

# An Garda Síochána

Oifig Saoráil Faisnéise  
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](http://www.garda.ie)

Bí linn/Join us  

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

## Re: Freedom of Information Request FOI-000075-2015 Part Grant Request

Dear

I refer to the Freedom of Information Act 2014 and your submission to An Garda Síochána on the 20<sup>th</sup> October 2015 and received on the 20<sup>th</sup> October 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 figures and detail on the number of sexual harassment claims made garda members in the past five years by other members of the force.*
- *I would also like figures for the number of sexual harassment complaints made by members of the public against garda in the past five years.*
- *I would like the details broken down by year and the gender of the member of the public making the complaint and the gender of the garda of who the complaint was made against.*

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 sexual harassment claims and their outcomes; made by garda staff members from 2010 – 2015 in the following table;

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

I am of the opinion that the details of complaints as requested, if supplied in the manner sought, 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.

With regard to the second and third part of your request as set out below:-

- *I would also like figures for the number of sexual harassment complaints made by members of the public against garda in the past five years.*
- *I would like the details broken down by year and the gender of the member of the public making the complaint and the gender of the garda of who the complaint was made against.*

The Garda Síochána Ombudsman Commission (GSOC), established in May 2007, is responsible for investigating complaints made by members of the public against members of An Garda Síochána. In this regard, all complaints relating to sexual harassment made by the public to An Garda Síochána will be forwarded to GSOC for consideration. Members of the public can make a complaint directly to GSOC, without informing An Garda Síochána, resulting in GSOC having a comprehensive catalogue of all complaints made against Garda members. An Garda Síochána do not categorise complaints made by the public against its members and the responsibility for categorisation of complaints such as Sexual Harassment is the task of GSOC. As a result, the records you seek are not

held by An Garda Síochána. Therefore, I am refusing your request under Section 15(1)(a) as the records do not exist.

The Garda Síochána Ombudsman Commission can be contacted at 150 Upper Abbey Street, Dublin 1, D01 FT73: Telephone (01) 8716727 or via email at [info@gsoc.ie](mailto:info@gsoc.ie).

## **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 **F01-000075-2015**.

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:** BOFIIE2D

**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](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**