

Private & Confidential

██████████

████████████████████

26 May 2022

Our Ref. FOIR 061 022

Re: FOI request, part granting request 061 2022

Dear ██████████

I refer to your request dated 3 May 2022 made under the Freedom of Information Act 2014, for records held by the Health Information and Quality Authority (HIQA) in relation to the following:

Copies of all correspondence between HIQA and senior management at UH Limerick with regard to management of A&E overcrowding at the hospital. This request to cover the period 1 Dec 2021 to date of receipt of the request.

I have now made a final decision to part grant your request on 26 May 2022.

The purpose of this letter is to explain that 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.

□ **Head Office:**
Unit 1301, City Gate, Mahon,
Cork, T12 Y2XT, Ireland
Tel: +353 (0) 21 240 9300
Fax: +353 (0) 21 240 9600

□ **Dublin Regional Office:**
George's Court, George's Lane,
Dublin, D07 E98Y, Ireland
Tel: +353 (0) 1 814 7400
Fax: +353 (0) 1 814 7699

1. Schedule of records

A schedule is enclosed with this letter, it shows the documents that HIQA considers relevant to your request. It describes each document and refers to the sections of the FOI Act which apply to prevent release. The schedule also refers you to sections of the detailed explanation given under heading 2 below, which are relevant to the document 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

The sections of the Act which can apply to deny access to documents are known as its exemption provisions.

Section 29(1) of the FOI Act 2014 states:

“A head may refuse to grant an FOI request –

- (a) If the record concerned contains matter relating to the deliberative process 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 the staff of the body for the purpose of those processes), and*
- (b) The granting of the request would in the opinion of the head, be contrary to the public interest”*

The information withheld under this exemption relates to matters currently under deliberations by HIQA. It is my view that the release of this information would be contrary to the public interest as the information contained is still under consideration and follow-up actions are ongoing. An inspection report from HIQA's recent inspection of the service will be published on HIQA's website in due course. I am satisfied that the release of information while the deliberative process is ongoing would prejudice the report and it is therefore my view that this information should not be released. I have set out below the factors that I have considered in the public interest.

Public Interest Test

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 right of the public to have access to information.
- The accountability of administrators and scrutiny of decision-making

□ **Head Office:**
Unit 1301, City Gate, Mahon,
Cork, T12 Y2XT, Ireland
Tel: +353 (0) 21 240 9300
Fax: +353 (0) 21 240 9600

□ **Dublin Regional Office:**
George's Court, George's Lane,
Dublin, D07 E98Y, Ireland
Tel: +353 (0) 1 814 7400
Fax: +353 (0) 1 814 7699

processes.

- The information will make a valuable contribution to the public debate on an issue.

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

- The release of records would impair future decisions.
- Premature release could contaminate the decision making process.
- 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 balanced the above factors, I place greater weight on the public interest favouring the withholding of the records and, therefore, my decision is to redact the relevant UROIs.

3. Rights of appeal

If you are unhappy with this decision you may appeal it. 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, Dublin Regional Office, George's Court, George's Lane, Smithfield, Dublin 7, D07 E98Y or by e-mail to foi@hiqa.ie. Payment should be made by way of electronic transfer. Please contact the FOI Office for further details.

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. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of the Authority.

4. Publication

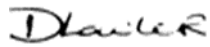
It is the policy of HIQA to make decisions on non-personal FOI requests, including this decision letter and a copy of the records released, available to the public on our website <https://www.hiqa.ie/about-us/freedom-of-information>. Any personal information relating to you, such as your name etc., will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

□ **Head Office:**
Unit 1301, City Gate, Mahon,
Cork, T12 Y2XT, Ireland
Tel: +353 (0) 21 240 9300
Fax: +353 (0) 21 240 9600

□ **Dublin Regional Office:**
George's Court, George's Lane,
Dublin, D07 E98Y, Ireland
Tel: +353 (0) 1 814 7400
Fax: +353 (0) 1 814 7699

the records released under FOI, will be added to our website approximately one week after today's date.

Yours sincerely,



Denise Lawler
Regional Manager

□ **Head Office:**
Unit 1301, City Gate, Mahon,
Cork, T12 Y2XT, Ireland
Tel: +353 (0) 21 240 9300
Fax: +353 (0) 21 240 9600

□ **Dublin Regional Office:**
George's Court, George's Lane,
Dublin, D07 E98Y, Ireland
Tel: +353 (0) 1 814 7400
Fax: +353 (0) 1 814 7699