

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-000131-2022 Request Part-Grant

Dear

I refer to your request, dated and received on 29th March, 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:

Under the FOI Act 2014, I am seeking the following:

- *a copy of all internal audit reports completed in the period 22 Oct 2021 to date of receipt of the request.*

I would prefer to receive this information electronically, ideally in its original electronicformat.

I wish to inform you that I have decided to part-grant your request on 26th April 2022.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

Upon receipt of your request was forwarded to the Garda Internal Audit Section (GIAS), who have advised that there have been 6 Audits completed in the time frame requested, namely:

- Management and Operation of the Garda Officers' Club
- Cancellation of COVID-19 Fixed Payment Notices
- Travel & Subsistence Payments - Garda College
- Review of Garda National Data Protection Unit
- Specialist Firearms Training
- Internal Security Fund 2021 Audit

I am refusing the release of the Specialist Firearms Training Audit and the ISF Audit. I am doing so in accordance with Section 42 of the FOI Act. Section 42 refers to the restrictions included in the FOI Act with regard to records that are exempt from release by An Garda Síochána. Section 42 (b) states that:

Restriction of Act

42. *This Act does not apply to—*

(b) a record held or created by the Garda Síochána that relates to any of the following:

- (i) the Emergency Response Unit;*
- (iii) the Special Detective Unit (SDU)*
- (v) the Security and Intelligence Section;*

The audit Specialist Firearms Training Audit and the ISF Audit fall with the provisions of Section 42 and accordingly must be refused.

I am enclosing herewith copies of the remaining four audit reports. While the audits contain information relating to human resources, finance and procurement matters, they also contain additional information outside of these areas. Therefore, I have applied a number of redactions to the records and the reasons for these redactions are set out in the attached schedule of records for each audit. I now wish to explain my redactions in my correspondence below.

Part 1(n) of Schedule 1:

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. As a result, the FOI Act excludes operational policing business as opposed to the defined administrative processes of An Garda Síochána.

The non-administrative records pertaining to human resources, finance and procurement along with the operational elements of each audit are considered out of the scope of the FOI Act

insofar as it pertains to An Garda Síochána and are therefore is not provided in accordance with Part 1(n) of Schedule 1 of the FOI Act. This information has been redacted accordingly.

Personal Information:

In addition I am conscious of my obligations to retain personal information in a confidential and secure manner and to prevent personal information from being released into the public domain unnecessarily. 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,

A number of the records contained in each of the audits have been redacted in accordance with Section 37 of the FOI Act which refers to personal information. I am refusing this information as I believe that by releasing same could easily identify the various individuals involved beyond their family and friends and it would be considered a breach of the confidentiality upon which the information is being held by the Garda Organisation. I am therefore applying Section 37(1) Personal Information which 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).*

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,
- 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 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 in the context of their employment 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-000131-2022**.

Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, Johnstown, 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-000131-2022) is included in the payment details.

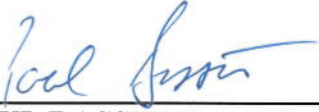
You should submit your request for an Internal Review within 4 weeks from the date of this notification. The review will involve a complete reconsideration of the matter by a more senior member of An Garda Síochána and the decision will be communicated to you within 3 weeks. The making of a late appeal 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 APRIL, 2022.