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Luaigh an uimhir tharaghta seo a leanas le do thoil:

Please quote the following ref. number:

CMR_18-81368/12

Mr. Ted McEnery
Clerk to the Joint Committee of Public Accounts
Houses of the Oireachtas
Leinster House
Dublin 2

Dear Mr. McEnery

I refer to your letter of 18 December 2013.

I remain very concerned that files in respect of which I am the data controller should be subject to unauthorised disclosure. I do not know what information is contained in the files which were furnished to you by a member of the Gardaí. However, in so far as you have said that those files contain sensitive, personal data which you are redacting I must assume the files relate to individuals. As I have already said, I believe those files should be returned to me as the data controller. They could then be reviewed by the C&AG, should he so wish, to supplement his report on the controls, systems, procedure and practices in relation to the fixed change notices. I could then address such a supplemental report if your Committee were to request me to attend to discuss it.

In your letter you refer to section 62 of the Garda Síochána Act 2005. That provision makes it an offence for members and civilian staff of the Gardaí to disclose certain information, subject to certain exceptions. It does not authorise your Committee to receive sensitive, personal data which has been disclosed without the authorisation of the relevant data controller.

The position as set out in my earlier letter and that of the Data Protection Commissioner is quite clear. I cannot put the matter further than that.

I refer to my forthcoming attendance at the Public Accounts Committee. I have been asked to attend to answer questions in relation to Chapter 7 of the Comptroller and Auditor General's annual report for 2012, i.e. his report into the system of control applied, and the adequacy of systems, procedures and practices implemented, by An Garda Síochána to the system of fixed change notices.

I understand from what you have said that the files in question relate to individuals. In so far as you have indicated that you do not intend to return the files in question and that you intend to use them in redacted form in your consideration of the fixed charge notice system, I should make clear that I cannot, in my forthcoming attendance at the PAC, discuss individual cases. My function in attending is to assist the Committee in its task under Standing Order 163 by answering questions in relation to Chapter 7 of the C&AG's annual report, i.e. the control, systems, procedures and practices in relation to the fixed charge notices, and not in relation to individual exercises of prosecutorial discretion whereby fixed charge notices may have been cancelled.

I should also say that even if I were in a position to discuss individual cases, I would not be in a position to answer any questions about the files you have in your possession as I do not know what is contained in them.

Yours sincerely,


MARTIN CALLINAN
COMMISSIONER OF
AN GARDA SÍOCHÁNA

24th December 2013