

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-000332-2018 Request Refused

Dear .

I refer to your request, dated and received on 1st August 2018 which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by An Garda Síochána. Your request was further clarified with this office on 8th August 2018 and therefore the timeframe for this request commenced from that date.

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 original request sought:

In accordance with the Freedom of Information Act 2014, I would like to request the following records relating to the construction of a new immigration unit in Dublin Airport which I believe to be held by An Garda.

- 1. A copy of the briefing material drawn up by An Garda for the Office of Public Works (OPW) and the Irish Naturalisation and Immigration Service (INIS) on the plans for a dedicated immigration unit (for those refused leave to land) at Dublin Airport.*
- 2. Copies of correspondence between an Garda and the OPW regarding additional staffing at the new centre including the numbers of translators and legal professionals needed on call.*

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3. *Copies of correspondence between an Garda and the INIS regarding the number of new hires needed at the unit and whether these will be Gardaí or civilians.*
4. *Copies of correspondence between an Garda and the OPW regarding the projected opening day of the new unit. (my understanding is that the unit is due to open this autumn)*

Your clarified request sought:

In accordance with the Freedom of Information Act 2014, I would like to request the following records relating to the construction of a new immigration unit in Dublin Airport which I believe to be held by An Garda.

1. *A copy of the briefing material drawn up by An Garda for the Office of Public Works (OPW) regarding the planning and layout of the centre*
2. *A copy of the briefing material drawn up by An Garda for the Irish Naturalisation and Immigration Service (INIS) regarding the training required for the gardai and civilian staff at the new unit (how to deal with people refused leave to land)*
3. *Copies of correspondence regarding the number of new garda hires required for the centre.*
4. *Copies of correspondence between an Garda and the OPW regarding the projected opening day of the new unit. (The OPW has said completion of the unit is expected later this year but that it cannot confirm when nor can it say when the unit will open).*

Please note that I have numbered your request for ease of reference throughout my decision letter.

I wish to inform you that I have decided to refuse your request on the 4th September, 2018.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

Upon receipt of your email, your clarified FOI request was forwarded to the Housing Section of An Garda Síochána and the Garda National Immigration Bureau where a search was conducted in respect of same.

Parts 1 and 4 of your request sought:

1. *A copy of the briefing material drawn up by An Garda for the Office of Public Works (OPW) regarding the planning and layout of the centre*
4. *Copies of correspondence between an Garda and the OPW regarding the projected opening day of the new unit. (The OPW has said completion of the unit is expected later this year but that it cannot confirm when nor can it say when the unit will open).*

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 Part 1 and Part 4 of your request as both parts fall outside the scope of the FOI Act insofar as the records requested do not meet the criteria of administrative records as defined in the Act.

Parts 2 and 3 of your request sought:

2. *A copy of the briefing material drawn up by An Garda for the Irish Naturalisation and Immigration Service (INIS) regarding the training required for the gardai and civilian staff at the new unit (how to deal with people refused leave to land)*
3. *Copies of correspondence regarding the number of new garda hires required for the centre.*

Following a search conducted in the Garda National Immigration Bureau, I am to advise you that the specific records you are seeking in respect of Part 2 and Part 3 of your request do not exist. In accordance with the requirements of Section 15(1)(a) of the FOI Act, I am satisfied that all reasonable steps have been taken to identify and locate the requested records.

I am therefore refusing Part 2 and Part 3 of your request on administrative grounds under Section 15(1)(a) 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 -*
 - (a) *the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,*

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-000332-2018**.

Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, Johnstown, 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: BOFIIIE2D

You must ensure that your FOI reference number (FOI-000332-2018) is included in the payment details.

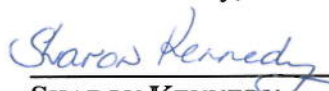
You should submit your request for an Internal Review within 4 weeks from the date of this notification. The review will involve a complete reconsideration of the matter by a more senior member of An Garda Síochána and the decision will be communicated to you within 3 weeks. The making of a late appeal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

 **SEPTEMBER, 2018**