

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-000171-2018 Request Refused

Dear

I refer to your request, dated 19th April, 2018 and received on 20th 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:

A breakdown of all murder investigations in the Limerick Garda Division between 1990 and 1999 in the following format: name of murder victim, date of murder investigation launched, garda station operating the murder investigation, the date of the murder investigation being concluded or if it is still ongoing.

I wish to inform you that I have decided to refuse your request on 24th April 2018.

The purpose of this letter is to explain my decision.

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1. Findings, particulars and reasons for decision

Section 6(2)(a) of the FOI Act provides that an entity specified in Schedule 1, Part 1 of the Act shall, subject to the provisions of that Part, be a public body for the purposes of the FOI Act. Schedule 1, Part 1 contains details of bodies that are partially included for the purposes of the FOI Act and also details of the certain specified records that are excluded. If the records sought come within the description of the exclusions of Part 1, then the FOI Act does not apply and no right of access exists.

Part 1(n) of Schedule 1 of the FOI Act provides that An Garda Síochána is not a public body for the purposes of the FOI Act other than in relation to administrative records relating to human resources, or finance or procurement matters.

The term “administrative records” is understood to mean records relating to the processes of running and managing a business or organisation. I am refusing your request as it relates to an operational matter and therefore falls outside the scope of the FOI Act insofar as the records do not meet the criteria of administrative records as defined in the Act.

In addition to the above, An Garda Síochána has only been subject to the provisions of the FOI Act 2014 since 14th October 2015 and was not formerly subject to the requirements of the Freedom of Information as contained in the provisions of FOI Act of 1997. As a result, the start date for the provision of records, excluding personal records, as set out in Section 2(1)(c) of the FOI Act for An Garda Síochána is 21st April 2008. This date is known as the ‘effective date’ which is outlined below.

“effective date” means:

(c) in the case of an entity that immediately prior to enactment of this Act, was not a public body within the meaning of the Act of 1997, but is a public body within the meaning of this Act, 21st April 2008, unless provision is made to the contrary by order under section 6;

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-000171-2018**.

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-000171-2018 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 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

26th **APRIL, 2018.**