

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

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

## Re: Freedom of Information Request FOI-000451-2024 Request Part - Grant

*Dear*

I refer to your request, dated and received on 7<sup>th</sup> November, 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:

*Under the FOI Act 2014, I am seeking a copy of the invoices/receipts associated with the following transactions/purchase orders:*

*231948 CAMDEN COURT HOTEL Accommodation 30,000.00*

*233701 CARRICKDALE ENTERPRISES Accommodation 20,481.37*

*232982 STAYCITY LIMITED Accommodation 217,224.77*

*I would prefer to receive this information electronically, ideally in its original electronic format.*

I wish to inform you that I have decided to part grant your request on 21<sup>st</sup> November, 2024. The purpose of this letter is to explain my decision.

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

Upon receipt of your request, records were sought from the relevant office within An Garda Síochána who have provided the invoices for the Staycity Hotels which are now attached.

A number of redactions have been applied to these invoices in accordance with Section 36(b) and (c) of the FOI Act which states:

***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***

In the attached records, I have applied redactions to information relating to the pricing structure of the supplier pursuant to Sections 36(1) (b) & (c).

The essence of the test to be considered by an FOI Body in section 36(1)(b) is not the nature of the information, but the nature of the harm which might be occasioned by its release. The harm test in the first part of section 36(1)(b) is that disclosure "could reasonably be expected to result in material loss or gain". The standard of proof in relation to the second limb of section 36(1)(b) is low; all that is required is the possibility of prejudice with the only requirement being that disclosure "could prejudice the competitive position" of the person concerned.

I am cognisant of the fact that the release of information under the Act is, in essence, a release to the public at large. The pricing structure of the supplier, is not known to competitors or the public in general. The redacted information is information on the suppliers' price structure. If the records were made available to you it is reasonable to expect that it would prejudice the ability of the supplier to compete in other contracts or negotiations in the future as competitors would be aware of their pricing structure of their products. .

The redacted information relating to prices charged clearly consist of sensitive financial information in respect of how the successful tenderer operates their business. Release of this financial information would, if released in reply to this FOI request, undoubtedly become known to competitors in the market. The release of such information could reasonably be expected to result in a material financial loss by the supplier as it would allow competitors become aware of significant information in respect of the operation of the successful tenderers business.

Furthermore, the supplier's current customers may become aware of a potential difference in pricing structures being offered to An Garda Síochána which could prejudice any current or future negotiations with these customers. The placing of these pricing structures into the public domain could also reasonably be expected to give a competitive advantage to other companies seeking similar contracts.

Therefore, I am refusing the release of the certain parts of the attached records under the provisions of section 36(1)(b) & 36(1)(c) as the redacted information contains 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.

In addition to the factors outlined above, 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 of suppliers outweighs the public interest which would be served were the records released to you.

I am refusing to release the records regarding the Camden Court Hotel and Carrickdale Enterprises in accordance with Section 15 (1)(a) of the FOI Act as these purchase orders were cancelled and no invoices issued and therefore no records are available for same. Section 15 (1)(a) states:

### ***Refusal on administrative grounds to grant FOI requests***

*15(1)(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-000451-2024**.

**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-000451-2024 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](http://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**

21<sup>st</sup> NOVEMBER 2024