



Our Ref: FOI/Req/22/016

Date: 20 January 2022

Dear Ms. Kenny,

I refer to the request, which you have made under the Freedom of Information Act 2014 for access to records held by this Department, as follows:

“Under the FOI Act 2014, I am seeking information on and/or records of the following, from 2019-2021:

- **Complaints received from staff which allege that they were bullied by fellow staff**
- **Complaints received from staff which allege that they were harassed by fellow staff**
- **Complaints received from staff which allege they were sexual harassed by fellow staff**

I would prefer to receive this information electronically, preferably in its original formatting.

I am seeking copies of the complaints themselves, which can be redacted to protect complainants' privacy. If this is not possible, I would like to receive data on the number and type of complaints made within this timeframe.”

I refer also to the acknowledgement of your request, which was sent to you on 19 January 2022.

I have identified three records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to refuse all three records under section 35 (1) (a) and section 37 (1) of the FOI Act.

Section 35 (1) (a) of the Act states that;

“a head shall refuse to grant an FOI request if—

(a) the record concerned contains information given to an FOI body, in confidence and on the understanding that it would be treated by it as confidential . . . and, in the opinion of the head, its disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further similar information as aforesaid should continue to be given to the body, or . . .”

I am obliged to consider whether the public interest in releasing these records outweighs the protections granted by section 35 (1) (a). On balance, I am of the view that their release would be of no public benefit, and that the confidential information in the records should remain confidential.



All three complaints were made in confidence to the HR Section, and on the understanding that they would be treated as confidential. The disclosure of the information in these complaints would be likely to prejudice the giving of further similar information to the HR Section by staff members, and it is important to the HR Section that such further similar information should continue to be given to it.

Section 37 (1) (a) states that

“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. . .”

The information in the complaints is clearly personal information. While Section 37(1) is a mandatory exemption, I am still obliged to consider whether the public interest would be best served by releasing the records. I have considered whether releasing the records would provide any additional benefit to the public. I have weighed this against the right of individuals to have their personal information remain private and have found that there is a clear prerogative for this information to remain private.

In order to provide you with data on the number and type of complaints made in the timeframe of your request, I am providing you with the table below:

| | 2019 | 2020 | 2021 |
|---|------|------|------|
| Complaints received from staff which allege that they were bullied by fellow staff | 0 | 0 | 0 |
| Complaints received from staff which allege that they were harassed by fellow staff | 1 | 0 | 0 |
| Complaints received from staff which allege they were sexually harassed by fellow staff | 2 | 0 | 0 |

Right of Appeal

Should you wish to appeal this decision, you may do so in writing to the Freedom of Information Unit, Department of Foreign Affairs, 76-78 Harcourt Street, Dublin 2 or by email to foi@dfa.ie. A fee applies for an appeal for access to non-personal information; the level of this fee has been set at €30. (€10 for medical card holders). A copy of the medical card should be provided to avail of the reduced fee. For methods of payment, please contact FOI Unit at foi@dfa.ie, or 01 408 2857.



You should make your appeal within 4 weeks (20 working days) from the date of this notification. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of staff of this Department.

Yours sincerely,

Fiona Roche

Human Resources