

FOI – 1765

17th August 2023

FREEDOM OF INFORMATION ACT 2000 – INFORMATION REQUEST

Request for a copy of all correspondence between the Department of Health and the Southern Health & Social Care Trust, regarding proposed stabilization plan for Daisy Hill Hospital has now been considered by the Southern Health & Social Care Trust and it is not possible to meet your request.

The Trust has applied section 36 (2) (c) (prejudice to the effective conduct of public affairs) of the Freedom of Information Act 2000 (FOIA) to exempt the requested information from disclosure.

This exemption applies where releasing the information would cause prejudice to the effective conduct of public affairs. Disclosure would or would be likely to inhibit the free and frank provision of advice/ exchange of views for the purposes of deliberation. The use of this exemption essentially allows for the fact that public authorities need a ‘safe space’ to develop ideas, debate live issues, and reach decisions away from external interference and distraction. This exemption also applies if disclosure would, or would be likely to, inhibit the ability of staff and others to express themselves openly, honestly and completely, or to explore extreme options, when providing advice or giving their views as part of the process of deliberation. The rationale for this is that inhibiting the provision of advice or the exchange of views may impair the quality of decision making.

In order for the Trust to carry out effective conduct of business, we feel that the public interest in maintaining this exemption outweighs the public interest in disclosing it. Therefore, this communication serves as a Refusal Notice under the Freedom of Information Act.

EXEMPTION	FAVOURING DISCLOSURE	FAVOURING NON-DISCLOSURE
Section 36 – Prejudice to effective conduct of public affairs	Promoting openness and transparency and accountability.	Significant and real risk of staff members being inhibited from providing

		free and frank exchange of views and opinions
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DECISION:	<p>When balancing the public interest it is necessary to consider the release of the requested information into the public domain. The public interest is not what interests the public but what would be of tangible benefit to the public as a whole.</p> <p>In this case the argument of disclosure would increase the likelihood in future meetings at which staff may feel inhibited from expressing their views openly and frankly which could negatively impact on decision making ability and have a detrimental effect on the operation of the Trust.</p> <p>The balance therefore lies against disclosure.</p>
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