

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

Mr. Darragh McDonagh,

Re: Freedom of Information Request FOI-000281-2017 Request Partially Granted

Dear Mr. McDonagh,

I refer to your request, dated 23rd June 2017 and received on 26th June 2017 which you have made under the Freedom of Information Act (FOI) 2014 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:

'i) A record containing the names and locations of all doctors on An Garda Síochána panel that provides medical services for detainees; along with the total amount paid to each doctor in respect of these services in 2016.'

Your request was clarified on the 6th July 2017 and amended as follows:

- 1. 'Total amount paid to Doctors by An Garda Síochána for medical services provided to detainees in 2016.'*
- 2. Total number of Doctors paid by An Garda Síochána for medical services provided to detainees in 2016.'*
- 3. Details of total payments made to the 100 doctors who received the highest amounts for services provided to detainees in 2016, including names and locations" (so it's the top 100 recipients, as opposed to the top 100 individual payments).'*

On the 12th July 2017, Part 3 of your request was clarified further and it was agreed that you required the top twenty payees.

I advise that the FOI Act does not confer a general right of access to information; rather it confers a right of access to records. Therefore, your request for information has been treated as a request for access to records containing the information you seek.

I have now made a final decision to partially grant your request on the 13th July 2017. The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision

Details of your request were provided to the Finance Directorate within An Garda Síochána who conducted a search for records relating to your request.

In relation to Part 1 and 2 of your request, the Department of Finance advise on the scale of fees payable to medical practitioners for medical services carried out at the request of Gardaí. **Appendix 1** sets out the current Professional fees for medical services rendered by Doctors for An Garda Síochána.

The table below sets out the total amount for Professional fees for medical services rendered by Doctors carried out at the request of An Garda Síochána for persons detained in 2016:

Persons Detained – Doctors Fees 2016		
Year	No. of Doctors	Total Fees
2016	589	€2,355,857

In relation to Part 3 of your request, the table below sets out the highest amount of fees for medical services provided by individual doctors or doctor related service providers, such as the doctor on call services. The payee names have been redacted in accordance with section 32 of the FOI Act as shown below.

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, or

I am conscious of the fact that once information is disclosed under FOI 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 manner that will cause a risk to them of personal harm.

The figures below (Table 1) are provided in a manner that, in my opinion, satisfies the public interest regarding the expenditure of public funds on medical services provided to detainees in 2016.

I am therefore applying section 32 of the FOI Act to the list of service providers provided below on Table 1.

Fees for the provision of medical services to An Garda Síochána for detainees in 2016

Table 1:

PAYEE	LOCATION (GARDA REGION) OF PROVISION OF MEDICAL SERVICES TO PERSONS DETAINED	TOTAL (€)
[REDACTED]	DMR	€ 595,010
	Eastern	
	National Support Services	
	Northern	
[REDACTED]	DMR	€ 458,810
	Eastern	
[REDACTED]	DMR	€ 297,609
	Eastern	
	Northern	
	South Eastern	
[REDACTED]	Western	€ 166,230
	Southern	
	Southern	
	Western	
[REDACTED]	Southern	€ 83,322
	Western	
[REDACTED]	DMR	€ 72,762
	Eastern	
	Northern	
[REDACTED]	DMR	€ 72,527
	Eastern	
	Northern	
	South Eastern	
[REDACTED]	Western	€ 41,557
	South Eastern	
	Southern	
	Western	
[REDACTED]	South Eastern	€ 39,552
	Southern	
	Western	
[REDACTED]	Southern	€ 37,425
	Eastern	€ 32,635
[REDACTED]	DMR	€ 31,637
	Eastern	

PAYEE	LOCATION (GARDA REGION) OF PROVISION OF MEDICAL SERVICES TO PERSONS DETAINED	TOTAL (€)
	Western	€ 30,806
	South Eastern	€ 30,327
	Northern	€ 28,257
	Western	€ 22,811
	Eastern	€ 22,201
	Western	€ 14,642
	Western	€ 14,555
	Northern	€ 11,275

As the HSE is the largest consumer of medical services, An Garda Síochána has sought their assistance via the Office of Government Procurement (OGP) who manages tender processes on behalf of the State for common spend categories.

Under the OGP structure the HSE manage medical related spends/tenders. Following consultation with An Garda Síochána the HSE developed a specification and published a tender for a medical service on 17th May 2017 for detainees and it closed for the receipt of bids on 19th of June 2017 and it is currently at evaluation stage.

The tender can be accessed on www.etenders.gov.ie . The aim is to establish panels of doctors and nurses for the provision of medical services for detainees in all 28 Operational Garda Divisions across the six Garda Regions.

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-000281-2017**.

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-000281-2017 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
HELEN DEELY
FREEDOM OF INFORMATION OFFICER.

18th JULY 2017

SCHEDULE 1

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

- | | |
|---|----------|
| 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 Gardaí, 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