



An Garda Síochána

Interim Policy Document

Incidents of Concern

Effective Date	<i>02 April 2025</i>
Version No.	<i>1.0</i>
Approved by	<i>Garda Executive</i>
Introduced by	<i>HQ Directive 016/2025</i>
Policy Owner	<i>Assistant Commissioner, Governance and Accountability</i>

Purpose

The purpose of this policy is to provide a structure and processes for the implementation of the [Policing, Security and Community Safety Act 2024](#) (hereafter referred to as the 'Act') in relation to section 204 which places a statutory obligation on An Garda Síochána to notify the Police Ombudsman of Incidents of Concern (IoC) relating to Garda members, subject to certain conditions and protocols. In relation to non-criminal matters, a central assessment will be conducted prior to notifying the Police Ombudsman, and where it is determined that a conduct investigation is required, the Fiosrú Engagement Office (FEO) will notify the Police Ombudsman of the notifiable misconduct, as per the Notifiable Misconduct Regulations.

This legislation does not prevent An Garda Síochána from taking lawful action to prevent offences or breaches of professional behaviour, or conducting criminal investigations/conduct proceedings related to an IoC.

Scope

This policy and all associated documentation applies to Garda members. As per section 54 of the Act, this policy will apply to Garda personnel following a Ministerial order, no earlier than 24 months after the commencement of the Act. This policy and all associated documentation also applies to Police Officers from the Police Service of Northern Ireland (PSNI) seconded to An Garda Síochána, in accordance with section 94 of the Act.

Policy Statement

This policy focuses on the notification of an IoC to the Police Ombudsman, where appropriate, through An Garda Síochána's Fiosrú Engagement Office (FEO) or relevant section and the subsequent actions the Police Ombudsman can take following notification of an IoC. The FEO is the central office for engagement between An Garda Síochána and the Police Ombudsman.

Notifying the Police Ombudsman of an IoC

An Garda Síochána is responsible for notifying the Police Ombudsman of an IoC in accordance with the principles outlined in section 204 of the Act and the protocols agreed in the Memorandum of Understanding between the Police Ombudsman and An Garda Síochána.

As defined in section 204(6) of the Act, An Garda Síochána shall not notify the Police Ombudsman of an IoC if doing so would be (a) prejudicial to the security of the State, and/or (b) endanger the life or safety of any person who has given information in confidence to a public body in relation to the enforcement or administration of the law. Where section 204(6) applies, the Office of the Independent Examiner shall be notified.

The Police Ombudsman's actions post notification of an IoC

Upon notification of an IoC, the Police Ombudsman shall, in consultation with An Garda Síochána as required, decide on the subsequent action, in accordance with section 204(2).

Human Rights Considerations

This policy also aligns with An Garda Síochána responsibilities under Section 42 of the Irish Human Rights and Equality Commission Act 2014 which has established a positive duty on public sector bodies to eliminate discrimination and promote equality of opportunity and treatment.

The proportionate use of powers is dependent upon decisions being made following consideration of the Garda Decision Making Model (GDMM) and ensures that Constitutional and Human Rights considerations are at the core of every decision made. This practice which is guided by the nine standards of conduct and practice within the Code of Ethics, will aim to uphold the Human Rights of all those affected by such

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Compliance

Compliance with this policy is mandatory for all Garda members.

Related Documents

- [Policing, Security and Community Safety Act 2024](#)
- Policing, Security and Community Safety Act 2024 (Standards of Professional Behaviour) Regulations 2025
- Policing, Security and Community Safety Act 2024 (Section 257) (Conduct) Regulations 2025
- Policing, Security and Community Safety Act 2024 (Section 254(l)(n)) (Delegation of functions of Garda Commissioner) Regulations 2025
- Policing, Security and Community Safety Act 2024 (Notifiable Misconduct) Regulations 2025
- Incidents of Concern Procedure
- [Code of Ethics for the Garda Síochána](#)
- [Data Protection Act 2018](#)
- [Protected Disclosures Act 2014](#)
- [Policy/Procedures Document for the making of Protected Disclosures](#)
- [GDPR An Garda Síochána Data Protection Code of Practice](#)
- [HQ Directive No. 37/2019 – Garda Decision Making Model \(GDMM\)](#)
- [Anti-Corruption Policy](#)
- [Working Together To Create A Positive Working Environment](#)
- [Dignity at Work 2015](#)

Legal & Human Rights Screening

This policy has been legal and Human Rights screened in terms of the respective obligations placed on An Garda Síochána for the subject area concerned.

Ethical Standards & Commitments

Every person working in An Garda Síochána must observe and adhere to the standards and commitments set out in the [Code of Ethics](#) for An Garda Síochána and uphold and promote these standards throughout the organisation.

Policy & Procedure Review

This policy and associated documents will be reviewed 12 months from its date of effect and every three years thereafter.

Disclaimer

This document is not intended to, nor does it represent legal advice to be relied upon in respect of the subject matter contained herein. This document should not be used as a substitute for professional legal advice.

General Data Protection Regulations / Directive 2016/680/EU - Police and Criminal Justice Authorities Directive (if relevant/appropriate)

Personal data shall only be processed for the purposes specified in this Policy, and within a clearly defined lawful basis under the (EU) General Data Protection Regulation (GDPR) ((EU) 2016/679) and the Data Protection Acts 1988/2018. All necessary measures will be put in place to ensure personal data is kept safe and secure. Only authorised personnel shall have access to personal data. Only relevant personal data will be processed, and will not be retained for longer than is necessary.