

# 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](http://www.garda.ie)

Bí linn/Join us  

Ríomh-phoist:/Email: [foi@garda.ie](mailto:foi@garda.ie)

## Re: Freedom of Information Request FOI-000031-2018 Request Part-Granted

*Dear*

I refer to your request, dated and received on 15<sup>th</sup> 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:

*Under the FOI Act 2014, I am seeking the following:*

*- all compensation payments made by the Department of Justice to Gardaí, prison officers, other staff and members of the public during the course of 2016 and 2017. I am seeking details of each payment and the nature of the compensation claim in each case.*

Your request was subsequently amended on 23<sup>rd</sup> January 2018 following consultation with this office and your amended request is as follows:

*As far as An Garda Síochána is concerned, they should only deal with the records that they hold relating to compensation paid to Gardaí to members of the public on foot of garda activity. I am seeking details of each payment and the nature of the compensation claim in each case.*

I wish to inform you that I have decided to part-grant your request on the 6<sup>th</sup> February 2018.

The purpose of this letter is to explain that decision.

### **1. Findings, particulars and reasons for decision**

Upon receipt of your request, a search was conducted within the Finance Directorate, Internal Affairs and also the Legal Services Sections of An Garda Síochána. The records and information provided in answer to your request were sourced from both the Garda Síochána Finance Directorate and Legal Services Section.

The sections of the Act which can apply to deny access to documents are known as its exemption provisions.

In this regard, I am refusing to provide details in relation to 2016 as sought in your request in accordance with Section 15(1)(d)

#### ***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.*

This information was subject of a previous request and the information is available on the Decision Log of the Garda website and may be accessed by following the attached link:

<https://garda.ie/en/Information-Centre/Freedom-of-Information/Decision-Log/Finance-%E2%80%93-General/FOI-000527-2017-Decision.pdf>

I am however, in a position to provide you with compensation payments for 2017 and this information is herewith attached at Appendix A. The table shows the payments made under various Act/Schemes available to employees seeking compensation for an injury. Table A also shows the legal costs (which can include medical costs incurred as part of the legal process) associated with personal injury claims.

It should be noted that the 2017 expenditure figures may be subject to change following year end checks carried out in preparation of the Appropriation Accounts.

#### **Garda Compensation Act 1941 - 1945**

Table A shows the award made and the costs associated with relevant legal services paid out under the Garda Compensation Act 1941. These costs are associated with Garda members only and do not include civilian staff or members of the public. These payments are associated with injuries incurred in the course and performance of Garda duties. The long title of the Garda Compensation Act 1941 encompasses its full remit and purpose identifying the relevant person(s) who can seek compensation under the provisions of the Act. The long title states the following:

“AN ACT TO PROVIDE FOR THE GRANTING OUT OF PUBLIC MONEYS OF COMPENSATION TO DEPENDENTS AND PARTIAL DEPENDENTS OF MEMBERS OF THE GARDA SÍOCHÁNA (WHETHER SERVING OR RETIRED) WHO HAVE DIED OR SHALL DIE AT ANY TIME ON OR AFTER THE 1ST DAY OF JANUARY , 1940, FROM INJURIES MALICIOUSLY INFLICTED ON THEM IN THE COURSE OF OR IN RELATION TO THE PERFORMANCE BY THEM OF THEIR DUTIES AS MEMBERS OF THE GARDA

SÍOCHÁNA, AND FOR THE LIKE GRANTING OF COMPENSATION TO MEMBERS OF THE GARDA SÍOCHÁNA (WHETHER SERVING OR RETIRED) ON WHO PERSONAL INJURIES NOT CAUSING DEATH HAVE BEEN OR SHALL BE SIMILARLY INFLICTED AT ANY TIME ON OR AFTER THE 1ST DAY OF JANUARY, 1940, AND TO MAKE PROVISIONS FOR MATTERS INCIDENTAL TO OR CONNECTED WITH THE MATTERS AFORESAID, INCLUDING THE EXTENSION OF THIS ACT TO OTHER POLICE FORCES”.

