

# 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](http://www.garda.ie)

Ríomh-phoist:/Email: [foi@garda.ie](mailto:foi@garda.ie)

## Re: Freedom of Information Request FOI-000379-2018 Request Refused

*Dear*

I refer to your request, dated and received on 13<sup>th</sup> September, 2018 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:

*Please provide the following information (and any and all emails, memos and other documents relating to same) in relation to the Garda operation on 12 September at the above address:*

- 1. The identity of the Garda officer in charge of the operation*
- 2. Details of what gave reason for the Garda in question to wear protective facemasks which resembled balaclavas and that obscured their identity and details also for the reason why the Garda in question did not comply with their regular duty to display their ID numbers*
- 3. The nature and details of the registration under the Private Security Services Act 2004 held by the private security operatives whom the Garda were called to assist on the day in question*

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4. *The identity of the private security company engaged in relation to the site clearance and details of its registration under the Private Security Services Act 2004*
5. *The nature and extent of any prior engagement/collaboration/communication between the operatives referred to at #3 or the company referred to at #4 prior to the operation being commenced by An Garda Síochána*
6. *Details of the action taken by An Garda Síochána to detain a vehicle (specifically the van used by the operatives referred to at #3 above) which in breach of applicable law failed to display a front licence plate.*

I wish to inform you that I have decided to refuse your request on 14<sup>th</sup> September, 2018.

The purpose of this letter is to explain my decision.

### **1. Findings, particulars and reasons for decision**

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 therefore refusing your request as it is falls outside the scope of the FOI Act insofar as the records do not meet the criteria of administrative records as defined in the Act.

### **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-000379-2018**.

**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-0000379-2018 is included in the payment details.**

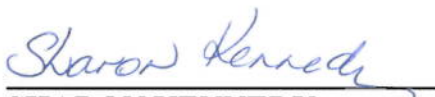
You should submit your request for an Internal Review within 4 weeks from the date of this notification. The review will involve a complete reconsideration of the matter by a more senior member of An Garda Síochána and the decision will be communicated to you within 3 weeks. The making of a late appeal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

  
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**SHARON KENNEDY**  
**FREEDOM OF INFORMATION OFFICER**

14 September, 2018.