

# 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-000314-2021 Request Part Granted

*Dear*

I refer to your request, dated and received on 13<sup>th</sup> September, 2021 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:

*Records relating to the number of members of An Garda Síochána, by rank, who the Garda Commissioner has dismissed from January 1, 2017, to date.*

*Records relating to the number of members of An Garda Síochána, by rank, who have successfully appealed their dismissal from AGS from January 1, 2017, to date.*

*Could I ask that this information is broken down by year, and that the reason for the dismissal (successful and/or appealed) is included.*

I have now made a decision to **part grant** your request on 26<sup>th</sup> October, 2021.

The purpose of this letter is to explain my decision.

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

Details of your request were forwarded to the relevant Section of An Garda Síochána who conducted a search of their records. The table details the records sought in part 1 of your request for the specified years.

Rank	2017	2018	2019	2020	2021
Garda	1	2	5		
Sergeants			2		
Probationers			4	3	3
<b>Total</b>	<b>1</b>	<b>2</b>	<b>11</b>	<b>3</b>	<b>3</b>

The sections of the Act which may deny access to information are known as exemptions. As the number of dismissals is small I am refusing to supply the reason for their dismissals in accordance with Section 37 of the FOI Act 2014. I am conscious of my obligations to retain personal information in a confidential and secure manner and prevent personal information from being released into the public domain unnecessarily.

Personal information is defined at section 2 of the FOI Act and includes the following.

### **Section 2 – Interpretation**

2. (1) *In this Act—*

*“personal information” means information about an identifiable individual that, either—*

*(a) would, in the ordinary course of events, be known only to the individual or members of the family, or friends, of the individual, or*

*(b) is held by an FOI body on the understanding that it would be treated by that body as confidential,*

*and, without prejudice to the generality of the foregoing, includes –*

*(iii) information relating to the employment or employment history of the individual*

### **Section 37 – Personal Information**

Section 37(1) provides that a public body shall refuse to grant a request if access to the record concerned would involve the disclosure of personal information. The release of the member’s reason for dismissal could allow for a person(s) to become more identifiable and possibly named in the public domain and is personal information. I am therefore applying section 37(1) Personal Information which states:

*37(1) Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual)*



As per Section 37 of the FOI Act, I have considered the public interest issues which arise in this case and have taken account of the following factors in favour of release:

**Public Interest Test**

As per section 37(5) of the FOI Act, 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,
- The right to privacy is outweighed by the needs of the public.

In considering the public interest factors which favour withholding the records I have taken account of the following:

- Allowing a public body to hold personal information without undue access by members of the public,
- The public interest is not best served by releasing these records,
- That the Organisation can conduct its business in a confidential manner,
- That there is a reasonable and implied expectation by employees that sensitive personal information will remain confidential,
- That there is no overriding public interest that outweighs the individual's right to privacy.

A public interest was carried out when considering the release of the personal information. Having balanced the factors both for and against the release, I decided that the public interest in preserving the personal information and the reasonable expectation that information can be maintained in a confidential manner by An Garda Síochána in the context of its proceedings outweighs the public interest which would be served were the records released to you.

As regards the 2<sup>nd</sup> part of your request the table below details the number of Garda members that appealed and were successful in reversing their dismissal decision.

<b>Successful in their Appeal</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Members	0	0	0	1	1
Probationary Member	0	0	0	0	2

**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-000314-2021**.

**Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, Johnstown, 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:** An Garda Síochána Imprest Account

**Account Number:** 30000302

**Sort Code:** 951599

**IBAN:** IE28DABA95159930000302

**BIC:** DABAIE2D

**You must ensure your FOI reference number FOI-000314-2021 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**

26 OCTOBER, 2021.