

28th October 2022

Deputy Réada Cronin T.D,
Dáil Éireann,
Leinster House,
Kildare Street,
Dublin 2
E: reada.cronin@oireachtas.ie

Re: PQ/45517/22

“To ask the Minister for Health if certain charges apply in the case of patients with long-Covid requesting their files from a hospital (details supplied); if so, if in the circumstances of the pandemic, still ongoing, such charges could be waived; and if he will make a statement on the matter.

Details Supplied: "Please also be aware that in accordance with Section 27(4) of the FOI Act 2014 fees and charges may apply if “a significant number of records” are requested. Fees are only charged if the cost of the search/retrieval and copying charge is above €101. Fees are capped at €500. If fees apply, the means of the requester will be taken into account. Fee Charges: Search and Retrieval– €20 per hour. 4 cents per page for a photocopy, €10 per CD, €6 per x-ray." Hospital: Mater, Dublin”

Dear Deputy Cronin,

I refer to the above PQ made regarding patient charges in the Mater Misericordiae University Hospital, which has been referred to the Ireland East Hospital Group for direct response.

I have had this matter examined and am advised Data Protection Law gives individuals the right to request a copy of any of their personal data which are being ‘processed’ (i.e. used in any way) by ‘controllers’ (i.e. those who decide how and why data are processed), as well as other relevant information. These requests are often referred to as ‘data subject access requests’, or ‘access requests’.

In most cases individuals cannot be required to pay a fee to make a subject access request. Only in certain very limited circumstances, per Article 12(5) GDPR, where the initial request is ‘manifestly unfounded or excessive’ (which the controller must prove), can a controller charge a ‘reasonable fee’ for the administrative costs of complying with the request.

Under the Freedom of Information Act 2014, Section 27(1) allows for the application of a fee in relation to the search and retrieval and copying of the records concerned by an FOI body. Search and retrieval is not applicable to personal records unless there are a considerable number of records and in such a case the means of the requester should be taken into consideration before search and retrieval fees are applied.



The Information Governance Office does not routinely charge any fees for processing requests for access to records under either the Data Protection Acts or the Freedom of Information Act.

To request a copy of their records, the individual can email dataprotection@mater.ie or foi@mater.ie. Further information on how to access records held by the Mater Misericordiae University Hospital is available here: <https://www.mater.ie/patients/your-medical-records/> “

I trust this information is helpful to you.

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