 - 4	Letter 20/10/2016 Contingency planning	A/C Legal & Compliance	Deputy Commissioners		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
5 - 9	Letter 20/10/2016 Contingency planning	A/C Legal & Compliance	Commissioner & Deputy Commissioners & CAO		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
10 - 12	Letter 26/10/2016 Contingency planning	A/C Legal & Compliance	Commissioner & Deputy Commissioners & CAO		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
13 - 16	Contingency planning	A/C South East	A/C Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
17 - 26	Contingency planning	A/C South East	A/C Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
27 - 34	Contingency planning	A/C North	A/C Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
28 - 38	Contingency planning	A/C South	A/C Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
39 - 44	Contingency planning	A/C Eastern	Deputy Commissioner Governance and Strategy		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
45 - 46	Email 27/10/2016 Contingency planning	Deputy Commissioner Policing and Security	All Assistant Commissioners		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
49 - 51	02/11/2016 Contingency planning	A/C Legal & Compliance	All Assistant Commissioners		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
52 - 53	02/11/2016 Contingency planning	A/C South	A/C Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
54 - 60	02/11/2016 Contingency planning	A/C South Eastern	A/C Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
61 - 73	02/11/2016 Contingency planning	A/C South Eastern	A/C Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse

74 - 78	02/11/2016 Contingency planning	Deputy Commissioner Policing and Security	A/C Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
79 - 80	02/11/2016 Contingency planning	Deputy Commissioner Policing and Security	A/C Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
81	02/11/2016 Contingency planning	A/C South	A/C Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
82 - 83	02/11/2016 Contingency planning	Deputy Commissioner Policing and Security	A/C Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
84	3/11/2016 - Contingency planning	A/C Legal & Compliance	A/C DMR		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
85	3/11/2016 - Contingency planning	A/C Legal & Compliance	A/C South		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
86	3/11/2016 -Contingency planning	A/C Legal & Compliance	A/C Western		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
87	3/11/2016 - Contingency planning	A/C Legal & Compliance	A/C Northern		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
88	3/11/2016 - Contingency planning	A/C Legal & Compliance	A/C South Eastern		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
89	3/11/2016 - Contingency planning	A/C Legal & Compliance	A/C Eastern		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
90 - 103	03/11/2016 Contingency planning	C/Superintendent Naas Division	A/C Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
104	03/11/2016 Contingency planning	Deputy Commissioner Policing and Security	A/C Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
105 - 107	03/11/2016 Contingency planning	Deputy Commissioner Policing and Security	A/C Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
108 - 110	03/11/2016 Contingency planning	C/Superintendent Meath Division	A/C Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
108 - 110	01/11/2016 Contingency planning	A/C Legal & Compliance	All Assistant Commissioners		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse
112 - 114	03/11/2016 Contingency planning	C/Superintendent Portlaoise Division	A/C Legal & Compliance		Part 1(n) Schedule 1	Refers to Operational Matters			Refuse

