



**Health
Information
and Quality
Authority**

An tÚdarás Um Fhaisnéis
agus Cáilíocht Sláinte

CONFIDENTIAL

Stephen Donnelly TD
Minister for Health
Department of Health
Block 1 Miesian Plaza
50-58 Lower Baggot St
Dublin 2

17 September 2020

Ref: PQ/EMcC/MSD/20200917

Dear Minister,

**Request for directions to give assistance to other bodies pursuant to
Section 38, Health Act 2007 (as amended) (the Health
Act)**

HIQA was established to promote safety and quality in the provision of health and personal social services for the benefit of the health and welfare of the public. As part of our work, we receive information that can relate to the performance of our own functions, but equally we also receive information that may concern the remit of another agency or body that performs a similar function to HIQA. This information can be a vital tool to the work of others, particularly where it relates to the safety, health and welfare of others.

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In this regard, I am writing to you concerning Section 38 of the Health Act which provides that directions may be given by the Minister under Section 29 to allow HIQA to give assistance to a body which performs or proposes to perform a function similar or ancillary to a function that HIQA may perform.

We believe directions to allow information be shared with those performing a similar function to HIQA would facilitate further interagency cooperation to promote the safety, health and welfare of everyone, and not just those who use services which we regulate.

HIQA believes Ministerial directions under Section 29 of the Health Act would be helpful and would enable HIQA to provide assistance and share information with similar agencies or bodies to HIQA when this is for the purpose of promoting the safety, health or welfare of a person or the public generally.

HIQA believes that such directions may be appropriate in the following instances:

1. HIQA has contributed to the State's management of COVID-19 since the onset of the pandemic in March 2020. The statutory functions under the Health Act place HIQA in a unique position to contribute to the management of the public health crisis by working closely with other bodies who have similar functions to ours.

Ministerial directions under Section 29 of the Health Act, requiring HIQA to carry out its functions in furtherance to the State's response, will further support HIQA's contribution. Such directions will also facilitate effective inter-agency cooperation with similar bodies who are also engaged in the State's response to this public health crisis.

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2. HIQA has been requested by the acting Chief Medical Officer to collect data relating to the take up of the flu vaccine by staff and residents in designated centres and to provide this data to the HPSC. This information has been requested for the purpose of assisting the HPSC to analyse the take up of the vaccine and to promote and improve the health of the Irish population during the pandemic. A national campaign to launch the flu vaccine will commence on 30 September 2020. The first transfer of the data collected by HIQA is required on 16 October 2020. This data may include the collection and dissemination of personal data by HIQA to the HPSC. Early Ministerial directions under Section 29 requiring HIQA to provide assistance to the HPSC when carrying out its statutory functions will facilitate the timely sharing of this data with the HPSC, and will further support the management of the pandemic, and its impact on vulnerable residents in designated centres during the flu season.

3. HIQA recognises that there are limitations to how bodies may share information of concern in relation to adults at risk. The current landscape of inter-agency cooperation for adult safeguarding is underpinned by non-statutory policies and protocols. Through our work we may become aware of adults at risk. The provision of Ministerial directions under Section 29 will support cooperation with other bodies who are engaged in the protection and promotion of adults at risk and will facilitate the sharing of information when it is necessary and appropriate to do so.

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Information sharing in the situations described above can be helpful to ensure the right people have the right information at the right time and an appropriate response is actioned. This is essential to ensure the person's safety and welfare is protected. While HIQA recognises that information sharing can be a vital tool in these circumstances, HIQA is also aware of its legal responsibilities and obligations, particularly where sensitive personal information might be shared.

Should any further information or clarification be required in respect of this request we are happy to meet to discuss or provide further detail.

Yours sincerely,

PHELIM QUINN
Chief Executive Officer

cc. Kathleen MacLellan, DoH
Marita Kinsella, DoH

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