

An Garda Síochána

Oifig Saorála 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

Bí linn/Join us  

Láithreán Gréasain/Website: www.garda.ie

Ríomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000331-2016. 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 12th September, 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:

The number of gardai, broken down by garda district and county, that took leave of absence due to stress, anxiety or depression.

The timeframe for this request is 01/01/15-today's date.

I wish to inform you that I have decided to partially grant your request on 4th October, 2016.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decisions to deny access

On receipt of your request, a search was conducted on the Sickness Absence Management System in the HR Section of An Garda Síochána. Sickness absences are recorded and reported under the following categories – Ordinary Illness; Occupational Injury/illness arising from Duty and Critical Illness.

The Ordinary Illness Category is further broken down into the following sub categories:-

- Flu/Viral
- Mental Health
- Musculoskeletal
- Not Provided
- Other – Please specify

- Post Pregnancy
- Pregnancy Related

There is currently no specific sub-category on the Sickness Absence Management System for the recording of absences due to stress, anxiety or depression but in some cases, this is recorded under the Mental Health sub-category or in the comments field against another sub-category. It is not possible to show the comments on a sickness absence report.

Each instance of sickness absence throughout the required time period would need to be manually accessed on the Sickness Absence Management System to ascertain if the illness relates to stress, anxiety or depression.

The following statistics have been compiled using the Mental Health illness subcategory. Absences are recorded on the basis of information contained on medical certificates or reason advised by members themselves. Therefore, there is no guarantee that all absences due to stress, anxiety or depression have been recorded under the sub-category of Mental Health.

The table below shows the total number of Garda members who took leave of absence due to Mental Health on a National basis from 1st January 2015 to 11th September 2016.

Total No. of Garda Members who availed of Sick Leave due to Mental Health from 1 st January 2015 to 11 th September 2016	
No of Garda Members	81

Sick Leave Statistics for the period 1st Jan 2015 – 11th Sept 2016 as recorded on SAMS and reported 15.09.2016.

You have sought the above information broken down by District and County. I am to advise you that the release of this information in this requested format is being refused under Section 37(1) of the FOI Act, 2014.

The interpretation of Personal Information is explained under Section 2 of the Freedom of Information Act and is set out below:

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

Section 37 – Personal Information

I am refusing to provide a breakdown of members of took leave of absence due to Mental Health by District and County as it is my opinion that the information contained therein comes within the ambit of the definition of *Personal Information* as per section 2 of the FOI Act as set out above. When considering the release of records under the FOI Act, I must have regard to the fact that the Act places no restrictions on the type or extent of the subsequent use to which a record may be put and that release under FOI effectively amounts to

disclosure to the world at large. Due to the very low numbers in some Districts, the provision of these records to you broken down by District/County would be releasing personal medical information which may lead to the identification of the individuals in the relevant Districts which is otherwise prohibited by the FOI Act.

This decision is made in accordance with section 37(1) of the FOI Act.

Section 37 of the FOI Act states;

“(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).”

In applying section 37(1) of the Freedom of Information Act, a public interest test must be applied to ensure the actions taken are done so in the best interest of the public.

Public Interest Test

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,
- 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.

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 medical information and the reasonable expectation that this information can be maintained in a confidential manner by An Garda Síochána outweighs the public interest which would be served were the records released to you.

In assisting those members who avail of sickness absence due to stress, anxiety or depression, An Garda Síochána have recently secured the services of EAP Consultants/Carecall as an independent source of support which provides professional support and guidance on a 24/7 basis. In addition to this, the Garda Employee Assistance Service is a free service which provides a confidential professional support and referral service for members of An Garda Síochána. The Peer Support Service is another confidential service available to members who may be experiencing coping difficulties as a result of a traumatic experience and this service operates in co-operation with the Garda Welfare Service and local Garda management. The service is committed to helping colleagues cope with and recover from what is essentially a normal reaction to an abnormal incident which may have the potential to result in stress.

2. Rights 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-000331-2016**.

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 (FOI-000331-2016) 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 will be removed to protect confidentiality where applicable.

Should you have any questions or concerns regarding the above, please contact me by telephone at (046) 9036350.

Yours sincerely,

 **SUPERINTENDENT.**
HELEN DEELY.
FREEDOM OF INFORMATION OFFICER.

 **OCTOBER, 2016.**