

**From:** Foi Enquiries  
**Sent:** 02 April 2019 15:21  
**To:** [REDACTED]  
**Subject:** FOI-19-0359 - Complaints  
**Attachments:** V2 - Further Information - Right to Review & Appeal.pdf

Dear [REDACTED],

Thank you for your information request of 12 March 2019. Aberdeen City Council (ACC) has completed the necessary search for the information requested. Our response is now detailed below.

**I am writing to you to request information about the number of an employee within your local authority that have made complaints of sexual assaults by their colleagues? I want the information to be broken down into the following catalogues: • Rape • Forcible Sodomy • Forcible object penetration • Marital rape • Unwanted sexual touching • Sexual contact with minors, whether consensual or not • Any unsolicited or coerced sexual contact • Sexual harassment I want information to be broken down departments within your local authority, sex and how many complaints were successful in leading to a member of staff being disciplined? I would like the number of complaints for the last five years.**

Please note that we can only provide information based on our database of cases that went through official disciplinary procedure, not allegations. Therefore, our answer to above is less than 5 incidents in the five year period.

We are unable to provide you with an exact figure or any other details due to that figure being so low and concern that the release of any other details would lead to identification of the person(s) involved, particularly to other colleagues. This includes a requirement to protect the identity of the complainant(s).

ACC is unable to provide you with information on **the number of complaints from employees about sexual assault by their colleagues, broken down by Rape, Forcible Sodomy, Forcible object penetration, Marital rape, Unwanted sexual touching, Sexual contact with minors, whether consensual or not, Any unsolicited or coerced sexual contact, Sexual harassment, departments within your local authority, sex and how many complaints were successful in leading to a member of staff being disciplined** as it is exempt from disclosure. In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby gives notice that we are refusing your request under the terms of Section 38(1)(b) in conjunction with Section 38(2)(A)(a) – Personal Information - of the FOISA.

In making this decision ACC considered the following points:

ACC is of the opinion that Section 38(1)(b) applies to the information specified above as the information in question is personal information relating to living individuals, of which the applicant is not the data subject.

ACC is of the opinion that Section 38(2A)(a) applies, as we consider that disclosure of this information would be a breach of the 'lawfulness, fairness and transparency' principle. As the numbers are less than 5, ACC is of the view that disclosing the exact number and any further details, would enable other people (for example, other employees) to identify these individuals. These individuals have not consented to the disclosure of this information and ACC does not consider that they would expect ACC to release this information about them into the public domain under the FOISA.

## **INFORMATION ABOUT THE HANDLING OF YOUR REQUEST**

ACC handled your request for information in accordance with the provisions of the Freedom of Information (Scotland) Act 2002. Please refer to the attached PDF for more information about your rights under FOISA.

We hope this helps with your request.

Yours sincerely,

Grant Webster  
Access to Information Officer

**Grant Webster** | Access to Information Officer

Aberdeen City Council | Access to Information Team | Customer Feedback | Customer  
Marischal College | Business Hub 17, 3<sup>rd</sup> Floor | Broad Street | Aberdeen | AB10 1AQ

Dial: 01224 522166

[www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk) | Twitter: @AberdeenCC | Facebook.com/AberdeenCC