

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

Ríomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000231-2024 Request Granted

Dear

I refer to your request, dated and received on 28th June, 2024 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:

3. *I now wish to make the following FOI request to An Garda Síochána, please -*

'...For each of the past three full accounting years, 2021, 2022 and 2023, annually, the number of cases and the total amount involved, where the Accounting Officer of An Garda Síochána wrote off pay/expenses overpayment debts...' This data being in the situation, that, based on FOI information provided to me re DEASP, that, annually, the DEASP recovers only approx. some 55% of pay/expenses overpayments... and likely that recovery of such order of magnitude is typical across public sector organisations...

4. *The AGS Policy Document also states (on page 8), as follows;*

'...An Garda Síochána does not have the discretion or authorisation to write off any overpayment ...

Patently, from DPER released records, the above in AGS Policy Document and in other like documents seem grossly incorrect, seems in breach of Public Financial Procedures and also perhaps includes unlawful statements.

Therefore, under FOI, I also seek all records with AGS in relation to An Garda Síochána not having the discretion or authorisation to write off any overpayment (of pay/expenses); especially given the DPER position (in the attached DPER record of 22/03/2017) and also the provisions in 'DPER Public Sector Guidelines & Principles concerning Debt Management' and in 'Public Financial Procedures'

I wish to inform you that I have decided to grant your request on the 11th July 2024. The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision

Upon receipt, details of your request were forwarded to the relevant sections within An Garda Síochána who conducted a search for records containing the information you requested.

The Pay and Pensions Section of An Garda Síochána have provided the table below detailing the number of 'write offs' as advised in Appropriation Accounts return 2021 -2023 as requested:

Year	Write Off's
2021	0
2022	0
2023	0

In addition the Pay and Pensions Section have advised that Overpayments of salary, allowances and expenses to employees may occur from time to time for various reasons. The Payment of Wages Act, 1991, section 5(5), affords an employer a legal right to recover any overpayment of wages, allowances or expenses from the wage of employees.

All wages, allowances and expenses are paid from public funds and as such, An Garda Síochána is accountable for the appropriate use of such funds. It is the policy of An Garda Síochána to recoup overpayments in full and in all cases, irrespective of the reason for the overpayment.

Please note that the Garda Management of Overpayments Policy document is available on the Garda website at:

<https://www.garda.ie/en/information-centre/freedom-of-information/freedom-of-information/overpayments-policy-document-.pdf>

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-000231-2024**.

Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, 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-000231-2024 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 wish to discuss the above, please contact the FOI Office by telephone at (046) 9036350.

Yours sincerely,



ASSISTANT PRINCIPAL

PAUL BASSETT

FREEDOM OF INFORMATION OFFICER

11 JULY, 2021.