

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  

Ríomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000514-2017 Request Partially Granted

I refer to your request, dated and received on the 17th 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:

- *The number of gardai who were assaulted in the course of their duty in the years 2012, 2013, 2014, 2015, 2016 and the year ending 17/11/2017.*
- *These records should be broken down by the rank of the garda, the Garda division in which the assault occurred and the seriousness of the assault (if this is categorised).*

I have now made a final decision to **partially grant** your request on 11th December 2017.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decisions.

I have decided to grant the release of the information which is attached at Appendix A. This information relates to “*the number of Garda assaulted in the course of their duty in the years 2012, 2013, 2014, 2015, 2016 and the year ending 17/11/2017*” broken down by Garda Division.

The information at Appendix A is based on the 29 operational Garda Divisions which is inclusive of the DMR Traffic Division. The table shows the number of Gardaí who were assaulted for years 2012 up to and including the 7th December 2017.

I have previously granted similar information in a previous request. This can be accessed by following the link <http://www.garda.ie/Documents/User/FOI-000204-2016%20Decision>. There will be a slight variance in the tables and this is attributed to the late reporting of incidents.

I am refusing to provide you with a breakdown of the seriousness of the assaults in the manner they are requested under Section 15 (1) (a) of the FOI Act on the basis that the records do not exist.

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—*
(a) *the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,*

However, I am in a position to supply you with a table that shows the injuries sustained by Gardaí broken down by year and the type of injury, see Appendix B for details.

I am conscious of my obligation to retain personal information in a confidential and secure manner and prevent personal information from being released in the public domain unnecessarily. Personal information is defined at Section 2 of the FOI Act and includes the following

Section 2 - Interpretation

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 am of the opinion that the release of this information broken down by rank will allow for a person to become more identifiable locally and within the Garda Organisation thus breaching my obligation to protect an individual’s personal information.

Section 37 (1) of the FOI Act is mandatory exemption and states:

“Subject to this section, a head shall refuse to grant 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).”

Therefore, I have decided to refuse your request for the records broken down by rank as per section 37(1) of the Freedom of Information Act 2014 on the basis that there is a significant risk of identifying the parties involved.

There is a Public Interest Test applicable to Section 37 of the FOI Act.

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 the personal information but having balanced the factors both for and against the release, I decided that the public interest in preserving the 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.

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-000514-2017.

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 Siochana Finance Section Public Bank Account
Account Number: 10026896
Sort Code: 900017
IBAN: IE86130F190001710026896
BIC: BOFIIIE2D

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 Siochana 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 Siochana 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

12 **DECEMBER 2017**

Appendix A

Assaults on Gardaí by Division 2012 to 2017							
Division	2012	2013	2014	2015	2016	2017	Total
Cavan/Monaghan	3	6	8	6	3	7	33
Clare	4	1	6	5	3	5	24
Cork City	5	13	14	15	20	7	74
Cork North	4	9	6	7	8	7	41
Cork West	6	3	4	5	8	1	27
DMR East	4	10	11	5	8	8	46
DMR North	1	8	13	30	13	4	69
DMR North Central	11	4	14	2	9	5	45
DMR South	5	21	19	13	6	3	67
DMR South Central	2	8	21	15	12	9	67
DMR West	25	21	29	32	16	19	142
Donegal	24	14	9	3	4	9	63
Galway	6	8	11	24	7	11	67
Kerry	5	15	16	25	23	3	87
Kildare	8	4	7	3	5	0	27
Kilkenny/Carlow	4	9	8	6	10	1	38
Laois/Offaly	4	6	4	9	10	0	33
Limerick	5	11	4	8	9	1	38
Louth	5	10	10	11	8	6	50
Mayo	1	6	3	2	6	4	22
Meath	6	4	8	10	5	0	33
Roscommon/Longford	2	3	4	5	5	5	24
Sligo/Leitrim	2	5	3	6	9	6	31
Tipperary	8	10	13	13	18	13	75
Traffic Division DMR	2	0	1	1	1	2	7
Waterford	6	9	22	27	30	17	111
Westmeath	4	3	5	2	6	2	22
Wexford	3	11	11	6	8	3	42
Wicklow	6	1	8	2	2	0	19
Total	171	233	292	298	272	158	1424

Appendix B

Injuries sustained by Gardaí who were assaulted							
Type of injury	2012	2013	2014	2015	2016	2017	Total
Bruising/Grazes/Bites	60	74	127	134	101	67	563
Closed Fracture	23	28	18	22	23	9	123
Dislocation	0	4	3	3	5	3	18
Infection	1	2	2	2	2	0	9
Internal Head Injuries	2	4	5	2	0	1	14
Internal Injuries (excluding the head)	5	3	1	2	1	2	14
Open Fracture (i.e. bone exposed)	1	1	1	0	2	0	5
Open Wounds	17	16	14	19	11	6	83
Other	18	38	46	46	55	21	224
Serious Multiple Injuries	0	2	1	0	0	1	4
Sprain/Strain	44	61	75	68	72	48	367
Total	171	233	292	298	272	158	1424