



Department
for Environment
Food & Rural Affairs

Nobel House Area 1E
17 Smith Square London
SW1P 3JR

redacted

By email: redacted

Dear redacted

REQUEST FOR INFORMATION: Sexual Harassment Complaints

Thank you for your request for information of 24 August 2021 about sexual harassment complaints in Defra, the Rural Payments Agency (RPA) and the Animal and Plant Health Agency (APHA). We have handled your request under the Freedom of Information Act 2000 (FOIA).

Your information request and our response are set out below.

I am looking for information about sexual harassment complaints. Please could you provide me with the following:

1. *How many civil servants in the department have made complaints that they have been sexually harassed by another civil servant/staff member (note, this should include special advisers and politicians) in the last three calendar years (up to and including August 2021)? To be clear, I'm asking for information for 2019, 2020 and 2021. Please could you break this information down by year and gender.*

We can confirm that in 2019, 6 complaints were received which related to sexual harassment by another civil servant/staff member. However, after careful consideration we have decided that, as providing a breakdown by gender would mean that the information involves less than 5 people, this data should be withheld under sections 40(2) and 40(3A) of the FOIA, as the information constitutes personal data relating to persons other than you as it would potentially be possible to identify those individuals.

We can confirm that in 2020 and up to and including August 2021, the number of complaints received relating to sexual harassment were less than 5 for each of those years. We have withheld the specific numbers under sections 40(2) and 40(3A) as the information involves less than 5 and constitutes personal data relating to persons other than you as it would potentially be possible to identify those individuals.



Please see below for further details on this exemption.

- 2. How many civil servants/staff in the department have faced civil service disciplinary investigations as a result of a sexual harassment claim made against them by another civil servant/staff member in the last three calendar years (up to and including August 2021)? Please could you break this information down by year, gender. In each case, please could you state whether any misconduct was found and, if so, what type of disciplinary action was taken including verbal/written/final warnings, suspension, dismissal etc.*

We can confirm that in 2019 there were 6 investigations relating to sexual harassment by another civil servant/staff member. We are withholding information that breaks this number down by gender and information relating to whether any misconduct was found and if so, what type of disciplinary action was taken, under sections 40(2) and 40(3A) as the information involves less than 5 individuals and constitutes personal data relating to persons other than you as it would potentially be possible to identify those individuals.

We can confirm that in 2020, and up to and including August 2021, the number of investigations carried out relating to sexual harassment by another civil servant/staff member was less than 5 in each of those years. We are withholding information that breaks this number down by gender and information relating to whether any misconduct was found and if so, what type of disciplinary action was taken, under sections 40(2) and 40(3A) as the information involves less than 5 individuals and constitutes personal data relating to persons other than you as it would potentially be possible to identify those individuals.

Sections 40(2) and 40(3A) of the FOIA

These sections exempt personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would breach any of the data protection principles in Article 5(1) of the General Data Protection Regulation (GDPR).

We consider that disclosure of this information is likely to breach the first data protection principle, which provides that personal data must be processed lawfully, fairly, and in a transparent manner. Disclosure would not constitute 'fair' processing of the personal data because the individuals concerned would not reasonable have expected their information to be made public.

- 3. Please could you state in any of the cases above whether the police were notified of the staff member's sexual harassment complaint/if any investigation/charges were brought. Please could you break this information down by year.*

We can confirm that the police have not been notified of any staff members sexual harassment complaint in any of the years stated. Therefore, this information is not held.

Information disclosed in response to this FOIA request is releasable to the public. In keeping with the spirit and effect of the FOIA and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on [GOV.UK](https://www.gov.uk), together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

We attach Annex A, explaining the copyright that applies to the information being released to you, and Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact me.

Yours sincerely

redacted

Information Rights Team

InformationRequests@defra.gov.uk

Annex A

Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Andrew Mobsby, Head of Information Rights via email at InformationRequests@defra.gov.uk and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our website.

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted Defra's own complaints procedure.

The ICO can be contacted using the following link:

<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>