



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

Environmental Health  
Health Service Executive  
Adelaide Chambers  
Peter Street  
Dublin 8

Ms Clare McGettrick,  
[REDACTED]

04/08/2020

**Re: FOI Request on the HSE Policy Concerning Exhumations**  
**Ref: C377/20**

Dear Ms McGettrick,

I refer to the following request which you have made under the Freedom of Information Act, 2014, for access to records held by the HSE. This request was received on 09/07/2020.

**Scope of request**

- All records held by the Health Service Executive in relation to its policy on exhumation applications. This request covers the period from 1997 to present.
- All records held by the Health Service Executive in relation to its policy on the exhumation of unidentified remains. This request covers the period from 1997 to present.

The request is for records that include but are not limited to:

- internal and external correspondence
- minutes of meetings
- notes or memos in relation to discussions or telephone calls

The HSE has no national policy on exhumation applications for remains, identified or unidentified. Therefore there are no associated records (correspondence, minutes of meetings, or notes on telephone calls) relating to the policy. I regret to inform you that as these records do not exist I must refuse your request. As explained below, this decision is made under section 15(1) (a) of the Act.

Section 15(1) (a) of the Act states that an FOI request may be refused if:

15. (1) A head to whom an FOI request is made may refuse to grant the request where—
- (a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,
  - (b) the FOI request does not comply with section 12(1) (b),
  - (c) in the opinion of the head, granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned,

require the retrieval and examination of such number of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of work (including disruption of work in a particular functional area) of the FOI body concerned,

- (d) the information is already in the public domain,
- (e) publication of the record is required by law and is intended to be effected not later than 12 weeks after the receipt of the request by the head,
- (f) the FOI body intends to publish the record and such publication is intended to be effected not later than 6 weeks after the receipt of the request by the head,
- (g) the request is, in the opinion of the head, frivolous or vexatious or forms part of a pattern of manifestly unreasonable requests from the same requester or from different requesters who, in the opinion of the head, appear to have made the requests acting in concert,
- (h) a fee or deposit payable under section 27 in respect of the request concerned or in respect of a previous request by the same requester has not been paid, or
- (i) the request relates to records already released, either to the same or a previous requester where—
- (i) the records are available to the requester concerned, or
- (ii) it appears to the head concerned that that requester is acting in concert with a previous requester.

Listed below are the steps the HSE has taken to locate the records. Also listed is the outcome of each of these steps.

#### Search steps undertaken:

1. Circulation of an email to all HSE Principal Environmental Health Officers which provided information on the records sought and stressed the need to identify any national HSE policy on exhumations. No such policy was identified.
2. Circulation of an email to all regional HSE Public Health regional offices which provided information on the records sought and stressed the need to identify any national HSE policy on exhumations. No such policy was identified.

In its search for the records, the HSE has tried (as noted above) to use all practical, possible means for finding them. However, it has not found the records, or discovered any indication that they ever existed. In view of the comprehensive but unsuccessful searches described above, I find that, so far as I am able to determine, the records sought by you do not exist.

#### Decision

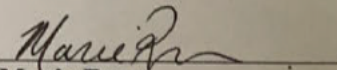
I have listed above the searches undertaken by the HSE and the results of those searches. In accordance with the requirements of section 15(1) (a) I am satisfied that all reasonable steps have been taken to identify and locate the records requested. Unfortunately, I am unable to find any evidence that the records you request ever existed and must therefore refuse your request on this basis.

If you have any queries in relation to this request or wish to discuss any aspect of your request please contact Marie Ryan by telephone at [REDACTED]

### **Rights of appeal**

In the event that you are not happy with this decision you can make and appeal in relation to this matter, you can do so by writing to the Freedom of Information Unit, National Lead Office, FOI Data Protection & Records Management, HSE National Communications Division, Scott Building, Midland Regional Hospital Campus, Arden Road, Tullamore, Co Offaly or by email to emma.kelly [REDACTED]. You should make your appeal within 4 weeks (20 working days) from the date of this notification, where a day is defined as a working day excluding the weekend and public holidays, however, the making of a late appeal may be permitted in appropriate circumstances. In relation to an appeal regarding this decision there is a fee of €30 payable. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body.

Yours sincerely

  
Marie Ryan  
FOI Decision Maker