

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. Wayne O'Connor.
Sunday Independent,

Re: Freedom of Information Request FOI-000187-2017 Request Partially Granted

Dear Mr. O'Connor,

I refer to your request, dated and received on 20th April 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:

- *Records outlining the sums of compensation paid to members of the force for personal injuries sustained while on duty in 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and in 2017 to the date of this letter.*
- *A breakdown of the 10 largest compensation sums paid out to members of the force for personal injuries sustained while on duty in 2016 and in 2017 to the date of this letter.*

I wish to inform you that I have decided to partially grant your request on the 16th May 2017

The purpose of this letter is to explain my decision.

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1. Findings, particulars and reasons for decision to deny access

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

I am refusing your request under section 15(1)(d) of the FOI Act on the basis that the information is already in the public domain. All cases under the Garda Síochána (Compensation) Act, 1941 and the Garda Síochána Compensation (Amendment) Act 1945 are heard in open Court in the High Court and the information is in the public domain.

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,

Furthermore, information is available on the Garda Síochána Freedom of Information Decision Log on the Garda Website at the following URL:

<http://www.garda.ie/Documents/User/FOI-000038-2015%20Decision.pdf>
<http://www.garda.ie/Documents/User/FOI-000184-2016%20Decision.pdf>

In the Decision Log An Garda Síochána publishes a list of all responses issued to Freedom of Information Requests (excluding requests for personal information) from the commencement date of 14th of October 2015. I wish to draw your attention to Decision **FOI-000038-2015 & FOI-000184-2016** (Human Resource Management Decisions) which are applicable to your request.

However, I wish to provide you with updated information since the publication of the above decisions. The following table outlines the number of Garda compensation cases which have been finalised in the High Court in 2016 and 2017 to date.

Year	High Court Cases Awarded	Total Monies Awarded
2016	78	€4,981,431.24
2017 (to date) 8 th May	34	€1,822,794.70

The above awards were made in respect of claims made under the Garda Compensation Act and are pertaining to malicious injuries inflicted on members of An Garda Síochána in the course of their duties.

The claims were made in respect of a spectrum of injuries including soft tissue injuries, lacerations, broken limbs, and psychiatric injuries.

The claims made would also include claims for medical expenses and loss of earnings.

With regards to the second part of your request seeking “*A breakdown of the 10 largest compensation sums paid out to members of the force for personal injuries sustained while on duty in 2016 and in 2017 to the date of this letter*”. The record on the amount of compensation awarded is held manually on each individual file and an aggregate of the total amount of compensation awarded is held. Therefore the records sought by you are not readily identifiable and it would cause a substantial and unreasonable disruption in the Internal Affairs Section of An Garda Síochána to inspect all manual records held to identify the records you seek.

Section 15(1)(c) of the Freedom of Information Act 2014 is as follows:

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,*

The Internal Affairs Section of the Governance and Accountability Section have advised that once a case for compensation has been disposed of the file is stored offsite and only summary information is retained within the section.

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 **F01-000187-2017**.

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 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 MAY 2017