

An Roinn Gnóthaí Eachtracha agus Trádála Department of Foreign Affairs and Trade

Our Ref: Fol/Req/235

15 December 2017

Dear Requester,

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:

Details of all payments made by the Department to staff or former staff who have made claims against the Department through the courts, Workplace Relations Commission or Employment Appeals Tribunals in each of the years 2013, 2014, 2015, 2016 and to date in 2017.

Please provide a breakdown of the payments ordered by the individual authorities - ie the High Court, Circuit Court District Court, WRC, EAT's etc.

Please provide a breakdown of the reason for the claims and resulting payments e.g. assault, sexual harassment, bullying personal injury etc.

Details of the legal fees paid by the Department in relation to claims made by former or current staff in the same years.

Please provide a breakdown that includes the name of the solicitors/law firms used in the Department's defence and the sums paid to them.

I refer also to the acknowledgement of your request which was sent to you on 24 November.

The Department of Foreign Affairs and Trade has not been ordered to make any payments by the courts, Workplace Relations Commission or Employment Appeals Tribunal in the years 2013, 2014, 2015, 2016 and to date in 2017 to staff or former staff who have made claims against the Department

Depending on the subject-matter, domestic litigation is dealt with on the Department's behalf by the Attorney General's Office, the Chief State Solicitor's Office or the State Claims Agency which engage lawyers to act for the Department where necessary and pays their fees. Where necessary or appropriate, the advice of the Department's Legal Division is also sought. In that light I am refusing all but the second part of your request on administrative grounds under Section 15(1)(a) of the Act.... *the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken.*

A small number of claims, which were made against the Department by staff or former staff based in HQ during the period in question, were withdrawn and settled prior to adjudication. Settlement payments are made only on the basis of legal advice obtained, generally through the Chief State Solicitor's Office or the State Claims Agency.

The terms of these settlements are entirely confidential between the parties concerned. It would not be appropriate for the Department to provide additional details as so doing could potentially identify the individuals in question. However it is possible to confirm that none of the settlements made during the period in question related to cases of assault, sexual harassment or bullying. In that light I am refusing access to the information under Section 30(1)(b)- Functions and Negotiations of FOI bodies, Section 37 personal information and Section 35(1)(a)-information obtained in confidence.

Given the small number of claims in question it is reasonable to envisage that release of this information would lead to a significant adverse effect on the management functions of the Department and would likely be considered a breach of confidence and privacy. I am also refusing access under Section 35(1)(a) of the Act which applies when the record concerned contains information given in confidence and on the understanding that it would be treated as confidential and I have refused access to the information based on Section 37 (1) Personal Information. Access to the information concerned would involve the disclosure of personal information relating to an individual. I have considered your right to access information against fair treatment for individual officers of the Department and I am satisfied that the balance favours refusal rather than release.

I have provided in the table below the total figure for legal expenses (as advised by the State Claims Agency) and settlement costs for the five year period in question.

2013 – 2017 (to date)		
Legal Expenses	Outturn	62,528
Settlement Costs	Outturn	92,793

Ref: Fol/Req/17235

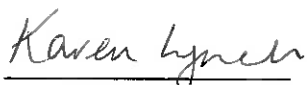
SCHEDULE		
Record Description	Granted/Part-Granted/Refused	Section exempted under:
1. Records of reasons for the claims and resulting payments e.g. assault, sexual harassment, bullying personal injury etc.	Refused	Section 35(1)(a) Section 37 (1) Section 30(1)(b)-

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 and Trade, 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. For methods of payment, please contact FOI Unit at foi@dfa.ie, or 01-4082857.

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 the staff of this Department.

Yours sincerely



Karen Lynch