

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

Bí linn/Join us  

Riomh-phoist:/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000527-2017 Request Partially Granted

Dear

I refer to your request, dated and received on 29th November, 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:

Broken down by calendar years 2012; 2013; 2014; 2015; 2016; and the first 6 months 2017;

a) The total number of personal injury claims received, further broken down by those taken members of An Garda Síochána and, separately, civilians.

This includes civilians calling to Garda stations who may suffer an injury and includes all employees who may have been injured while at work.

b) The total value of these claims.

This refers to the value of the claim being made by the claimant and not the amount paid.

c) The total cost of these claims.

This refers to the total payments made and the legal costs etc.

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d) *The number of court proceedings issued.*

The number of cases that went to Court

e) *The number of proceedings settled before the finalization of a full hearing.*

f) *The number of proceedings that went to a full hearing in which the court ruled in favour of the plaintiff.*

g) *The number of proceedings that were to a full hearing in which the court ruled in favour of your local authority Organisation.*

h) *The total amount of money legal fees/costs recovered by your organisation relating to personal injury claims over the course of the calendar year (the first six months of the year 2017).*

This refers to the amount (costs) awarded in favour of An Garda Síochána.

i) *The amount of money in legal/fees costs that remained owing to your local authority Organisation at the end of the calendar year (the first six months of the year 2017).*

This refers to outstanding costs awarded but not collected.

j) *The amount of money in legal fees/costs awarded in favour of your organization that were written of unrecoverable/bad debts, over the course of the calendar year/ (, for first six months of 2017)*

This refers to the amount written off as a bad debt that cannot be recovered.

I wish to inform you that I have decided to partially-grant your request on the 19th December 2017.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

The records and information provided in answer to your request were sourced from both the Garda Síochána Finance Directorate and Legal Services. Questions (a) and (b) are answered below.

a) *The total number of personal injury claims received, further broken down by those taken members of An Garda Síochána and, separately, civilians.*

This includes civilians calling to Garda stations who may suffer an injury and includes all employees who may have been injured while at work.

b) *The total value of these claims.*

This refers to the value of the claim being made by the claimant and not the amount paid.

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 to 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 calculate the number of cases referring to Garda staff or members of the public. This would create a significant amount of additional research for 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 to calculate the value of claims thus causing a disproportionate disruption to the work conducted by Legal Services.

It is for that reason that I am applying section 15(1)(c) to these parts 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 reasons 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,*

With regard to part (c) of your request I am able to provide Table A.

- c) The total cost of these claims.*

This refers to the total payments made and the legal costs etc.

Table A (Appendix 1) show the compensation paid to Gardaí and Civilian Staff of An Garda Síochána for years 2013 to 2017 (30th June 2017). 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.

Garda Compensation Act 1941 - 1945

Table A shows the personal injury awards 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 SIOCHÁNA (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

Previous FOI Request published on the Garda FOI Decision Log may be of interest to you with regard to this request: FOI 0015-2017 and 000490-2017.

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. Section 15(1)(c) (as shown on page 3 of this decision letter) has been applied to this part of the request.

Parts (d), (e), (f) and (g) as shown below are dealt with together.

d) *The number of court proceedings issued.*

The number of cases that went to Court

e) *The number of proceedings settled before the finalization of a full hearing.*

f) *The number of proceedings that went to a full hearing in which the court ruled in favour of the plaintiff.*

g) *The number of proceedings that were to a full hearing in which the court ruled in favour of your local authority Organisation.*

As previously stated An Garda Síochána is a partially included agency for the purposes of the FOI Act. 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.

Information regarding the accumulated status of individual court cases is not considered an administrative record for Human Resources or Finance purposes. Consequently, I am refusing the parts of your request from Part (d) to Part (g) (inclusive) as I am of the opinion that they are out of the scope of the FOI Act insofar as An Garda Síochána is concerned.

Parts (h) (i) and (j) of your request as shown below are dealt with together.

h) *The total amount of money legal fees/costs recovered by your organisation relating to personal injury claims over the course of the calendar year (the first six months of the year 2017).*

This refers to the amount (costs) awarded in favour of An Garda Síochána.

i) *The amount of money in legal/fees costs that remained owing to your local authority Organisation at the end of the calendar year (the first six months of the year 2017).*

This refers to outstanding costs awarded but not collected.

j) *The amount of money in legal fees/costs awarded in favour of your organization that were written of unrecoverable/bad debts, over the course of the calendar year/ (, for first six months of 2017)*

This refers to the amount written off as a bad debt that cannot be recovered.

A search of records held in the Finance Directorate identified that no records exist relating to the queries asked at (h) (i) and (j). Therefore, I am applying section 15(1)(a) of the FOI Act which states the following.

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 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-000527-2017**.

**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: BOFIIIE2D

You must ensure that your FOI reference number (FOI-000527-2017) 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**
SHARON KENNEDY
FREEDOM OF INFORMATION OFFICER

22 **DECEMBER 2017**

APPENDIX 1

TABLE A

Compensation Expenditure Garda & Civil 2012 – 2017*						
Year	Garda Compensation Act		Garda	Civil Compensation		Total
	Personal Injury Awards	Personal Injury Costs	Occupational Injuries Scheme	Accidents involving Garda Vehicles	* Other Compensation	
2012	€7,162,159	€ 2,261,768	€ 121,823	€1,998,238	€5,042,543	€16,586,530.77
2013	€6,006,184	€ 2,387,921	€ 103,448	€3,292,568	€5,756,011	€17,546,131.58
2014	€ 4,088,479	€ 2,230,395	€ 108,503	€2,208,228	€ 4,978,539	€13,614,144.42
2015	€ 3,708,518	€ 1,330,979	€ 143,628	€2,162,825	€ 6,963,704	€14,309,654.77
2016	€ 4,741,995	€ 1,610,802	€ 112,969	€2,813,719	€ 8,047,597	€17,327,082.33
2017 (Jun)	€ 2,948,880	€ 641,154	€ 78,656	€1,342,608	€ 2,261,192	€ 7,272,490.23
Total	€28,656,215.31	€10,463,019.49	€ 669,027.14	€ 13,818,186.37	€33,049,585.79	€86,656,034.10

**figures for 2017 are up to and including 30th June 2017.*