

**Private & Confidential**

[REDACTED]

[REDACTED]

24 June 2020

**Our Ref. FOIR 031 020**

**Re: – Decision on FOI Request (Part Grant)**

Dear [REDACTED],

I refer to the following request which you have made under the Freedom of Information Act 2014 for records held by the Health Information and Quality Authority (HIQA):

*Copy of all correspondence between HIQA and Nursing Homes Ireland from January 2020 - May 2020, in relation to Covid-19*

Your request was received by HIQA on 22 May 2020, and you were subsequently informed of an extension to the timeframe for the request under Section 14 of the Act. I, Gillian Hastings, am the decision maker for this FOI request and have I made a decision to part grant your request today, 24 June 2020.

The purpose of this letter is to explain my 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.

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## **1. Schedule of records**

A schedule is attached. It shows the documents that HIQA considers relevant to your request. It also gives you a summary and overview of the decision as a whole.

The schedule describes each document and indicates whether the document is released in full, released with deletions/redactions, or not released. The schedule refers to the Sections of the FOI Act which apply to prevent release.

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

### **A. Section 37(1) - Personal Information**

Section 37 of the FOI Act 2014 states:

*“(1)...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 (including personal information relating to a deceased individual).”*

Some of the records contain the personal information of third parties (these records are indicated in the schedule). Access to this information has been refused on the basis of Section 37(1).

#### Public interest test

I acknowledge that Section 37(5)(a) provides for the release of personal information relating to third parties where the public interest that the request should be granted outweighs the right to privacy of the individuals to whom the information relates.

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 public interest in the public knowing how a public body performs its functions;
- the public interest in members of the public exercising their rights under the FOI Acts.

In favour of withholding the records:

- the public interest in protecting the right to privacy;
- the public interest in public bodies being able to perform their functions effectively.

I consider that the public interest in preserving the privacy of the third party involved outweighs the public interest that would be served were the records to be released to you in this instance. Accordingly, the information concerned has been redacted from the records released.

### **3. Appeal Rights**

In the event that you are not happy with this decision you can seek an internal review by writing to the FOI Unit, George's Court, George's Lane, Smithfield, Dublin 7, or by e-mail to [foi@hiqa.ie](mailto:foi@hiqa.ie). This appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body.

Please note that a fee of €30 (or €10 if you are a medical card holder), applies to internal reviews. Please contact the FOI Unit for payment details.

You should make your appeal within 4 weeks (20 working days) from the date of this letter, 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.

If you have any queries in relation to this decision, please feel free to contact the FOI Unit, on [foi@hiqa.ie](mailto:foi@hiqa.ie).

Yours sincerely,

Gillian Hastings  
Statutory Investigations Co-ordinator