

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-000417-2017 Request Partially Granted

Dear

I refer to your request, dated and received on the 22nd September 2017 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:

'The number of Gardaí in the Kildare division injured while on duty since 2006, including and up to August of 2017 if possible. I would like to know figures for each year.

The month in which each injury occurred'.

If possible, could I request what station each Guard was based at.

I wish to inform you that I have decided to part grant your request on the 12th October 2017.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

On receipt of your request, a detailed search was conducted in the Health & Safety Section of An Garda Síochána in respect of same.

I wish to advise you that the Garda organisation is only subject to the provisions of the FOI Act 2014 and was not subject to the provisions of the FOI Act of 1997. As a result, the start date for the provision of records, excluding personal records, as set out in Section 2(1) of the FOI Act for An Garda Síochána is 21st April 2008. This date is known as the effective date which is outlined below:

“effective date” means:

- (c) *in the case of an entity that immediately prior to enactment of this Act, was not a public body within the meaning of the Act of 1997, but is a public body within the meaning of this Act, 21 April 2008, unless provision is made to the contrary by order under Section 6*

On that basis, I am refusing to provide information for 2006 and 2007 as sought by you in respect of your request wherein you seek *‘The number of Gardaí in the Kildare division injured while on duty since 2006, including and up to August of 2017 if possible. I would like to know figures for each year’*.

However, please see attached at Appendix A, a breakdown of the number of Gardaí who have been injured in the Kildare Division from 2008 up to August 2017.

An Garda Síochána have a duty of care to their members in the event of an occupational injury. In this regard, there are a number of services available to members who suffer an injury on duty.

The primary service available is that of the Occupational Health Service whose role is to advise the Garda Commissioner on fitness for duty, and to protect, maintain and promote the health of all Garda employees. The Service consists of the Chief Medical Officer, two other Specialist Occupational Health Physicians, five Occupational Health Nurses and Administration staff. The service is complemented by additional specialist medical advisors.

An Garda Síochána is very mindful to the significant occupational demands placed on its members and the exposure to very stressful and traumatic situations. In this content, the implementation of 24/7 independent counselling service for Garda members, reserves and Civilian staff attached to An Garda Síochána is now available to all members of the force.

Requests for counselling service by members can be sought after a traumatic incident dealt with by an individual member or a number of members of An Garda Síochána. Counselling services are available for local management to utilise at their discretion to ensure the health and welfare of their staff. Members dealing with traumatic incidents, such as fatal road traffic collisions or sudden deaths and other such events will be on occasion require the expertise of professional counselling service to reduce the possible impact of dealing with an upsetting event.

Under the FOI Act, records are released without any restriction as to how they may be used and thus, release under the FOI Act, is in effect, regarded as being released to the world at large. As a result, I am conscious of my obligations to retain personal information in a confidential and secure manner and prevent this information from being released into the public domain unnecessarily.

Section 2 – Interpretation

In this regard, I am refusing to provide the records by station 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.

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

Due to the small number of incidences that occurred at station level, releasing the injury on duty statistics for Kildare Division by station, may lead to the identification of the Garda members involved. This decision is made in accordance with Section 37(1) of the FOI Act which states:

37(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).

As per Section 37 of the FOI Act, 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 by members of the public,
- 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 that sensitive personal information will remain confidential,
- That there is no overriding public interest that outweighs the individual's right to privacy.

A public interest test was carried out when considering the release of this information but having balanced the factors both for and against the release, I decided that the public interest in preserving personal information and the reasonable expectation that 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 my opinion, the release of the number of injuries on duty broken down by station can reasonably be expected to lead to the identification of the Garda members involved. There is also a reasonable expectation by Garda members that this type of information would remain confidential. It is my opinion that the public interest is satisfied by releasing the records at District level.

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-000417-2017**.

