

Private & Confidential

[REDACTED]

21 October 2022

Our Ref. FOIR 088 022

Re: – FOI Decision (part grant)

Dear [REDACTED]

I refer your recent request under the Freedom of Information Act (FOI Act) 2014. Your request was received on 26 September 2022 and was subsequently amended to the following:

Correspondence received between the CEO or Chair of the Board of Sunbeam House Services and Hiqa, from 15th July to 25th September 2022, excluding routine correspondence related to the registration process and report development and publication process.

I have now made a final decision to part grant your request.

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 requests;
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 enclosed with this letter, it 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 also 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.

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

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

One exemption has been applied in relating to these requests. The specific records to which this exemption was applied are identified in the schedule.

(a) Section 37(1) - Personal Information

Section 37(1) 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 the names and contact details of employees of the provider. Furthermore, the records indicated on the schedule contain the full address on disability [REDACTED] which are the homes of the residents. Access to this information has been refused on the basis of Section 37(1).

Public Interest Consideration

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;
- 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 third party 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.

3. Rights 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.

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 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 or 0858050586

Yours sincerely,

Ciara Mc [REDACTED]
Interim National Operations Manager