

**Private & Confidential**

[REDACTED]

1 March 2023

**Our Ref.: FOIR 107 022**

**Re: – Freedom of Information Request**

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:

1. All information, records and documents (to include all emails and text messages) held by HIQA relating to the Prosecutions, including copies of all invoices issued by any third party by reference to the Prosecutions plus all information in payment arrangements between HIQA and third parties relating to the Prosecutions and all correspondence between the Office of the Chief Inspector of Social Services and HIQA by reference to the Prosecutions.
2. All information, to include all documentation, correspondence and records of whatever kind held by HIQA concerning our Centre above to cover the period between 1 March 2018 and 15 November 2022 (the "Relevant Period").
3. The identity of all members of the Board of HIQA during the above Relevant Period as well as copies of all minutes of all meetings attended (i) by HIQA Board Member and (ii) by HIQA employees whether separately or jointly at which our Company was discussed within HIQA.

Your request was received by the Health Information and Quality Authority on 21 November 2022. We wrote to you on 2 December 2022 to inform you that the estimation of fees was above ceiling set out in the FOI Act. We requested that you refine the request and informed you that the request as it stood would be refused.

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## 1. Decision

A final decision has been made today, 1 March 2023, to refuse your request on basis that you did not amend the request so that the charges to process this request were reduced to less than or equal to the overall ceiling limit and on the basis that the request is voluminous.

This basis for refusing a request in these circumstances is provided for by both Section 27(12)(a)(iii) and Section 15(1)(c) of the FOI Act.

Section 27(12)(a)(iii) states:

*(12) (a) Where the amount of a search and retrieval and copying charge under subsection (1) exceeds or is likely to exceed the overall ceiling limit prescribed, under paragraph (b), for the purposes of this subsection—*

*(iii) if the requester does not amend or limit the request such that the charges that arise or are likely to arise under subsection (1) are reduced to an amount less than or equal to the overall ceiling limit so prescribed, the body may refuse the request,*

As the request has not been amended so that the charges that arise are less than or equal to the overall ceiling limit, Section 27(12)(a)(iii) applies in this case.

Section 15(1)(c) states:

*15. (1) A head to whom an FOI request is made may refuse to grant the request where—*

*(c) in the opinion of the head, granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, require the retrieval and examination of such number of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of work (including disruption of work in a particular functional area) of the FOI body concerned,*

The wording of your request is extremely broad, particularly part (2) of your request. As this part of the request is for "All information", it will include a wide variety of records. I am satisfied that your request would require the retrieval and examination of such number of records as to cause a substantial and unreasonable interference with or disruption of work. Therefore, Section 15(1)(c) applied in this case.

## 2. Appeal Rights

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](mailto: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 (€15 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.

### **3. 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.

If you have any queries in relation to this decision, please feel free to contact Sean Lynch at [foi@hiqa.ie](mailto:foi@hiqa.ie) or 085 8050586.

Yours sincerely,

Helen Lindsey  
National Operations Manager Older Persons Services