

Private & Confidential

[REDACTED]

13 May 2022

Our Ref. FOIR 057 022

Dear [REDACTED]

I refer to your request dated 13 April 2022 made under the Freedom of Information Act 2014 for records held by the Health Information and Quality Authority (HIQA).

Your request was the following:

Minutes of HIQA's Audit Risk and Governance Committee from October 2021 to March 2022 (and) any reports prepared for/by the committee over this time period.

I have now made a final decision to part grant your request on 13 May 2022. Some exemptions have been applied in relation to the records and these are identified in the enclosed schedule.

1. Schedule of records

The schedule shows the documents that I considered to come within the scope of your request. It describes each document and refers to the sections of the FOI Act which apply to prevent release or part release. The schedule 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

Exemptions have been applied in relating to some of the records. The specific records and the specific exemptions applied are identified in the schedule.

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Section 30(1)(a) and (b) Functions and negotiations of public bodies

Section 30(1)(a) 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,*
- (b) have a significant adverse effect on the performance by an FOI body of any of its functions relating to management (including industrial relations and management of staff)*

This section is applied to records indicated on the schedule. The reason for this decision is that release of the records could undermine HIQA’s internal control functions of HIQA, particularly in the context of cyber security controls where disclosure of findings could make HIQA vulnerable to cyber-attack.

Release of the specified records could harm our ability to carry out performance evaluations and impact on our internal audit and risk management functions.

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 the 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

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

- The public interest in public bodies being able to carry out their functions in efficient and effective manner
- The extent to which disclosure would divulge control functions within HIQA, particularly in the context of cyber security.

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

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Section 32(1)(c)

Section 32(1)(c) of the FOI Act 2014 states:

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 —

...(c) facilitate the commission of an offence.

The records indicated on the schedule contain detailed information on the cyber security programme in HIQA.

The release of these record could reasonably be expected to facilitate cyber-attacks on HIQA and could, thereby, facilitate the commission of an offence. I have, therefore, decided to refuse access to the record.

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).”

The records indicated in the schedule contain personal information relating to third parties.

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 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;

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.

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Section 42 — Restriction of Act

Section 42(g) of the FOI Act 2014 states:

This Act does not apply to—

(g) a record relating to an audit, inspection, investigation or examination carried out by the Comptroller and Auditor General under the Comptroller and Auditor General Acts 1923 to 1993, the Exchequer and Audit Department Acts 1866 and 1921, or any other enactment, other than —

(i) such a record that was created before the commencement of the investigation, audit, inspection or examination aforesaid, or

(ii) a record relating to the general administration of the Office of the Comptroller and Auditor General,

Record 13 on the schedule relates to an audit by the Comptroller and Auditor General. As such, it is exempt from the FOI Act.

3. Right of appeal

If you are unhappy with this decision you may seek an internal review.

In the event that you wish to do so, please e-mail foi@hiqa.ie. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of HIQA. Please note that a fee of €30 (€10 for medical card holders) applies in the case of an internal review of non-personal FOI requests.

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.

4. Publication

It is the policy of HIQA to make decisions on non-personal FOI requests, including this decision letter and a copy of the records released, available to

the public on our website <https://www.hiqa.ie/about-us/freedom-of-information>. Any personal information relating to you, such as your name etc., will be removed from the decision letter before this happens. This decision letter and the records released under FOI, will be added to our website approximately one week after today's date.

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If you have any queries in relation to this decision, please feel free to contact the FOI Administrator, Sean Lynch, on foi@hiqa.ie or 085 8050586.

Yours sincerely,

Kathleen Lombard
Board Secretary, Office of the Chief Executive

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