

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-000006-2018 Request Refused

Dear

I refer to your request, dated 29th December 2017 and received on 2nd January 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:

I would like a copy of any document relating to reopening any garda station in County Roscommon as part of the review promised by the Programme for Government.

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

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision

Upon receipt, this office contacted the Housing Section within An Garda Síochána and also the Divisional Office in Roscommon in respect of your request.

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I now wish to advise you that I am refusing your request in accordance with Section 15(1)(a) of the Freedom of Information 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,*

I can inform you that as discussed at a Public Accounts Committee on 23rd November 2017, there is a recommendation to re-open six Garda Stations in Ballinspittle, Co. Cork, Bawnboy, Co. Cavan, Donard, Co. Wicklow, Leighlinbridge, Co. Carlow and Rush and Stepaside, Co. Dublin. Please see link below to the Public Accounts Committee Meeting where this matter was discussed.

<http://www.oireachtas.ie/parliament/media/committees/pac/correspondence/2017meetings/meeting56-23112017/PAC32-R-941-A---AGS-Opening-Statement-23.11.2017.pdf>

However, it should be noted that 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.

Therefore, your request 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-000006-2018**.

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:

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Account Name: Garda Síochána Finance Section Public Bank Account
Account Number: 10026896
Sort Code: 900017
IBAN: IE86B0F190001710026896
BIC: BOFIE2D

You must ensure that your FOI reference number FOI-000006-2018 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

φs JANUARY, 2018.