

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

Láithreán Gréasain/Website:

www.garda.ie

Bf linn/Join us



Ríomh-phoist:/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000283-2022 Request Part Granted

Dear

I refer to your request, dated and received on **25th July, 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:

*The amount that An Garda Síochána have charged for Policing the following events;
Please include the date AGS issued the costs for these events and date AGS received the amount requested for Policing the event*

- 1) Westlife concerts at the Aviva Stadium on 8th and 9th July 2022
- 2) GAA football final at Croke Park on 24th July 2022
- 3) Horse Racing at the Curragh on 25th June 2022
- 4) GAA hurling final at Croke Park on 17th July 2022
- 5) Harry Styles concert at Aviva Stadium on 22nd June 2022
- 6) GAA football semi finals at Croke Park on 10th July 2022
- 7) The Eagles Concert at the Aviva Stadium on 24th June 2022
- 8) Irish Grand National at Fairyhouse on 18th April 2022
- 9) The amount that AGS charge commercial companies for Policing their events eg For every Garda up to the rank of Garda its €35 per hour and VAT at 23% on days between Monday and Friday, Saturdays it's €50 per hour plus 23% VAT, Sundays and Bank Holidays it's €90 per hour plus VAT at 23% etc

I wish to inform you that I have decided to **part-grant** your request on the 18th August 2022.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

Upon receipt your request was forwarded to the finance section of An Garda Síochána who have provided records to this office in response to your request.

I am to advise you that I am refusing to provide the information in respect of parts 2, 3, 4 and 6 of your request as this information is not yet available. Section 15(1)(a) of FOI Act 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 -*

- (a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken*

Please see the table below which details the records sought in parts 1, 5, 7 and 8 of your request.

Event	Location	Invoice Date	Payment Received	Amount
Westlife Concert	Aviva Stadium 8 th & 9 th July 2022	29/06/2022	27/07/2022	€80,000
Harry Styles Concert	Aviva Stadium 22 nd June 2022	22/06/2022	29/06/2022	€47,000
The Eagles Concert	Aviva Stadium 24 th June 2022	22/06/2022	29/06/2022	€44,500
The Irish Grand National	Fairyhouse 18 th April 2022	23/06/2022	21/07/2022	€11,670

Furthermore I wish to advise that I am refusing to release the records sought in part 9 of your request as I deem them to be commercially sensitive information as defined by the FOI Act:

Commercially sensitive information

36. (1) *Subject to subsection (2), a head shall refuse to grant an FOI request if the record concerned contains—*

- (b) financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation, or*
- (c) information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates*

I am satisfied that the release of the records sought would prejudice the competitive position of the organisations involved by making a significant element of their cost base publically known. This information therefore is commercially sensitive in accordance with the provisions of Section 36 of the Act.

Harm Test

Section 36 also requires a harm test to be carried out as part of the decision making process. As stated above, the release of information under the Act is, in essence, a release to the public at large. If the records sought were made available to you it is reasonable to expect that it would prejudice the ability of the organisations in question to conduct negotiations in respect of their operations in the future as other parties would be aware of their cost structure. I am of the view that the release of cost structures could be reasonably expected to result in a material financial loss by the organisations concerned as it could prejudice their competitive position in the conduct of their business. The placing of these cost structures into the public domain could also reasonably be expected to give a competitive advantage to other organisations involved in similar undertakings.

Therefore, I am refusing this part of your request under the provisions of section 36(1)(b) & 36(1)(c) as it seeks commercially sensitive information.

Public Interest Test

There is a Public Interest Test associated with section 36 of the FOI Act whereby my decision must be made having fully considered the public interest relevant to this request.

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 being released.
- The right to commercial confidentiality is outweighed by the needs of the public regarding the expenditure of public funds by a public body.

In considering the public interest factors which favour withholding the records I have taken account of the following:

- Allowing a public body to hold commercial information without undue access by members of the public.
- The best course of action which is in the public interest with regard to these records.
- That An Garda Síochána can conduct its business with external contractors in a confidential manner.
- That there is a reasonable and implied expectation by contractors that financial information pertaining to services provided will be held in a confidential manner.
- That there is no overriding public interest that outweighs the right to privacy by an individual or in this case the financial activities of a service provider.

Having balanced the public interest factors both for and against the release, I decided that the public interest in preserving the information and the reasonable expectation that information can be maintained by An Garda Síochána without prejudicing future financial endeavors by external service providers 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-000283-2022**.

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-000283-2022) 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 me by telephone at (046) 9036350.

Yours sincerely,



ASSISTANT PRINCIPAL

PAUL BASSETT

FREEDOM OF INFORMATION OFFICER

18 AUGUST, 2022.