

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

Ríomh-phoist:/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000174-2018 Request Refused

Dear

I refer to your request, dated 8th February, 2018 and received in this office from the Department of Justice on 19th April, 2018 which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by An Garda Síochána. As per your confirmation email of 25th April, 2018 we will now process your request from the date of 25th April, 2018.

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:

- 1. details of the pay payable to a serving Garda Superintendent?*
- 2. details of the pension payable to a retired Garda Superintendent?*
- 3. details of lump sum payments payable to a Garda Superintendent on retirement?*
- 4. Is a retired Garda of any service rank entitled, subject to age, to the old age pension in addition to service pension?*

I wish to inform you that I have decided to refuse your request on 26th April, 2018.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision

The sections of the FOI Act which can apply to deny access to documents are known as exemption provisions

I wish to advise you that I am refusing part 1,2 and 3 of your request pursuant to section 15(1)(d) 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
(d) the information is already in the public domain,

However, I wish to inform you that the information you seek is available on the Garda Representative Associations website. I have attached the website address for your ease of reference; www.gra.ie.

In relation to part 4 of your request I am applying Section 11 of the FOI Act, which provides for a right of access to records held by FOI bodies. Requests for information are therefore not valid requests under the Act, as opposed to requests for records. FOI bodies are not required to create records under the Act if none exist and it does not oblige FOI bodies to answer general queries nor provide a mechanism for answering questions, except to the extent that a question can reasonably be inferred to be a request for records which contain the answer to the question asked or the information sought. Therefore, I am refusing part 4 of your request pursuant to Section 11 of the FOI Act.

1. 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-000174-2018**.

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-000174-2018 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.