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-000417-2017) 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

16th OCTOBER 2017

| Occupational Injuries Kildare Division | | | | | | | | | | | | | | |
|--|---------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|
| Year | Station | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | Total |
| 2008 | | | | | | | | | | | | | | |
| 2008 | KILDARE | | | | | | | 1 | | | | | 1 | 2 |
| | NAAS | 1 | | | | | | | | | 1 | | | 2 |
| | LEIXLIP | | | | | | | | | | 1 | | | 1 |
| 2008 Total | | 1 | | | | | | 1 | | | 2 | | 1 | 5 |
| 2009 | | | | | | | | | | | | | | |
| 2009 | KILDARE | 2 | | | | 1 | | | | 1 | 2 | | | 4 |
| | NAAS | | | | | | | | | | 1 | 1 | 1 | 3 |
| | LEIXLIP | | | | | | | | | | | | 1 | 3 |
| 2009 Total | | 2 | | | | 1 | | | | 1 | 3 | 1 | 2 | 10 |
| 2010 | | | | | | | | | | | | | | |
| 2010 | KILDARE | | | | | | | 2 | | 1 | | | | 3 |
| | NAAS | | | | 1 | | | 1 | 1 | 1 | 2 | 1 | | 7 |
| | LEIXLIP | | | 2 | | 1 | | | | | 1 | | | 4 |
| 2010 Total | | | | 2 | 1 | 1 | | 3 | 1 | 2 | 3 | 1 | | 14 |
| 2011 | | | | | | | | | | | | | | |
| 2011 | KILDARE | | | 1 | | | | 3 | | 1 | | | 1 | 6 |
| | NAAS | | | | | 1 | | 1 | | | | | | 2 |
| | LEIXLIP | | | | | | 1 | | | 1 | 2 | 1 | | 5 |
| 2011 Total | | | | 1 | | 1 | 1 | 4 | | 2 | 2 | 1 | 1 | 13 |
| 2012 | | | | | | | | | | | | | | |
| 2012 | KILDARE | 2 | | | | | 2 | 1 | 1 | 1 | 1 | 1 | | 9 |
| | NAAS | 1 | | | | 1 | | | | | 1 | | | 3 |
| | LEIXLIP | | | | | | | | | | | 3 | | 3 |
| 2012 Total | | 3 | | | | 1 | 2 | 1 | 1 | 1 | 2 | 4 | | 15 |
| 2013 | | | | | | | | | | | | | | |
| 2013 | KILDARE | | | | | | | 2 | 1 | 1 | | | | 4 |
| | NAAS | | | | | | | | | | | 1 | | 1 |
| | LEIXLIP | | 1 | | | 1 | 2 | | | | | | | 4 |
| 2013 Total | | | 1 | | | 1 | 2 | 2 | 1 | 1 | | 1 | | 9 |
| 2014 | | | | | | | | | | | | | | |
| 2014 | KILDARE | | | | | 1 | | | | 1 | 3 | 1 | 1 | 6 |
| | NAAS | | | | | | | | | | | | | 0 |
| | LEIXLIP | | | 2 | | | 2 | | 2 | | 1 | 2 | | 10 |
| 2014 Total | | | | 2 | | 1 | 2 | | 2 | 1 | 4 | 3 | 1 | 16 |
| 2015 | | | | | | | | | | | | | | |
| 2015 | KILDARE | 1 | | 2 | 2 | 1 | 1 | | | | | | 2 | 9 |
| | NAAS | | | | | | 1 | | | | | | | 1 |
| | LEIXLIP | 1 | 1 | | | | | | | 1 | | | | 3 |
| 2015 Total | | 2 | 1 | 2 | 2 | 1 | 2 | | | 1 | | | 2 | 13 |
| 2016 | | | | | | | | | | | | | | |
| 2016 | KILDARE | 2 | 2 | 1 | | | | 1 | | | | | | 6 |
| | NAAS | | | | | | 2 | 1 | | | | 1 | | 4 |

| Year | Station | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | Total |
|-------------------|---------|-----------|----------|-----------|----------|----------|-----------|-----------|----------|----------|-----------|-----------|----------|-----------|
| | LEIXLIP | | | 1 | | | | | | | | 1 | | 2 |
| 2016 Total | | 2 | 2 | 2 | | | 2 | 2 | | | | 2 | | 12 |
| 2017 | | | | | | | | | | | | | | |
| 2017 | KILDARE | | 1 | 1 | | 1 | 1 | | | | | | | 4 |
| | NAAS | | 1 | 2 | | 1 | | | | | | | | 4 |
| | LEIXLIP | | | | | | | | | | | | | 0 |
| 2017 Total | | | 2 | 3 | | 2 | 1 | | | | | | | 8 |
| Total | | 10 | 6 | 12 | 3 | 9 | 12 | 13 | 5 | 9 | 16 | 13 | 7 | |