

# 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)

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

## Re: Freedom of Information Request FOI-000148-2018 Request Part Grant

*Dear*

I refer to your request, dated and received on 9<sup>th</sup> April 2018 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 am seeking a record of the number of Gardai suspended from service for disciplinary reasons, as well as records of Gardai fully removed from their positions between the dates of January 1, 2017 to April 9th, 2018 (Today's date).*

*I am seeking an individual breakdown of each case and a summary as to why the serving member has been suspended or removed from their duties on these dates.*

I wish to inform you that I have decided to part grant your request on the 4<sup>th</sup> May, 2018.

The purpose of this letter is to explain my decision.

### 1. Findings, particulars and reasons for decision to deny access

Details of your FOI request were provided to the Human Resource Management (HRM) section of An Garda Síochána.

I am to advise you that there is presently 34 members of An Garda Síochána suspended from duty. Of these 34 members, 14 members had their suspension commence between the 1st January 2017 and the 9th April 2018. There was one member of An Garda Síochána dismissed during 2017 under Section 14 of the Garda Síochána Act 2005.

The figures outlined above do not relate to members of the Garda Reserve or Probationer Gardaí, who are dealt with under the Garda Síochána (Admission and Appointments) (Amendment) Regulations 2001/2006.

With regard to part 2 of your request wherein you are seeking 'an individual breakdown of each case and a summary as to why the serving member has been suspended or removed from their duties on these dates'. Due to the personal and sensitive 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 included the following:

### ***Section 2 – Interpretation***

- (2) (1) "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
  - (b) is held by an FOI body on the understanding that it would be treated by that body as confidential,

*And, without prejudice to the generality of the forgoing, includes,*

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

I believe the individual(s) involved would become easily identifiable beyond their family and friends and it could be considered a breach of the confidentiality upon which the information is being held by the Garda Organisation. The release of information about a particular incident will allow for a person(s) to become more identifiable and possibly named in the public domain and is personal information. 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(5) 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 members of 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.

A public interest was carried out when considering the release of the personal information. 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 in the context of its disciplinary proceedings outweighs the public interest which would be served were the records released to you.

## 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-000148-2018**.

**Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, 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:** IE86BOFI90001710026896

**BIC:** BOFIE2D

**You must ensure that your FOI reference number FOI-000148-2018 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

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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**  
**SHARON KENNEDY**  
**FREEDOM OF INFORMATION OFFICER**

 **MAY, 2018**