



An tÚdarás Árachas Sláinte
The Health Insurance Authority

**A Guide to the Functions of and Records
Held by the Authority**

**Freedom of Information Act – Section 15
Reference Book**

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Introduction

Background

This guide is compiled in accordance with the Freedom of Information Act 1997, as amended by the Freedom of Information Act 2003. All references to the Freedom of Information Act or Acts refer to the 1997 Act as amended by the 2003 Act.

The Freedom of Information (FOI) Acts, effective from 21st April 1998, establish three new statutory rights:

- a legal right for each person to access information held by public bodies;
- a legal right for each person to have official information relating to him/herself amended where it is incomplete, incorrect or misleading; and
- a legal right to obtain reasons for decisions affecting oneself.

The Acts assert the right of members of the public to obtain access to official information to the greatest extent possible consistent with the public interest and the right to privacy of individuals.

Purpose of Reference Book

This reference book has been prepared and published in accordance with the requirements of Section 15 of the FOI Acts.

In accordance with **Section 15** of the Act, the purpose of this reference book is to facilitate access to official information held by The Health Insurance Authority, by outlining the structure and functions of the organisation, details of the services provided and how they may be availed of, information on the classes of records held, and information on how to make a request to the Authority under the Freedom of Information Acts, 1997 and 2003.

How to use this Reference Book

This book is divided into a number of parts.

Part 1 of the Book, '**Our Role and Structure**', outlines the role of The Health Insurance Authority and its organisational structure. This part gives a breakdown of our internal structure and organisation. Information is provided under the following headings:

- **Role:** outlines the main work we do.
- **Structure:** gives details of our personnel structure.

- **Classes of records held:** details of the types of records held.
- **Contact:** how to contact us for assistance.
- **Rules and Practices:** this information is provided in accordance with Section 16 of the FOI Act as amended. Where we provide any scheme impacting on the public within the meaning of Section 16 of the Act, then the rules and practices used by the Authority in the delivery of the scheme are outlined or referenced under the Rules and Practices heading.

Part 2 of the Book, ‘**Access to Information**’, explains how to access information from us under FOI and any fees that may arise.

Appendices

- **Appendix 1 –FOI Application Form** to request access to records under the Act from The Health Insurance Authority.

Availability of this Booklet

Copies of this publication are available free of charge on the internet at www.hia.ie or by applying in writing to The Health Insurance Authority, Canal House, Canal Road, Dublin 6.

Contact

The Health Insurance Authority may be contacted by the following means:

Telephone: Lo-call 1850 929 166 / 01 4060080

Fax: 01 4060081

Email: info@hia.ie

Web: www.hia.ie or www.healthinsurancecomparison.ie

Post: The Health Insurance Authority
Canal House
Canal Road
Dublin 6

Part 1 – Our Role and Structure

The Health Insurance Authority (“the Authority”) is an independent regulator for the private health insurance market in Ireland. The Authority was established on 1

February, 2001 under The Health Insurance Act, 1994, the Health Insurance (Amendment) Act, 2001. The Authority carries out the statutory functions as described in the 'Role' section of this document (below).

The Vision of the Authority

The vision of the Authority is "to benefit the common good by facilitating a competitive health insurance market whilst preserving community rating, open enrolment and lifetime cover".

The Mission of the Authority

The mission of the Authority is to achieve the vision by:

- monitoring and researching health insurance generally;
- making recommendations on the implementation or otherwise of risk equalisation and managing and administering any risk equalisation scheme;
- advising the Minister on health insurance generally;
- implementing other relevant regulations as prescribed; and
- safeguarding the interests of current and future health insurance consumers.

The Values of the Authority

The Authority has adopted values to apply in its activities. The values of the Authority are to:

- maintain its independence;
- act always with impartiality and integrity;
- work in a professional and effective way;
- meet its unique challenges by being receptive to new ideas and suggestions from all sources and innovative in its approach;
- maintain transparency in all its work; and
- value its people.

The Authority acknowledges the importance of its vision, mission and values in maintaining high standards and quality provision of service.

Detailed Information on our Structure and Organisation

Role

The Authority was established on 1 February, 2001. The Health Insurance Act, 1994, the Health Insurance (Amendment) Act, 2001, the Health Insurance (Amendment) Act, 2003, the Health Insurance (Amendment) Act, 2007 and the Health Insurance (Miscellaneous Provisions) Act, 2009 provide for the regulation of the business of private health insurance in Ireland following the enactment of the European Union "Third Non-Life Insurance Directive". This Directive sets out the requirements of the internal market for Member States regarding non-life insurance, including health insurance. This European legislation allows individual Member States to adopt the specific requirements in a manner most appropriate to their particular national legal system and national healthcare system.

The Health Insurance Acts, 1994 - 2009 enshrine the four principles of private health insurance in Irish law. These are, community rating, open enrolment, lifetime cover and minimum benefit. There is also an emphasis in the Acts on the best overall interests of consumers which includes a reference to the need to maintain the application of community rating across the market for health insurance and to facilitate competition between undertakings.

