

An Garda Síochána

Oifig Saoráil Faisnéise
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

Láithreán Gréasain/Website: www.garda.ie

Bí linn/Join us  

Ríomh-phoist:/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000204-2016 Partially Granted

Dear

I refer to the Freedom of Information Act 2014 (FOI Act) and your submission to An Garda Síochána dated and received on the 23rd May 2016 and my subsequent correspondence to you dated 24th May 2016.

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 is shown below:

- 1. Specifically I am looking for the number of attacks on gardai while on duty since 2011 until present, broken down annually and by county/garda station if possible and also the gender breakdown of attacks.*
- 2. I would also like a list of the injuries sustained by Gardai and*
- 3. the amount spent annually on any medical attention that was required as a result of such attacks.*
- 4. I would also like a list of the kinds of medical attention that was required by gardai as a result of the attacks, specifically for 2014, 2015 and until present.*

I have now made a final decision to **partially grant** your request on 20th June 2016.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decisions.

The first part of your request is seeking,

1. *number of attacks on gardai while on duty since 2011 until present, broken down annually and by county/garda station if possible and also the gender breakdown of attacks*

In this regard, I am granting the release of this information which is available at Appendix 1. The information at Appendix 1 is based on the 29 Garda Operational Divisions which is inclusive of the DMR Traffic Division. The table shows the number of Gardaí who were assaulted for years 2011 to 2016 by gender. A total of 1,233 assaults is recorded over the period shown. The figures for 2016 are up to and including the 16th June 2016.

The second part of your request is seeking,

2. *'injuries sustained by Gardaí*

In this regard, I am granting the release of this information which is available to you at Appendix 2. The list at appendix 2 shows the injuries sustained by Gardaí by year and injury type for the 1,233 cases over that period. The figures for 2016 are up to and including the 16th June 2016.

The third part of your request sought,

3. *'the amount spent annually on any medical attention that was required as a result of such attacks'.*

The figures for costs associated with medical attention directly relating to injuries received due to an assault on duty is not recorded in an all inclusive concise manner and in many cases is not made available to the Garda organisation. There is no obligation on members of An Garda Síochána to submit costs to the Financial Directorate which are associated to injuries incurred as a result of an assault while on duty. In many cases local doctor costs and basic treatment costs will be paid directly by the Garda involved and then claimed back from his or her medical insurance policy. In some cases a claim for compensation may be made under the provisions of the Garda Síochána (Compensation) Act 1941 as amended and in that situation only summary details of settlement amounts will be provided to the Financial Directorate. In an effort to provide records in answer to your query a search was conducted on the Financial Management System in the Finance Directorate. As a result of that search it has been established that the Financial Directorate do not hold expenditure records on medical attention provided to Garda members assaulted while on duty. Therefore, I am refusing this part of your request under section 15(1)(a) of the FOI Act on the basis that the records do not exist.

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,*

The fourth part of your request is seeking,

4. *'a list of the kinds of medical attention that was required by gardai as a result of the attacks'.*

If a member of An Garda Síochána is injured in the course of their duty they may wish to seek medical attention from their own Doctor. The medical treatment received by that member of An Garda Síochána is strictly a confidential matter between the parties involved. In addition the type of treatment being received may not be detailed in full by the Garda when reporting the matter to the Garda Síochána Chief Medical Officer as it will be more appropriately dealt with through correspondence between the two medical practitioners concerned. In addition the type of medical treatment being received is not collated into a single record that can be provided in response to a query of this nature. The details of the treatment is contained in each medical file for each person and would require a significant expenditure of time and resources to identify the records required in response to this part of your query.

With regard to part 4 of your request as shown above I am refusing to release this information under Section 37(1) and section 15(1)(c) of the FOI Act.

Section 37(1)(c) refers to personal information which is defined under section 2(1) of the FOI Act.

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—*
- (i) information relating to the educational, medical, psychiatric or psychological history of the individual,*

As it can be seen from the above interpretation of the term "*Personal Information*" records relating to medical, psychiatric or psychological history of the individual are considered personal information and private to the individual concerned under the provisions of the FOI Act. Each individual member involved in an incident where an injury is received has a reasonable expectation that the information would be held confidentially by An Garda Síochána and not released into the public domain under the provisions of the FOI Act. The release of medical treatment records about a small number of individuals within certain Garda Division will allow for a Garda member to become more recognisable and possibly identifiable within the Organisation and the public domain.

I am therefore applying Section 37(1) Personal Information which states:

Personal information

- 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).*

There is a Public Interest Test applicable to section 37 of the FOI Act.

Public Interest Test

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:

- 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 test was carried out when considering the release of the personal information but 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 personal information can be maintained in a confidential manner by An Garda Síochána outweighs the public interest which would be served were the medical records of individuals released to you.

