

# An Garda Síochána

Oifig Saoráil Faisnéise  
An Garda Síochána  
Teach áth Luimnigh  
Lárionad Gnó Udáras Forbartha Tionscail  
Baile Sheáin  
An Uaimh  
Contae na Mí



Freedom of Information Office  
An Garda Síochána  
Athlumney House  
IDA Business Park  
Johnstown  
Navan  
Co Meath

Teileafón/Tel: (046) 9036350

Láithreán Gréasain/Website: [www.garda.ie](http://www.garda.ie)

Bí linn/Join us  

Ríomh-phoist:/Email: [foi@garda.ie](mailto:foi@garda.ie)

## Re: Freedom of Information Request FOI-000154-2015

### Part Granted

Dear

I refer to the Freedom of Information Act 2014 and your submission to An Garda Síochána dated and received on 19<sup>th</sup> November 2015.

Part 1 of Schedule 1 of the Freedom of Information Act 2014 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 is shown below:

*I would like to ask how many complaints of bullying, harassment and sexual harassment the Garda Human Resources department has received regarding issues between members of the force. (i.e. complaints made by one garda against another.)*

*I would like the information for the years 2012 to 2014 inclusive, and for the first six months of 2015.*

*I would like the information to be broken down under each heading (bullying, harassment and sexual harassment), and to state in what county each complaint was made.*

I, \_\_\_\_\_ wish to inform you that your request **has been part-granted.**

The purpose of this letter is to explain my decision.

#### 1. Findings, particulars and reasons for decision

I have decided to part grant your request, by providing a summary of the returns outlining the numbers of bullying and harassment complaints in Table 1 below and in Table 2, the number of

sexual harassment claims and their outcomes; made by garda staff members from 2012 – 2015 in the following table;

**Table 1:-**

Year	Number of Bullying Complaints Received	Outcome
2012	11	3 withdrawn; 1 resolved; 2 upheld; 5 not upheld
2013	7	1 ongoing; 1 upheld; 5 not upheld
2014	11	5 ongoing; 1 no case to answer; 1 resolved; 4 not upheld
2015*	3	2 ongoing; 1 not upheld

\*Figures correct as of 31<sup>st</sup> October 2015

**Table 2:-**

Year	No of complaints received	Investigated	Outcome	Action Taken
2010	3	Yes	2 Upheld	Dealt with under Disciplinary Regulations
2011	1	No	Resolved Informally	No further action taken
2012	1	Yes	Upheld	Dealt with under Disciplinary Regulations
2013	Nil	N/A	N/A	N/A
2014	1	Yes	Investigation Ongoing	To be determined
2015	1	Yes	Investigation Ongoing	To be determined

\*Figures correct as of 31<sup>st</sup> October 2015

I am of the opinion that the details of complaints as requested, if supplied by county, could inadvertently result in the identification of the individuals concerned within the public domain or within the Garda Organisation itself. The reporting of sexual harassment within An Garda Síochána is a confidential matter between the individual and the relevant managers and serious consideration must be given to the impact it will have on the particular individuals involved if information released that could result in their identification openly.

Section 37(1) of the Freedom of Information Act, 2014 states:

*“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).”*

I have decided not to release the information in the manner requested as per section 37(1) of the Freedom of Information Act 2014 on the basis that there is a significant risk of inadvertently revealing the complainants' details.

An Garda Síochána expect its officers to behave with the highest standards of integrity and professionalism at all times, and any conduct, which brings or is likely to bring discredit on the organisation will be investigated. The number of complaints received should be placed into the context of the overall strength of An Garda Síochána which is approximately 14,000 members, including Reserves.

I refer to Section 15(1)(c) of the Freedom of Information Act with regard to the action taken for bullying cases.

### ***“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 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,*

Members of An Garda Síochána are subject to the Garda Síochána (Discipline) Regulations, 2007 as amended. As per the regulations minor disciplinary matters are dealt with locally at District level by way of the Regulation 10 of the Garda Síochána (Discipline) Regulations 2007. As these records are not centrally retained each District would have to search its records to identify the number of allegations received in any given period. Matters of a more serious nature are progressed centrally and those records are held in the Discipline Section of Human Resources and People Development. As a result I am refusing your request due to the voluminous nature of this request and the unreasonable disruption it would cause in Human Resources and People Development if the information was to be sought throughout all Districts.

Statistics have been published in An Garda Síochána Annual Reports for years 2012, 2013, 2014 and are available on the Garda website at [www.garda.ie](http://www.garda.ie), in the Publications section, with regards to the number of complaints received. End of year figures are extracted manually from the records held in Human Resources and People Development section for the information of the Commissioner for publication in the Garda Síochána Annual Report. In accordance with the publication of figures in the annual reports the following information has been compiled up to 31<sup>st</sup> October 2015.

- 84 members found in breach of discipline under the Garda Síochána (Discipline) Regulations 2007 as amended.
- These members received a combination of monetary sanctions, cautions, warnings and reprimands.
- The total monetary penalty imposed on members was €28,790.12.

## **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 **F01-0000154-2015**.

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 the public domain via our website at [www.garda.ie](http://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,

**FREEDOM OF INFORMATION OFFICER.**

**1<sup>st</sup> December 2015**