

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

Láithreán Gréasain/Website:

www.garda.ie

Bí linn/Join us



Ríomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000428-2019 Request Part-Granted

Dear

I refer to your request, dated and received from the Department of Justice at this office on 6th November, 2019 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:

- 1. the number of personal injury claims brought by members of the Gardai against the state from 2010 -2018.*
- 2. The total amount of pay-outs by the state from personal injury claims taken by members of the Gardai from 2010 to 2018.*
- 3. The amount of days accumulated due to Gardai sick leave from 2010 to 2018.*
- 4. How many Gardai have been suspended from active duty due to disciplinary proceedings from 2010 to 2018.*

I wish to inform you that I have decided to part-grant your request on 27th November, 2019.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision

Upon receipt, your request was forwarded to the Finance Directorate within An Garda Síochána. This office has been advised that the information sought by you in parts 1 and 2 of your request wherein you sought *'1. the number of personal injury claims brought by members*

of the Gardai against the state from 2010 -2018 and 2 the total amount of pay-outs by the state from personal injury claims taken by members of the Gardai from 2010 to 2018' is already available on the Garda website and may be accessed by following the attached link:

<https://www.garda.ie/en/freedom-of-information/publication-scheme/budgets-and-spending/compensation-payments-2012-2017.html>

I wish to further advise that some of the information in respect of part 3 of your request wherein you are seeking the 'amount of days accumulated due to Gardai sick leave from 2010 to 2018' is also available on the Garda website. The information for years 2013-2017 is published in the Annual Reports under the heading "Cross Organisation Services". These reports may be accessed by following the link below:

<https://www.garda.ie/en/Information-Centre/Annual-Reports/>

In this regard, I am refusing parts 1, 2 and information for years 2013-2017 of part 3 of your request in accordance with Section 15(1)(d) of the FOI 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 –
(d) the information is already in the public domain***

The Sick Absence Management System (SAMS) which records sick leave for Garda members was only established in 2013. Prior to this, there was no central system available for the recording of sick leave for Garda members. As a result, there are no records detailing the sick leave of Garda members held for years 2010-2012 and therefore this information is not available. I am therefore applying Section 15(1)(a) of the FOI Act to information for years 2010-2012 of part 3 of your request. Section 15(1)(a) 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 am in a position however, to provide you with sick leave statistics for 2018. Please see table below which outlines this information:

Sick Leave Statistics 2018 Sworn Members Only			
YEAR	No. days lost due to <u>Ordinary Illness</u>	No. days lost due to <u>Injury On Duty</u>	<u>Total</u> number of days recorded
2018	139,895.5	62,996.5	202,892
<i>The Total No. of Sick Days recorded on SAMS, are the number of calendar days that staff are absent and may include weekends and rest days.</i>			
<i>Sick Leave Statistics for 2018 as recorded on SAMS and reported @ 05.02.2019</i>			

Part 4 of your request sought 'how many Gardai have been suspended from active duty due to disciplinary proceedings from 2010 to 2018'. I refer to correspondence which issued from this

office dated 12th November advising you a significant search operation would have to be conducted in order to retrieve these records as this information is not held in a central location. As a result of this, a search, retrieval and copying fee was applied to Part 4 of your request which amounted to €240. A deposit of €120 was sought in order to proceed with your request. However, this office has not received any response from you in this regard and I am now refusing part 4 of your request in accordance with Section 15(1)(c) of the FOI 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 –

(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.

As the information sought by you in part 4 of your request is not held centrally, the retrieval of same would cause a significant disruption to the work of the Internal Affairs Section and therefore I am refusing your request for this information.

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-000428-2019**.

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:

Account Name: Garda Síochána Finance Section Public Bank Account

Account Number: 10026896

Sort Code: 900017

IBAN: IE86BOFI90001710026896

BIC: BOFIE2D

You must ensure that your FOI reference number FOI-000428-2019 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 the FOI Office by telephone at (046) 9036350.

Yours sincerely,

Maria Brodigan ACTING ASSISTANT PRINCIPAL
MARIA BRODIGAN
FREEDOM OF INFORMATION OFFICER

27th November, 2019.