These types of cases are processed through the Courts unless otherwise settled.

### **Occupational Injuries Scheme**

The second category of compensation shown on Table A are the payments made to Gardaí under the Occupational Injuries scheme. These payments relate to injuries incurred by Garda members who sought compensation via the Occupational Injuries Scheme. The nature of policing may require that certain risks are taken to secure appropriate benefits to the public and wider society by the Garda service. This can include saving a life, preventing serious crime and apprehending persons responsible for serious crime. Gardaí inevitably face significant and serious danger when performing their duties and as a result a number of Gardaí will inevitably be injured. The majority of injuries recorded are assaults, slip, trips, falls and Road Traffic Collisions. Some cases may be taken via the Workplace Relations Commission or the Employment Appeals Tribunal

### **Civil Compensation**

The third category of compensation shown on Table A is Civil compensation. Civil compensation can be sought by Garda staff, inclusive of Garda members and civilian staff, and members of the public to seek redress for an injury incurred while engaging with An Garda Síochána. A total is provided which refers specifically to the incidents involving Garda Vehicles where an injury was sustained by Garda staff or a member of the public and a payment of compensation resulted. It is not possible to disaggregate the cases involving Garda staff exclusively due to the volume of case files involved and the fact that the records are not held electronically in a manner that segregates Garda staff from members of the public.

### **Other Compensation**

A separate total is provided titled ‘Other Compensation’ on Table A which refers to payments made for injuries arising from Garda related actions such as an injury on a Garda premises or damage to property as the result of Gardaí performing their duties. This category includes all other legal actions, excluding the Garda Compensation Act and Occupational Injury, taken by members of Garda staff and members of the public.

The legal costs associated with the groups titled *Accidents involving Garda Vehicles* and *Other Compensation* are included in the totals for those groups provided at Table A. The Garda Financial Management System does not differentiate between legal costs and awarded costs in those groups therefore specific costs associated with each cost type cannot be provided. It would require a significant amount of time and resources to extract the relevant data and identify the costs recorded for each case. In this regard, I am applying Section 15(1)(c) of the Freedom of Information Act to these records. Section 15(1)(c) is outlined on page 4.

Your request also sought ‘*details of each payment and the nature of the compensation claim in each case*’

It is not possible to disaggregate the cases referring to Garda staff and members of the public due to the fact that there are on average 250-300 case files opened each year in the Legal

Services section relating to claims made against An Garda Síochána. These case files are held manually and each record would have to be searched to ascertain the details in each file. This would create a significant amount of additional research for staff within the Legal Services Section and cause a disproportionate disruption to the work conducted by that office. It is for the same reason that the value of each claim cannot be provided. A centrally accessible database does not exist where the value of each claim, if provided by the claimant, is recorded, therefore, each case file would have to be reviewed individually thus causing a disproportionate disruption to the work conducted by Legal Services Section.

It is for this reason that I am applying Section 15(1)(c) to this part of your request:

***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.*

## **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-000031-2018**.

***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:** IE86B0F190001710026896

**BIC:** BOFIIIE2D

**You must ensure that your FOI reference number (FOI-000031-2018) 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](http://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**

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Table A - An Garda Síochána - Expenditure on Compensation Garda & Civil 2017\*\*

Year	Garda Compensation Act		Garda Occupational Injuries Scheme	Civil Compensation		Total
	Personal Injury Awards	Personal Injury Costs		Accidents involving Garda Vehicles	* Other Compensation	
**2017	€ 5,940,695	€ 2,020,419	€ 141,509	€ 2,353,607	€ 5,887,163	€ 16,343,393

\* Other Compensation includes Expenses arising from Garda Actions, Injuries on Garda Premises and Damage to Property by Gardai

\*\* The 2017 expenditure figures may be subject to change following year end checks carried out in preparation of the Appropriation Accounts.