In addition to section 37(1) I am refusing to provide the records sought at part 4 of your request under section 15(1)(c) of the FOI Act. As previously stated, the records of medical treatment is contained in each medical file for each person and would require a significant expenditure of time and resources to identify the records required in response to this part of your query. Section 15 allows for records to be withheld on administrative grounds due to the volume of records and the significant effort involved in retrieving the records.

I am therefore applying Section 15(1)(c) 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—**
(c) in the opinion of the head, granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, require the retrieval and examination of such number of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of work (including disruption of work in a particular functional area) of the FOI body concerned,

The medical treatment records sought are contained in each individual's medical file and are not collated into a central database or single record for ease of retrieval. Each case is maintained on an individual basis therefore the effort involved in retrieving the records would cause a significant and

disproportionate expenditure of Garda time and resources. This type of effort is unreasonable as it would have a substantive disruptive impact upon the working environment within the Garda medical service which is both unnecessary and undesirable. A member of staff would have to manually trawl through each medical file of the 1,233 files identified during the period concerned and extract the records relating to medical treatment. This is a labour intensive operation and is not acceptable under the provisions of the FOI Act as set out in section 15(1)(c).

I am refusing to release this information under Section 15(1)(c) of the FOI Act.

5. 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 **F01-0000204-2016**.

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: 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 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,

Helen Deely SUPERINTENDENT
HELEN DEELY
FREEDOM OF INFORMATION OFFICER.

20th JUNE 2016

Appendix 1

Breakdown by Division and Gender of the number of Garda injured as a result of being assaulted													
Division	2011		2012		2013		2014		2015		2016		Total
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	
CAVAN / MONAGHAN		3	1	2	1	5	1	7	1	5		1	27
CLARE	1		1	3		1	1	5		5			17
CORK CITY	3	8	1	4	2	11		14	1	13	1	2	60
CORK NORTH		2	1	3	2	7	1	5	1	6	1	1	30
CORK WEST		1		6		3	1	3		5	1	1	21
D.M.R. EAST		5	1	3	2	8	4	7	3	2	2	4	41
D.M.R. NORTH	1	12	1		3	5	2	11	8	21	1	7	72
D.M.R. NORTH CENTRAL	3	1	4	7	2	2	7	7		2		1	36
D.M.R. SOUTH	1	7	2	3	6	15	7	12	2	11		1	67
D.M.R. SOUTH CENTRAL	1	5		2	1	7	2	19	2	12	1	3	55
D.M.R. WEST	3	15	2	23	4	17	8	21	3	27		5	128
DONEGAL	3	14	4	20	1	13	2	7		3		2	69
GALWAY	3	7	2	4	3	5	4	7	2	22		3	62
KERRY		2		5	2	13	6	10	5	18	1	7	69
KILDARE	2	3	5	3	1	3		7	1	2			27
KILKENNY/CARLOW		2	3	1	2	7	3	5	1	5	4	3	36
LAOIS / OFFALY		6	1	3	2	4		4	3	6	1	2	32

Division	2011		2012		2013		2014		2015		2016		Total
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	
LIMERICK	2	5	1	4		11	2	2	3	5		3	38
LOUTH	2	4	2	3	5	5	2	8	1	9		1	42
MAYO	2	1		1	2	4	1	2	2			2	17
MEATH	2	5	1	5	1	3	1	7		10		1	36
ROSCOMMON / LONGFORD		1	2			3	1	3	1	4	2	1	18
SLIGO / LEITRIM	1	1		2	1	4	2	1	1	4		3	20
TIPPERARY	2	5	1	7	2	8	2	11	3	9	2	2	54
TRAFFIC DIVISION (DMR)				2				1		1		1	5
WATERFORD	1	4		6	2	7	3	19	5	22	1	10	80
WESTMEATH	1	3		4		3	1	4		1	1	1	19
WEXFORD	1			3	3	8	4	7	1	4		2	33
WICKLOW		5	1	5		1	2	6	1	1			22
Total	35	127	37	134	50	183	70	222	51	235	19	70	1233

Appendix 2

Injuries sustained by Gardaí who were assaulted							
	2011	2012	2013	2014	2015	2016	Total
Bruising/Grazes/Bites	59	60	74	127	132	34	486
Closed Fracture	21	23	28	18	22	11	123
Dislocation	2		4	3	3	1	13
Infection	2	1	2	2	2	1	10
Internal Head Injuries	3	2	4	5	2		16
Internal Injuries (excluding the head)	2	5	3	1	1		12
Open Fracture (i.e. bone exposed)	1	1	1	1		1	5
Open Wounds	7	17	16	14	18	4	76
Other	24	18	38	46	42	16	184
Serious Multiple Injuries	2		2	1			5
Sprain/Strain	39	44	61	74	64	21	303
Total	162	171	233	292	286	89	1233