

Our ref: FOI 2491

7th June 2024

FREEDOM OF INFORMATION ACT 2000 – INFORMATION REQUEST

Question:

I would like a copy of all correspondence between the Trust and NIPSO.

Response:

We have considered your request and believe this information is exempt from disclosure under section Section 44(1) (a) of the FOIA 2000. This section states that 'information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it is prohibited by or under any enactment'.

Section 30(5) of the The Public Services Ombudsman Act (Northern Ireland) 2016 Act states that 'an investigation must be conducted in private'. This provision protects the confidentiality of the Ombudsman's investigations (including assessments).

Section 49 of the 2016 Act also states that 'information obtained' by the Ombudsman in deciding whether to begin an investigation or in the course of an investigation must not be disclosed except in the limited circumstances provided for in the 2016 Act. I am satisfied that none of the circumstances where disclosure is permitted apply to your request.

Together these provisions make up a 'statutory prohibition' on the disclosure of this category of information. The overarching purpose of these provisions and the maintenance of confidentiality for which they provide include:

- Encouraging frankness and openness on the part of those providing information to the Ombudsman and giving effect to their reasonable expectation of confidentiality.

They are in place to protect information provided by both complainants and bodies subject to complaints in order to come to an independent determination on the matters complained of.

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