

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 ND62



Freedom of Information Office,
An Garda Síochána, Athlumney House,
IDA Business Park,
Johnstown, Navan,
Co Meath.
C15 ND62

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-000006-2022 Request Part Granted

Dear

I refer to your request, dated and received on 4th January, 2022 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 the following under the Freedom of Information Act -

- 1. The top 15 monetary sanctions imposed on Gardai to be found in breach of Garda discipline in 2021 and the nature of the breach of discipline in each case.*
- 2. The number of Gardai to be suspended from duty in 2021 and the reason for the suspension in each case and the corresponding figures for 2020.*
- 3. The number of Gardai to be found to be in breach of Garda discipline in 2021 and the total amount imposed in fines last year and the corresponding figures for 2020.*
- 4. The number of Gardai to be dismissed from the force on 2021 and the reason in each case and the corresponding figures for 2020.*

I wish to inform you that I have decided to part grant your request on the 26th January, 2021. I have numbered your request for ease of reference.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision.

Upon receipt, your request was forwarded to the relevant sections of An Garda Síochána where searches were conducted in respect of same.

The table below details records sought by you in part 1 of your request.

No.	Nature of Breach	Sanction
1	Discreditable Conduct/Breach of Confidence	6 Weeks pay
2	Discreditable Conduct	4 Weeks pay
3	Neglect of Duty/Falsehood/Prevarication	4 Weeks pay
4	Falsehood/Prevarication	€1,950
5	Falsehood/Prevarication	1 Weeks pay
6	Discreditable Conduct	1 Weeks pay
7	Discreditable Conduct	€2,100
8	Discreditable Conduct	€904
9	Neglect of Duty	€750
10	Discreditable Conduct	€700
11	Discreditable Conduct	€550
12	Discreditable Conduct	€550
13	Neglect of Duty	€500
14	Discreditable Conduct	€450
15	Discreditable Conduct	€450

Part 2 of your request sought “*The number of Gardai to be suspended from duty in 2021 and the reason for the suspension in each case and the corresponding figures for 2020*”. The table below provides the details requested.

2021	2020
45 Members Suspended	41 Members Suspended
Breakdown of Reasons for Suspension	
Social Media	Domestic Violence
Theft	Road Traffic matters
Sexual	Drink Driving
Drugs	Social Media
Drink Driving	Theft
Assault	Sexual
Pervert Justice	Drugs
Domestic Violence	Assault
Access Garda Systems	Covid Breach
	Pervert Justice
	Social Media

We have been advised that 252 members were found in breach of discipline in 2020 and the amount imposed in fines was €22,825. There were 116 members found in breach of discipline in and in 2021 with €24,787 imposed in fines.

I can advise that 6 members of the force were dismissed in 2020/21. The breakdown of the dismissed members is 3 in 2020 and 3 in 2021. I am refusing to provide the reason for the dismissals in accordance with Section 37 of the FOI Act 2014. I am conscious of my obligations to retain personal information in a confidential and secure manner and prevent personal information from being released in to the public domain unnecessarily.

Section 37 states

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).

Information that is considered personal is not released under the provisions of the FOI Act when it refers to an identifiable individual(s) and meets the definition as per Section 2 of the FOI Act.

Personal information is defined at section 2 of the FOI Act and includes the following:

Section 2 — Interpretation

2. (1) In this Act –

"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 foregoing, includes—

(iii) information relating to the employment or employment history of the individual,

I am refusing to provide the reason for dismissals as I believe that with the numbers being so low the release of this information, which is specific to an individual(s), will allow for a person(s) to become easily identifiable and possibly named in the public domain.

There is a Public Interest Test applicable to section 37 of the FOI Act.

Public Interest Test

As per section 37 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,

- 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 there is no overriding public interest that outweighs the individual's right to privacy.

A public interest test was carried out when considering the release of the personal information but 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 outweighs the public interest which would be served were the records released.

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-000006-2022**.

Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, Navan, Co. Meath, C15 ND62.

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: An Garda Síochána Imprest Account

Account Number: 30000302

Sort Code: 951599

IBAN: IE28DABA95159930000302

BIC: DABAIE2D

You must ensure that your FOI reference number FOI-000006-2022 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 the FOI Office by telephone at (046) 9036350.

Yours sincerely,



ASSISTANT PRINCIPAL

PAUL BASSETT

FREEDOM OF INFORMATION OFFICER

26th

JANUARY, 2022