

**Strictly Private & Confidential**



30 January 2020

**Our Ref: FOIR 001 020**

Dear 

**Re: Letter to part grant Freedom of Information request**

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

*Correspondence (letter and email) from HIQA's CEO to the CEO of the Medical Council from 1 January 2019 to 3 January 2020 and return correspondence.*

Your request was received by this, the Health Information and Quality Authority, on 6 January 2020. I, Kathleen Lombard, have now made a final decision to part grant your request on 24 January 2020.

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

1. A schedule of all of the records covered by your request;
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.

**Head Office:**  
Unit 1301, City Gate, Mahon,  
Cork, T12 Y2XT, Ireland

**Dublin Regional Office:**  
George's Court, George's Lane,  
Dublin, D07 E98Y, Ireland

**Tel:** +353 (0) 21 240 9300  
**Fax:** +353 (0) 21 240 9600

**Tel:** +353 (0) 1 814 7400  
**Fax:** +353 (0) 1 814 7699

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**

### **A. Section 29(1)(a) - Deliberations of FOI bodies**

*Section 29 (1) A head may refuse to grant an FOI request—*

*(a) if the record concerned contains matter relating to the deliberative processes of an FOI body (including opinions, advice, recommendations, and the results of consultations, considered by the body, the head of the body, or a member of the body or of the staff of the body for the purpose of those processes),*

*(b) the granting of the request would, in the opinion of the head, be contrary to the public interest*

I am of the view that that the exemption provided for under Section 29(1)(a) of the Freedom of Information Act 2014 applies to records no. 4,5, 6, 7, 8, 10, 11, 12,14, 15 in the schedule provided.

#### Reasons for Decision

These records refer to a consultative working paper of a group of regulators and contain opinions which have not yet been agreed or finalised. I am of the view that release of the records would reduce potential for considering, formulating and deciding on an issue and undermine the integrity and viability of HIQA's decision making processes to a significant degree without countervailing benefit to the public.

In these circumstances, it is my view that the records contains matters relating to the deliberative process of a number of regulatory bodies and release of the records in these circumstances would be contrary to the public interest.

#### Public interest consideration

I have considered the public interest issues which arise in respect of the above records and have taken account of the following factors in favour of release:

- 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:

- Premature release could contaminate the decision making process
- Premature release could impair a future decision

**Head Office:**  
Unit 1301, City Gate, Mahon,  
Cork, T12 Y2XT, Ireland

**Dublin Regional Office:**  
George's Court, George's Lane,  
Dublin, D07 E98Y, Ireland

**Tel:** +353 (0) 21 240 9300  
**Fax:** +353 (0) 21 240 9600

**Tel:** +353 (0) 1 814 7400  
**Fax:** +353 (0) 1 814 7699

- Premature release of records would impair the integrity and viability of the decision making process to a significant or substantial degree without countervailing benefit to the public

Having considered the above factors, I am of the view that the release of information referenced above would be contrary to the public interest.

## 2. 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](mailto: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 2020 on its website.

Should you wish to discuss this decision please contact the FOI Liaison Officer, Ms Lydia Buckley, on 021-4547722 or via email [foi@hiqa.ie](mailto:foi@hiqa.ie)

Yours sincerely



---

**KATHLEEN LOMBARD**  
**Board Secretary and Risk Manager**

**Head Office:**  
Unit 1301, City Gate, Mahon,  
Cork, T12 Y2XT, Ireland

**Dublin Regional Office:**  
George's Court, George's Lane,  
Dublin, D07 E98Y, Ireland

**Tel:** +353 (0) 21 240 9300  
**Fax:** +353 (0) 21 240 9600

**Tel:** +353 (0) 1 814 7400  
**Fax:** +353 (0) 1 814 7699

**e-mail:** [info@hiqa.ie](mailto:info@hiqa.ie) [www.hiqa.ie](http://www.hiqa.ie)