



Príomhoifigeach CHO Ceantar 8
Oifig an Cheantair
Páirc Ghnó Bhaile Átha Fhirdhia
Sráid Hale
Baile Átha Fhirdhia
Contae Lú

Chief Officer CHO8 Area
Area Office
Ardee Business Park
Hale Street
Ardee
Co Louth

PRÍOMHOIFIGEACH ECSP CEANTAR 8
COMMUNITY HEALTHCARE ORGANISATION 8

t: 041 6871500

t: 041 6871500

12th April 2021

Deputy Ruairí Ó Murchú
Dáil Éireann
Leinster House
Dublin 2

Re: PQ 13216/21 - To ask the Minister for Health if his attention has been drawn to the fact that bereaved families that lost loved ones in a nursing home (details supplied) in County Louth are being asked for hundreds of euro by the HSE for access to records under freedom of information; if he will intervene in the matter; and if he will make a statement on the matter – Ruairí Ó Murchú

Dear Deputy Ó'Murchú,

The Health Service Executive has been requested to reply directly to you in the context of the above Parliamentary Question, which you submitted to the Minister for Health for response. I have examined the matter and outline the position as follows.

Section 27(1) of the FOI Act provides for the mandatory charging by FOI bodies for the estimated cost of the search for and retrieval and copying of records in respect of the grant of an FOI request. Under section 27(2), the search for and retrieval of records includes time spent by the body in:

1. Determining whether it holds the information requested.
2. Locating the information or documents containing the information.
3. Retrieving such information or documents.
4. Extracting the information from the files, documents, electronic or other information sources containing both it and other material not relevant to the request, and
5. Preparing a schedule specifying the records for consideration for release

Under Section 27(3), the amount of the search and retrieval cost must be calculated at the rate of such amount per hour as stands prescribed for the time being in respect of the time that was spent, or ought, in the opinion of the head concerned, to have been spent, by each person concerned in carrying out the search and retrieval efficiently (currently €20).

Under section 27(5), where the estimated search and retrieval cost is likely to exceed the prescribed minimum level (currently €101), the FOI body must charge a deposit of at least 20% of that cost. This requirement to charge deposits helps to ensure that FOI bodies do not allocate scarce resources to processing requests, which requesters may not ultimately pursue because of the cost involved.

However I have considered this case and in light of all the circumstances pertaining at this time, I am agreeable to approve a fee waiver in relation to this request.

I trust the above is in order but please do not hesitate to contact me should you have any further queries in this regard.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Des O'Flynn', with a long horizontal stroke extending to the right.

Des O'Flynn
Chief Officer
Midlands Louth Meath Community Health Organisation