

1 April 2020


Our Ref: FOIR 010 020

**Re: FOI request, refusing request 010 020**


Dear 

I refer to your request dated 4 March 2020 made under the Freedom of Information Act 2014 for records held by the Health Information and Quality Authority. Your request sought:

In a letter to me from HIQA dated 24th February 2020 the following is stated

"Further to receipt of unsolicited information by the Health Information and Quality Authority regarding "

I have requested dates of receipt of this unsolicited information from HIQA but have been denied.

I therefore need any written information or recorded verbal information for 2019 and 2020 to date in relation to unsolicited information in respect of .

I request the information received by HIQA

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I, Ann Delany, Regional Manager, have now made a final decision to refuse your request on 1 April 2020.

The purpose of this letter is to explain that decision. This explanation has the following parts:

1. a schedule of all of the records covered by your request;
2. an explanation of the relevant findings concerning the records to which access is denied, and
3. a statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these three parts in turn.

## **1. Schedule of records**

A schedule is enclosed with this letter, it shows the documents that the Authority considers relevant to your request. It describes each document and refers to the sections of the FOI Act which apply to prevent release. The schedule also refers you to sections of the detailed explanation given under heading 2 below, which are relevant to the documents in question. It also gives you a summary and overview of the decision as a whole.

## **2. Findings, particulars and reasons for decisions to deny access**

The sections of the Act which can apply to deny access to documents are known as its exemption provisions.

### ***Section 35 – Information obtained in confidence***

- (1) Subject to this section, a head shall refuse to grant an FOI request if –
- (a) the record concerned contains information given to the FOI body, in confidence and on the understanding that it would be treated by it*

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*as confidential (including such information as aforesaid that a person was required by law, or could have been required by the body pursuant to law, to give to the body) 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,*

The decision maker contends that the records concerned contain information given to the Authority in confidence and on the understanding that it would be treated as such and that its disclosure would be likely to prejudice the giving to the Authority of further similar information from the same person or other persons. It is of importance to the Authority that such further similar information as aforesaid should continue to be given.

#### **Public Interest Test**

I have considered the public interest issues which arise in this case and have taken account of the following factors in favour of release:

- The right of the public to have access to information
- The accountability of administrators and scrutiny of decision making processes.

In considering the public interest factors which favour withholding the records, I have taken account of the following:

- The need to preserve confidentiality of people supplying information to HIQA
- The release of records would damage the future receipt of information that play an important role in the regulation of designated centres.

Having balanced the above factors, I place greater weight on the public interest favouring the withholding of the records and, therefore, my decision is to refuse access to these records.

### 3. Rights of appeal

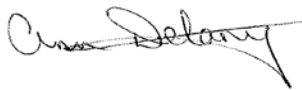
If you are unhappy with this decision you may appeal it. Please note that a fee applies for an appeal, with the exception of an appeal against the imposition of a €30 fee. In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Health Information and Quality Authority, Dublin Regional Office, George's Court, George's Lane, Smithfield, Dublin 7, D07 E98Y or by e-mail to [foi@hiqa.ie](mailto:foi@hiqa.ie). Payment should be made by way of electronic transfer. Please contact the FOI Office for further details.

You should make your appeal within 4 weeks, from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays. 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 the Authority.

### 4. Publication

All non-personal FOI requests will be recorded on an FOI disclosure log which will be published on the Authority's website in due course.

Yours sincerely,



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Ann Delany  
Regional Manager

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