



Ceannasaí Seirbhíse Cúram Príomhúil
Cúram Sláinte Pobail Thoir

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28th April 2023

Deputy Duncan Smith TD,
Dáil Éireann,
Leinster House,
Kildare Street,
Dublin 2,

Re ref: PQ 17015/23

To ask the Minister for Health the information that is exchanged between the HSE's women's health service and anti-human trafficking team and An Garda Síochána; that is, how often such exchanges happen, demographic figures and so on; and if he will make a statement on the matter.

Dear Deputy Smith,

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

The HSE Women's Health Service (WHS) is a statutory service provided by the Health Service Executive. The Women's Health Service operates sexual health clinics and support services to women and Trans women involved in the sex industry.

The HSE Anti-Human Trafficking Team (AHTT) has responsibility for care planning for all victims of trafficking in all areas of exploitation.

Information is exchanged between the HSE and An Garda Síochána under specific criteria and with consent.

1. HSE WHS and AHTT release of records to An Garda Síochána:

Under Section 41B of the Data Protection Act 2018 the HSE WHS and AHT team are required to release records to An Garda Síochána upon request. This information can include personal data and records relating to the individuals care with the WHS or AHTT team. The section of this act in which the release falls is for the purposes of "(a) of preventing a threat to national security, defence or public security, (b) of preventing, detecting, investigating or prosecuting criminal offences, or (c) set out in paragraph (a) or (b) of section 47."



A memorandum of understanding (MOU) also exists between the Director of Public Prosecutions (DPP) Office and the HSE. This is intended to assist the HSE and DPP to balance the need for confidentiality with the duty of the DPP to access material relevant to criminal proceedings. Under this MOU, a service user's records are released to the HSE legal services team and then to the DPP's office with signed consent. The HSE WHS and AHT Team also provide information in compliance with the Criminal Justice (Withholding of information on offences against children and vulnerable persons) Act 2013.

2. Exchange of information between HSE WHS and An Garda Síochána:

The HSE WHS team meet four times per year with the Garda National Protective Services Bureau, Organised Prostitution Investigation Unit (OPIU) to share information about the HSE service, developments and trends in the sex industry.

An Garda Síochána provide information about the WHS to people in prostitution after they carry out welfare visits. Consent is sought in order to share any personal information with the WHS team and to allow a member of the team to make contact with them. If consent is given the signed consent form is sent by email to the WHS team who will then contact the person to offer services and support. The type of information shared includes contact information, nationality, and language spoken. At the end of each year the WHS team share statistical outcomes of those referrals with OPIU.

The HSE Women's Health Service support service users to report crimes to An Garda Síochána by accompanying them to make a report, attending court proceedings or arranging a meeting with An Garda Síochána. The type of information shared is dependent on the situation and is shared with the service users signed consent.

3. Exchange of information between An Garda Síochána and the AHTT:

The National Referral Mechanism (NRM) is the framework through which the State fulfils its obligations to protect and promote the human rights of trafficked victims, working in partnership with civil society.

As part of NRM the HSE AHT team receive Notice of Potential Victims of Human Trafficking from An Garda Síochána to provide assessment and care planning. Referral is with the persons consent. The information is shared by email. The type of information shared includes; name, country of origin, sex, D.O.B, type of exploitation, address, contact number, dependents, referring agent to An Garda Síochána, Investigating Garda name and contact details. HSE AHTT and An Garda Síochána (investigating Garda) will share information with the persons consent in relation to the human trafficking investigation.



Both HSE Women's Health Service and the Anti Human Trafficking Team carry out assessment, and refer persons with trafficking indicators to Human Trafficking Investigation & Coordination Unit, GNPSB, to be assessed for identification as potential victims of human trafficking with the persons signed consent. The information shared in this case includes; personal information, country of origin, sex, D.O.B, address, contact number, dependents, indicators of human trafficking, trafficking circumstances and immediate risks or concerns.

The below table outlines the number of individuals whose information were exchanged between the HSE WHS and AHTT, and An Garda Síochána in 2022.

Exchange of information 2022	Number of individuals
Section 41b	1
Memorandum of Understanding	2
Criminal Justice (Withholding of information on offences against children and vulnerable persons) Act 2013	1
HSE Women's Health Service to An Garda Síochána to report crime	10
HSE Women's Health Service Anti Human Trafficking Team for assessment as Potential victims of human trafficking	6
An Garda Síochána OPIU for services	70
An Garda Síochána notice of Potential victim of Human Trafficking	33

I trust this information is of assistance to you but should you have any further queries please do not hesitate to contact me.

Yours sincerely,

Niamh McAlinden,
Head of Service, Primary Care