

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

Láithreán Gréasain/Website: www.garda.ie



Ríomh-phoist:/Email: foi@garda.ie

Mr. Eamonn Patterson

Re: Freedom of Information Request FOI-000194-2017 Request Part-Granted

Dear Mr. Patterson,

I refer to your request, dated and received on 2nd May 2017, 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 received in vehicle release -Fees in the years 2014,2015,2016 and to-date in 2017. When I mean vehicle release fee is that when the vehicle has been seized for no insurance etc they owner pays a release vehicle to get their vehicle returned to them.

Is the release fee the same irrespective of class of vehicle eg motorcycle, car, small van etc, If the release fees are difference for some category of vehicles please provide each type of fee and what class of vehicle it applies for

The amount that An Garda Síochána have generated through the sales of vehicles that have been seized by members of public and that the registered owner of that vehicle hasn't paid the penalty to get their vehicle returned to them within the timeframe

I wish to inform you that I have decided to partially grant your request on the 18th May 2017.

The purpose of this letter is to explain my decision.

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1. Findings, particulars and reasons for decisions.

As per decision 160184 of the Office of the Information Commissioner, the Information Commissioner states that the FOI Act does not confer a general right of access to information; rather it confers a right of access to records. Therefore, your request for information has been treated as a request for access to records containing the information.

On receipt of your correspondence, I can advise you that a search was conducted in the Finance Directorate in respect of your request.

Statutory Instrument (S.I) 460 of 2011 came into operation on 15th September 2011 and sets out the regulations of detention, removal and storage of vehicles in conjunction with Section 41 of the Road Traffic Act 1994. A copy of this S.I may be accessed by following the attached link: <http://www.irishstatutebook.ie/eli/2011/si/460/made/en/pdf>. Details relating to Section 41 of the Road Traffic Act 1994 is also available at the following link for ease of reference: <http://www.irishstatutebook.ie/eli/1994/act/7/section/41/enacted/en/html>.

In part 1 of your request, you are seeking '*the amount that An Garda Síochána have received in vehicle release - Fees in the years 2014,2015,2016 and to-date in 2017*'.

Finance Directorate has advised that Subhead 503013 entitled '*Road Traffic Act – Section 41*' specifically records the payments for the release of seized vehicles. Please see table below which details the amounts received in vehicle release fees from 1 January 2014 to 30th April 2017, broken down annually.

	2014	2015	2016	Jan-Apr 2017
Road Traffic Act - Section 41	€2,248,756	€2,067,087	€2,337,434	€730,450

The sections of the Act which deny access to information are known as exemptions.

In part 2 of your request, you are enquiring '*is the release fee the same irrespective of class of vehicle eg motorcycle, car, small van etc, If the release fees are difference for some category of vehicles please provide each type of fee and what class of vehicle it applies for*'.

Section 15(1)(d) of the Freedom of Information Act states that :

*15(1) A head to whom an FOI request is made may refuse to grant the request where
(d) the information is already in the public domain.*

I am refusing to release this information as it is published in Statutory Instrument (S.I.) 460 of 2011, the link for which is already provided above.

In respect of the last part of your request wherein you are seeking '*The amount that An Garda Síochána have generated through the sales of vehicles that have been seized by members of public and that the registered owner of that vehicle hasn't paid the penalty to get their vehicle returned to them within the timeframe*'.

The Finance Directorate has advised that the sales of vehicles seized are recorded separately under Subhead - 503004 which is entitled – ‘Sale of Old Stores, Forfeited and Unclaimed Property, etc’. This subhead is used for the sale of vehicles seized and the sale of other forfeited or unclaimed property including jewellery, bicycles and other seized artifacts. It should be noted that the sales of vehicles are processed at a District Level where they may be sold off at auction and the money from these sales is paid to the local District Imprest Account. The receipts for these sales are also held locally. In order to identify the amount of money received from the sale of vehicles would involve the collation of information from the 107 District Imprest Accounts nationally. This would require a significant amount of time and use of resources and is therefore considered to be too voluminous to process.

I am to advise you that in this regard, I am applying Section 15(1)(c) of the Freedom of Information Act wherein it states:

15(1) A head to whom an FOI request is made may refuse to grant the request where (c) in the opinion of the head, granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, require the retrieval and examination of such number of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of work (including disruption of work in a particular functional area) of the FOI body concerned.

All monies received by An Garda Síochána from the payment of vehicle release fees under Subhead 503013 entitled ‘Road Traffic Act – Section 41’ and from the sale of vehicles, jewellery, bicycles, unclaimed property etc, under Subhead - 503004 which is entitled – ‘Sale of Old Stores, Forfeited and Unclaimed Property, etc’ are paid on a monthly basis to the Exchequer via the Financial Shared Services, Killarney.

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-0000194- 2017**.

Freedom of Information Office,
An Garda Síochána
Athlumney House
IDA Business Park
Johnstown
Navan
Co. Meath
C15 DR90

You must ensure that your FOI reference number FOI-0000194-2017 is included your appeal application.

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,

Helene Deely SUPERINTENDENT
HELEN DEELY
FREEDOM OF INFORMATION OFFICER.

25th MAY 2017