Functions

The Authority is a statutory regulatory body that was established by ministerial order under the Health Insurance Act, 1994, as amended.

The Authority is independent in the exercise of its functions. The principal functions of the Authority as provided for in the Health Insurance Acts include the following:

- To monitor the health insurance market and to advise the Minister (either at his or her request or on its own initiative) on matters relating to health insurance;
- To monitor the operation of the Health Insurance Acts and, where appropriate, to issue enforcement notices to enforce compliance with the Acts;
- To carry out certain functions in relation to health insurance stamp duty and age related tax credits and in relation to any risk equalisation scheme that may be introduced;
- To take such action as it considers appropriate to increase the awareness of members of the public of their rights as consumers of health insurance and of health insurance services available to them; and
- To maintain "The Register of Health Benefits Undertakings" and "The Register of Health Insurance Contracts".

The Authority shall exercise such powers as are necessary for the performance of its functions. The Minister for Health and Children ("the Minister") may assign further responsibilities to the Authority as provided for in the Acts.

The Authority is audited by the Comptroller and Auditor General and subject to the requirements thereof. The Authority is also subject to the corporate governance procedures of the “Code of Practice for the Governance of State Bodies” issued by the Department of Finance. The Authority is a public body to which the provisions of the Freedom of Information Acts, 1997 and 2003 and the Data Protection Act 1998 apply.

Structure

The Health Insurance Authority ("the Authority") was established on 1 February, 2001 in accordance with the terms of the Health Insurance Acts.

Members of the Authority:

The following were appointed as Members of the Authority by the Minister for Health and Children for a five year term ending on 31 January, 2011:

Mr. Jimmy Joyce (Chairman), Actuary;

Mr. Dónall Curtin, Accountant;

Mr. Paul Turpin, Corporate Governance Specialist;

Ms. Sheelagh Malin, Actuary.

Prof. Anthony Staines, Professor of Health System.

Members of Staff:

Mr. Liam Sloyan, Chief Executive/Registrar;

Mr. Eamonn Horgan, Corporate Affairs Manager;

Mr. Micheal O’Briain, Head of Regulatory Affairs;

Mr. Brendan Lynch, Head of Research/Technical Services;

Mr Colm Farrell, Accountant;

Ms. Cora Rattigan, Statistician;

Mr. Paul Thompson, Executive Officer;

Ms. Sadhbh Kurzawska, Executive Officer;

Mr. Colm Ryan, Executive Officer;

Ms. Bríd Nolan, Executive Assistant;

Ms. Nora O'Reilly, Executive Assistant.

The offices of The Health Insurance Authority are located at Canal House, Canal Road, Dublin 6. Tel: (01) 406 0080; Fax: (01) 406 0081 info@hia.ie or log on at www.hia.ie

Classes of Records Held

Internal Administration

These records concern the day to day management of the Authority. Information held in this area can include subjects such as corporate governance, financial control, contracts for the provision of goods and services to the Authority, human resources/personnel, internal procedures etc

Statutory Administrative Functions

This information pertains to the performance of the Authority's statutory administrative functions, for example, those relating to the administration of the Risk Equalisation Scheme.

Market

This information would include information acquired by the Authority under its function of monitoring the health insurance market as well as other industry and market information.

Policy

This is information held on the formulation and implementation of policy, which can evolve from a wide range of sources. It is likely to contain analysis of proposals, from the points of view of cost, impact and practicality. Once a policy has been enacted, information held is likely to relate to measuring its impact, e.g. a review of the operation of specific provisions of the Health Insurance Acts or Regulations made under the Acts.

Legislation

Information kept under this heading pertains to legislation and the interpretation of same as well as advice provided by the Authority regarding law making. It may include material relating to the various stages of the preparation of legislation, such as the following:

- recommendations leading to production of a document to the Minister for Health and Children setting out the reasons why the legislation is required and summarising its main points; and
- any ensuing action i.e. circulation of legislation to stake holders/interested parties.

Instructions / Guidelines / Requests

Information in this category includes all stages of instructions / guidelines / requests issued to Authority Members and or staff in the performance of the Authority's functions.

EU Directives / Guidelines

Material held would contain information on the directive or guideline in question, and how it is interpreted and operated in the State.

Interactions with stakeholders and interested parties

The Authority corresponds and otherwise interacts with stakeholders and interested parties in the performance of its functions. Information held in this category relates to enquiries, correspondence and documentation received and responses thereto, including with respect to enquiries from consumers and potential new entrants.

Compliance

Information kept in this category relates to complaints of non-compliance with the Health Insurance Acts.

Part 2: Access to Information

Routinely Available Information

The Health Insurance Authority currently makes information available to the public in relation to its functions and activities. Such information will continue to be available informally without the need to use the FOI Act.

The Health Insurance Authority website, www.hia.ie, contains a significant amount of information about the Authority and its function. Included on our website is information regarding the:

- the vision mission and values of the Authority;
- the membership of the Authority;
- the management team of the Authority;
- the Authority's Corporate Governance;
- the Authority's funding;
- regulation of the Authority; and
- the relevant legislation.

