

Private & Confidential

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24 March 2022

Our Ref. FOIR 040 022

Re: – FOI decision (part grant)

Dear ██████████

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

The twenty pieces of correspondence sent to the Minister for Health by the CEO of HIQA, on the following dates:

	Date Received
1	27/08/2020
2	17/09/2020
3	24/09/2020
4	30/09/2020
5	26/11/2020
6	22/01/2021
7	22/01/2021
8	10/02/2021
9	23/07/2021
10	23/07/2021
11	23/07/2021

12	14/09/2021
13	14/09/2021
14	19/10/2021
15	18/11/2021
16	10/12/2021
17	11/01/2022
18	11/01/2022
19	01/02/2022
20	17/02/2022

I have now made a final decision to part grant your requests.

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 requests;
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 attached. It shows the documents that the Authority 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 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 in part

S 30(1)(a) Functions and negotiations of public bodies states that:

"A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to –

(a) prejudice the effectiveness of tests, examinations, investigations, inquiries or audits conducted by or on behalf of an FOI body or the procedures or methods employed for the conduct thereof,

Record no. 8 on the schedule contains a table where nursing homes have been risk rated by the Chief Inspector of Social Services. It is my view that the release of this information would prejudice the effectiveness of tests, examinations, investigations, inquiries or audits conducted by or on behalf of the Chief Inspector of Social Services. Release of the document containing the risk rating of all nursing homes could potentially damage the trust and cooperation of providers and impact on the relationship with providers in the context of the non-statutory work being undertaken in terms of gathering information from providers and providing support and advice to providers.

In the interest of transparency, the letter accompanying the report has been released.

Public interest considerations

I acknowledge that the above exemption is subject to public interest considerations. I have considered the public interest issues which arise in relation to both records and have taken account of the following factors in favour of release:

- The accountability and objectivity in the decision-making processes
- The right of the public to have access to information
- The need for the public to be better informed and more competent to comment on public affairs

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

- The need to protect the efficient and effective management of an FOI body
- Ensuring FOI is not used to the detriment of the equitable treatment of individuals

In balancing the factors as set out above, I consider that the public interest is better served by refusing access to these records.

Section 37. (1) Personal Information - states that

"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"

Record nos. 3,4,6,7,8,10,11,12,13,15,17,18,19,20 on the schedule contains the names of authorized persons. The names of these individuals have been redacted.

Public interest considerations

I acknowledge that this exemption is subject to public interest considerations. I have considered the public interest issues which arise in relation to the records identified and have taken account of the following factors in favour of release:

- The accountability and objectivity in the decision-making processes
- The right of the public to have access to information

- The need for the public to be better informed and more competent to comment on public affairs

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

- the right to privacy of the individual.

In balancing the factors set out above, I consider that the public interest is better served by part granting access to these records.

3. Rights of appeal

You may appeal this decision. 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, George's Court, George's Lane, Dublin 7 or by email to foi@hiqa.ie. Payment should be made by way of electronic transfer. Please contact the FOI Office for further details.

You should make an 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 consideration of the matter by a more senior member of the staff of the Authority.

Please note HIQA will publish a log of all Freedom of Information Requests received in 2022 on its website.

Should you wish to discuss this decision please contact the FOI Liaison Officer, Sean Lynch, on 085 8050586 or via email foi@hiqa.ie.

Yours sincerely,



Kathleen Lombard
Board Secretary and Risk Manager