

Private & Confidential

[REDACTED]
[REDACTED]

15 September 2022

Our Ref. FOIR 083 022

Re: Decision on FOI request (part grant)

Dear [REDACTED]

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

Correspondence between senior Hiqa management and the Minister for Children, related to children's services or the Child and Family Agency, between 1st June and 22nd August 2022.

1. Decision on FOI request

I am the decision maker in respect of your FOI request and I have decided to part grant your request. This decision was made today, 15 September 2022.

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

- a schedule of all of the records covered by your request;
- a statement of how you can appeal this decision should you wish to do so; and,
- a statement on the publication of FOIs.

This letter addresses each of these parts in turn.

2. Schedule of records

A schedule is enclosed with this letter which shows the documents that I considered to come within the scope of your request. Some of the relevant records, as identified in the schedule, contain information which cannot be released (or is exempt from

Head Office:
Unit 1301, City Gate, Mahon,
Cork, Ireland.
Tel: +353 (0) 21 240 9300
Fax: +353 (0) 21 240 9600

Dublin Regional Office:
George's Court, George's Lane,
Dublin 7, Ireland
Tel: +353 (0) 1 814 7400
Fax: +353 (0) 1 814 7499

release) under the FOI Act. The reasons that this information cannot be released records are outlined in more detail in the following section.

3. Findings, particulars and reasons for decisions to deny access

As documented in the schedule, access to some of the information included in the records has been refused on the basis that this information is exempt from release under the FOI Act.

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)."*

A number of records are applications to the Minister for the appointment of inspectors within HIQA. While there is an exclusion for staff members of FOI bodies from the provisions of Section 37, this exclusion does not deprive staff members from the right to privacy generally. In particular, personnel related records such as the records indicated on the schedule are considered personal information. Access to this information has, therefore, 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 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.

- 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 people involved outweighs the public interest that would be served were the records to be released to you in this instance. However, in the interests of transparency and where it was possible to do so, exempt information has been redacted in order to allow access to the remainder of the records concerned.

4. Rights of appeal

If you are unhappy with this decision you may seek an internal review. An appeal will involve a complete reconsideration of the matter by a more senior member of staff within HIQA. Please note, a fee of €30 (or €10 for medical card holders) applies in the case of an internal review. In the event that you wish to make an appeal, please e-mail foi@hiqa.ie.

5. Publication

It is the policy of HIQA to make decisions on non-personal FOI requests, including the decision letter and a copy of any records released, available to the public on our website <https://www.hiqa.ie/about-us/freedom-of-information>. This is to assist others who may be seeking the same information, in line with the objectives of openness and transparency. Any personal information relating to you, such as your name and address etc., will be removed from the decision letter before this happens.

A summary of your request and the outcome of the decision made in respect of it will also be recorded in HIQA's FOI Disclosure Log, available on HIQA's website.

If you have any queries in relation to your FOI request please feel free to contact me on 085 8050586 or foi@hiqa.ie.

Yours sincerely,

Sean Lynch
Corporate Reporting Officer