

Our Reference Number: FOI /007/22

Mr John Hamill

By email only

24th February 2022

Dear Mr Hamill,

I refer to the internal review application which you made under the **Freedom of Information Act (FOI) 2014**, dated February 3rd 2022. This review decision is an entirely new and separate decision on your request.

This letter addresses the following points:

1. FOI request and Final Decision
2. Internal Review Decision
3. Rights of appeal.

1. FOI Request and Final Decision

Your original FOI request sought:

“a copy of the Religious Sisters of Charity Health Service Philosophy and Ethical Code”.

The FOI Decision Maker decided not to grant your request on February 1st, 2022 on the grounds of sections 30 and 36 of the FOI Act 2014.

Section 30(1)(b) of the FOI Act provides:

“(1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—

(b) have a significant, adverse effect on the performance by an FOI body of any of its functions relating to management (including industrial relations and management of its staff)”

Section 36(1) of the FOI Act provides as follows:

“Subject to subsection (2), a head shall refuse to grant an FOI request if the record concerned contains—

(a) trade secrets of a person other than the requester concerned,

(b) financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation, or

(c) information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.”

2. Internal Review Decision

The Decision Maker contended that the record in question has been superseded by the Ethical Framework and is of the view that the release of a copy of the Religious Sisters of Charity Health Service Philosophy and Ethical Code and any suggestion that this code is still relevant to or guides the operations, objectives and initiatives of St. Vincent’s University Hospital or the new National Maternity Hospital would be thoroughly misleading.

The Decision Maker indicated that taken out of context this could result in the public at large incorrectly believing that St Vincent’s University Hospital and the new National Maternity Hospital would operate on the basis of this old and superseded ethical code, and that any such incorrect belief would in turn potentially impact on the performance of our functions relating to management including the management of staff.

The Decision Maker was also of the view that the release of the record in question could reasonably be expected to result in a material financial loss or gain to St Vincent’s University Hospital and, furthermore, could prejudice the conduct or outcome of any negotiations and ongoing dealings with regard to the new National Maternity Hospital.

I have reviewed your original request and having regard to the aforementioned I have decided on 24th February 2022 to affirm the original decision made.

3. Rights of Appeal

You may make an ‘application for review’ of this decision to the Information Commissioner no later than 6 months from the date of this notification. There is a fee of €50. Payment should be made by way of bank draft, money order, postal order or personal cheque: crossed and made payable to the ‘Office of the Information Commissioner’.

Alternatively you can make payment on-line which can be located at:
<https://www.oic.gov.ie/en/Apply-for-Review/Fees-Payable/>


Should you wish to make such an 'application for review' in writing, please use the details below:

Office of the Information Commissioner,
6 Earlsfort Terrace,
Dublin 2.
DO2 W773

Alternatively you may appeal using the Office of the Information Commissioner on-line application form which can be located at: <https://www.oic.gov.ie/en/apply-for-review/apply-for-review-online/>

If an application for review' is made by you and accepted, the Information Commissioner will fully investigate and consider the matter and issue a fresh decision.

Yours sincerely,



Ms Angela Smyth
Director of Quality and Patient Safety