

# Question

This request concerns the Northern Ireland Neurology Recall from 2018 to the present date, including post-recall patient care, deceased patient review, record disclosure, audit trails, complaints, reviews, litigation handling, and related information governance.

Please answer the following questions:

**1. Has your organisation ever applied, considered applying, or been asked by another public authority to apply any of the following FOIA exemptions or restrictions to information relating to the Neurology Recall or its aftermath:**

- section 23 — security bodies;
- section 24 — national security;
- section 30 — investigations and proceedings;
- section 31 — law enforcement;
- any “neither confirm nor deny” position;
- closed material procedures;
- public interest immunity;
- any equivalent internal classification, sensitivity marking, restricted handling instruction, or special handling arrangement?

**2. If yes, please provide the following information for each exemption, restriction, classification or handling arrangement identified:**

- the exemption, restriction or handling category relied upon;
- the date range during which it was applied or considered;
- the general category of information affected, for example audit trails, patient records, deceased patient review material, complaints, litigation material, disclosure material, investigation material, policy material or correspondence;
- which department, team, public authority or external body applied, requested or advised on that handling;
- whether the position was applied to information itself, or to the duty to confirm or deny whether information was held.

**3. Has your organisation ever relied on a “neither confirm nor deny” position in relation to information concerning the Neurology Recall, post-recall patient care, deceased patient review, audit trails, record disclosure, litigation handling, complaints or related reviews**

**4. If yes, please state:**

- the date or approximate date of the decision;
- the exemption relied upon;
- the general subject matter affected;
- whether a public interest test was carried out, where required.

5. Please provide copies of any policies, guidance, internal instructions, memoranda, correspondence or decision records explaining the use or consideration of the above exemptions, classifications, restrictions or handling arrangements in relation to the Neurology Recall or its aftermath.

## Response

### FREEDOM OF INFORMATION ACT 2000 REQUEST

1. *'Has your organisation ever applied, considered applying, or been asked by another public authority to apply any of the following FOIA exemptions or restrictions to information relating to the Neurology Recall or its aftermath:*
- *Section 23 – security bodies;*
  - *Section 24 – national security;*
  - *Section 30 – investigations and proceedings*
  - *Section 31 – law enforcement;*
  - *Any “neither confirm nor deny” position;*
  - *Closed material procedures;*
  - *Public interest immunity;*
  - *Any equivalent internal classification, sensitivity marking, restricted handling instruction, or special handling arrangement?'*

I confirm that the Department has never received a request from another public authority to apply any of the FOIA exemptions or restrictions listed in your question, neither have we considered or applied these exemptions in our responses.

I can confirm that Departmental responses to FOIA requests on neurology recall have applied the following exemptions:

- Section 12 - Exemption where cost of compliance exceeds appropriate limit.
- Section 21 - Information accessible to applicant by other means.
- Section 38(1) - Health and safety.
- Section 40(2) – Personal Information.
- Section 41 - Information provided in confidence.
- Section 42 - Legal Professional Privilege.

2. *'If yes, please provide the following information for each exemption, restriction, classification or handling arrangement identified:'*

This question is addressed by our response to Question 1. No additional information is provided.

3. *'Has the organisation ever relied on a “neither confirm nor deny” position in relation to information concerning the Neurology Recall, post-recall patient care, deceased patient review, audit trails, record disclosure, litigation handling, complaints or related reviews'*

4. *'If yes, please state.'*

These questions are addressed by our response to Question 1. No additional information is provided.

5. *'Please provide copies of any policies, guidance, internal instructions, memoranda, correspondence or decision records explaining the use or consideration of the above exemptions, classifications, restrictions or handling arrangements in relation to the Neurology Recall or its aftermath'.*

I can confirm that no documents exist which relate to the use or consideration of the exemptions listed in your request, including any classifications, restrictions, or handling arrangements in relation to the Neurology Recall.

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