



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Oifig Príomhoifigeach, Eagraíocht
Cúram Sláinte Pobail, Lár Tíre, An Lú,
An Mhí Feidhmeannacht na Seirbhíse
Sláinte, Oifig Cheantair, Bóthar
Ardáin, An Tulach Mhór, Co. Uíbh
Fhailí.

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26th March, 2021

Mr Ged Nash T.D.,
Dáil Éireann,
Leinster House,
Kildare Street,
Dublin 2.

Re: Parliamentary Question - 13920/21

To ask the Minister for Health if the HSE CHO8 will report on the number of FOI requests in cases in which a charge of €200 or more was estimated for the provision of items before appeal in the past 12 months; and if he will make a statement on the matter. -Ged Nash

Dear Deputy Nash,

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

In relation to CHO 8 Community Health Organisation Midlands Louth/Meath during the past 12 months a total of 6 non personal Freedom of Information requests had estimated search and retrieval charges (SRC) of over €200 applied.

The relevant section of the Freedom of Information Act which applies is Section 27 and - Freedom of Information Act 2014 (fees)(No 2) Regulations 2014 - S.I. No 531 of 2014.

For non personal FOI requests, where the estimated search and retrieval is in excess of the 'appropriate minimum amount' provided for in Section 27(3)(d) of the Freedom of Information legislation 2014, the charging of search and retrieval is mandatory.

A minimum threshold of €101 is in place, below which no search, retrieval and copying fees can be charged. In other words, no charges applied in cases where the total charge of SRC attaching to a request is less than €101. This is designed to encourage short focused requests.

There is a cap on the amount of SRC fees that can be charged of €500.

There is a further upper limit on estimated SRC fees of €700 called the 'overall ceiling limit' above which the FOI body can refuse to process a request, unless the requester is prepared to refine the request to bring the SRC fees below the limit.

In the event that a requester does not agree with the decision to impose the relevant deposit or fee in respect of SRC, it is open to the requester to apply for an internal review of the decision or for an appeal to the Office of the Information Commissioner, as appropriate. There is no charge for the internal review application or appeal to the Information Commissioner relation to a decision to charge a fee or deposit.

I trust the above is in order and 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', written in a cursive style.

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