

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

Ríomh-phoist:/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000018-2018 Request Part-Granted

Dear

I refer to your request, dated and received on the 9th January, 2018 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 amount An Garda Síochána spent on medical services for prisoners in Garda Custody in the Dublin North Division for the years 2015, 2016, 2017 and to-date in 2018*
- 2) *The name of the company that supplies medical personnel to Garda Station for medical issues for prisoners in Garda Custody eg Taking blood samples etc; The number of companies that applied for the contract for same but were unsuccessful*
- 3) *The date for the contract for this service commenced; when the current contract is next due for renewal*
- 4) *If AGS are charge a fixed rate for call out of Doctors, nurses etc; or does the call out charges increase for call out during out the period 11.30pm-7am*
- 5) *If medical personnel have been requested to attend Garda Stations are required to be present at that station within a particular timeframe; if so what is that timeframe; and is there any consequences if the person has not attended the Garda Station within the requested timeframe.*

1

I wish to inform you that I have decided to part-grant your request on the 5th February, 2018.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

On receipt of your email, your request was forwarded to the Finance Directorate of An Garda Síochána where a search was conducted in order to identify the records you have requested.

I have decided to partially grant Part 1 of your request wherein you seek *'the amount An Garda Síochána spent on medical services for prisoners in Garda Custody in the Dublin North Division for the years 2015, 2016, 2017 and to-date in 2018'*.

DMR North Division	2015	2016	2017	2018*
Item Code 035001: Expenses of Persons Detained - Doctors Fees	€287,155	€211,896	€209,486	€11,264

*figures as of 5.2.2018, operational and liable to change.

I am refusing Part 2 of your request wherein you seek *'the name of the company that supplies medical personnel to Garda Station for medical issues for prisoners in Garda Custody e.g. Taking blood samples etc.; The number of companies that applied for the contract for same but were unsuccessful'*

I wish to advise that the provision of medical services to detainees is provided on an ad-hoc arrangement wherein local doctors willing to provide the service are contacted by the Station. Therefore, there is no current contract in place for this service.

I am refusing to release the names of the individual doctors who have provided medical services to detainees in the DMR North Division in accordance with Section 32 of the FOI Act as shown below:

Section 32 - Law enforcement and public safety

32(1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to –
(b) Endanger the life or safety of any person,

I am conscious of the fact that once information is disclosed under FOI, that there is no control as to whom the information is shared with, therefore a release under FOI is considered a release to the world in general and not just the individual requesting the information. The publication of individual doctor's names and/or service providers assisting An Garda Síochána with the provision of medical services to persons detained would create an unnecessary risk to the safety of those individuals. I am of the opinion that the names of doctors in receipt of public funds cannot be released without placing them at risk of harm with regard to their personal safety.

The release of information that potentially harms the personal safety of doctors providing an important service to the public is not in the best public interest and contrary to the objective of the FOI Act. The doctors providing their services to An Garda Síochána have an expectation that their details will not be provided in a matter that will cause a risk to them of personal harm.

I am refusing the latter section of Part 2 of your request wherein you seek ‘*The number of companies that applied for the contract for same but were unsuccessful*’ as there is no current contract in place for this service hence the record does not exist. In this regard, I am applying Section 15(1)(a) 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 –

- (a) The record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken*

I am refusing Part 3 of your request wherein you seek ‘*the date for the contract for this service commenced; when the current contract is next due for renewal*’. As previously advised, the current service is provided on an-hoc basis, there is no contract in place for this service and the record does not exist. In this regard, I am applying Section 15(1)(a) 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 –

- (a) The record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken*

I am granting Part 4 of your request wherein you seek ‘*If AGS are charge a fixed rate for call out of Doctors, nurses etc; or does the call out charges increase for call out during out the period 11.30pm-7am*’, I am to advise you that Appendix 1 sets out the current Professional fees for medical services rendered by Doctors for An Garda Síochána.

I am refusing Part 5 of your request wherein you seek ‘*if medical personnel have been requested to attend Garda Stations are required to be present at that station within a particular timeframe; if so what is that timeframe; and is there any consequences if the person has not attended the Garda Station within the requested timeframe*’. As there are no current contractual arrangements in place there are no penalty clauses. I am therefore refusing Part 5 of your request in accordance with Section 15(1)(a) 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 –

- (a) The record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken*

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-000018-2018**.

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: IE86BOFI90001710026896

BIC: BOFIE2D

You must ensure that your FOI reference number (FOI-000018-2018) 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,

 **SUPERINTENDENT**
SHARON KENNEDY
FREEDOM OF INFORMATION OFFICER

 **FEBRUARY 2018**

SCHEDULE 1

Special examinations and reports in cases of criminological character – services requested by the Gardai:-

- | | |
|---|----------|
| 1. Medical examination in cases of attempted murder, grievous bodily harm, accident etc., where police attention is involved: | 01/03/09 |
| 9am to 5 pm | € 87.02 |
| 5pm to 9 am | €139.19 |
| Where more than one examination is carried out at the same time an additional fee of: | |
| 9 am to 5 pm | € 52.19 |
| 5 pm to 9 am | € 95.72 |
| Will be paid for each case inclusive of report if required. | |
| 2. Medical examination in case of sexual offences. | |
| 3. Medical examination in cases under Drug Acts. | |
| 4. Medical examination in Drunk-Driving Cases under the Road Traffic Act, 1961 to 2004 as amended. | |
| 5. Medical examination and taking of blood and urine samples under the Road Traffic Act, 1961 to 2004 as amended. | |
| 6. In the case of medical examination at scenes of road accidents where the Doctor has been called by the Gardai, the patient whom they treat (or his dependants) to be primarily responsible for the payment of fee but if the fees are not forthcoming within a reasonable period (say, two months) the Fees at 1 above to be payable from State funds. | |
| On the principle of a 5 day week medical examination carried out on Saturdays, Sundays and Public Holidays will qualify for fees as follows: - | €139.19 |
| Additional fee where more than one examination is carried out at the same time: - | €95.72 |
| In addition 50% will be allowed extra where more than 1 hour of Doctor's time per examination at the Garda Station or at the scene of a road accident is required. | |
| In addition where total distance travelled is over 5 miles the appropriate mileage applicable to civil servants will be allowed. | |
| The above are special fees arising from the criminological nature of the work. | |
| 7. Treatment of persons taken ill or injured, including prisoners. | |
| Primarily the patient is responsible for fee, but in cases of default Garda fees to be the same as normal treatment fee will be allowed. | |
| 8. Furnishing of report only in any case of medical examination or treatment where fee does not expressly include report:- | €243.60 |

Ráiteas Misin/Mission Statement:

An leibhéal insroichte is airde a bhaint amach maidir le Cosaint Phearsanta, Tiomantas don Phobal agus Slándáil Stáit
To achieve the highest attainable level of Personal Protection, Community Commitment and State Security