In addition to the above information our website includes a significant amount of information for prospective and current private health insurance consumers. This information includes:

- Health insurance plan comparison tool
- Useful web links
- Consumer Publications:
 - Selecting a Private Health Insurance Product
 - Private Health Insurance; My Rights, My Choices

Our website also includes **Reports and Publications** Published by the Authority. These include:

- Annual Reports and Accounts;
- Consultation Papers and Submissions;
- Consumer Information;
- Consumer Survey;

- Press Releases; and
- Risk Equalisation.

The FOI Act is designed to allow public access to information held by public bodies, which is NOT routinely available through other sources. Access to information under the Act is subject to certain exemptions and involves specific procedures and time limits. This manual provides a guide to the structure of The Health Insurance Authority so as to help you access information under the FOI Act.

All consumer information, reports, and publications are also available free of charge by telephone request (Tel: 01 4060080) or by applying in writing to The Health Insurance Authority, Canal House, Canal Road, Dublin 6.

More detailed information on the Authority's publications is contained in the reference booklet published by the Authority under section 16 of the Freedom of Information Act – "*The Health Insurance Authority – A Guide to Rules, Procedures and Practices of the Authority Freedom of Information Act – Section 16 Reference Book*". This is available free of charge on request or on our website.

Access to Information under the FOI Act

Under the FOI Act, anyone is entitled to apply for access to information not otherwise publicly available. Each person has a right to:

- access to records held by the Authority not covered by one of the exemptions in the Act;
- correction of personal information relating to oneself held by the Authority where it is inaccurate, incomplete or misleading; and
- access to reasons for decisions made by the Authority directly affecting oneself.
- The following records come within the scope of the Act:
 - all records containing personal information held by the Authority irrespective of when created;
 - all other records created after 21 April 1998, subject to a limited number of exceptions;
 - any other records created prior to 21 April, 1998 which are necessary to the understanding of a current record; and

- personnel records of serving staff created from 21st April 1995 and those created prior to that date where they are being used or proposed to be used in a way which adversely affects or may affect the person involved.

Applications for information under the FOI Act should be addressed to:

**Freedom of Information Officer, The Health Insurance Authority, Canal House,
Canal Road, Dublin 6**

Compiling Your Application

- Your application should be in writing and, if applicable, accompanied by the appropriate fee (see "Fees" section of this document). The relevant fee should be paid by Bank Draft, Money Order, Postal Order or cheque drawn on a bank in the Republic of Ireland, made payable to The Health Insurance Authority,

You may use the form entitled 'Request for Information under the Freedom of Information Acts' or the Authority version of this form (see Appendix 1). This form is also available from www.hia.ie.

If you are not using the form outlined above, then your application should indicate that the information is sought under the Freedom of Information Act.

- If you require the information to be provided in a particular format i.e. photocopy, computer disk, etc. please state this in your application.
- Please be as detailed and as specific as possible when compiling your request for information as this will assist us in identifying the record(s). It can also result in lesser charges being incurred on search and retrieval in cases where these fall to be paid. Where possible please try to indicate the time period for which you wish to access records e.g. records created between May 2003 and December 2003. If you have any difficulty in identifying the precise record(s) you require, our staff will be happy to assist you in preparing your request.
- You may be required to prove your identity, especially when seeking personal information, so you may, therefore, be asked to produce your Birth Certificate, Driving Licence, Passport or some other form of identity.
- Please include a daytime telephone number, if possible, so that you may be contacted quickly if it is necessary to clarify details of your request.

The Authority is happy to provide assistance to members of the public who seek advice on making a request.

Assistance to Persons with a Disability

We are available to provide assistance to persons with a disability to enable them to exercise their rights under the FOI Act (e.g. accepting oral requests from requesters who are unable to read, print and/or write due to their disability, or by allowing the requester to inspect or have records explained to him or her).

FOI Decision Making in The Health Insurance Authority

The Freedom of Information Decision Makers within the Health Insurance Authority are the Corporate Affairs Manager, the Head of Regulatory Affairs, and the Head of Research/Technical Services.

The Freedom of Information Internal Review Decision Maker within the Health Insurance Authority is the Chief Executive/Registrar.

We acknowledge receipt of FOI applications not later than 2 weeks following their receipt and forward them to the FOI Decision Maker for decision. The Decision Maker proceeds to deal with the request, liaise with the requester as appropriate and to make a decision on the matter.

The Authority is normally obliged to respond to a request within 4 weeks. A week is defined in the Act to mean 5 consecutive weekdays, excluding Saturdays, Sundays, and public holidays. A longer response period may apply in certain limited circumstances such as where consultation with a third party is required.

Our Policy on Confidentiality

The Authority undertakes, subject to its obligations under law (including without limitation the Freedom of Information Acts), to treat as confidential any information provided to it in confidence by individuals or others, which the Authority considers to be confidential, except where the disclosure of the information would, in the opinion of the Authority, be appropriate in the course of the performance by it of its functions or the exercise by it of its powers. If, for any reason, you wish that information provided by you to the Authority should not be disclosed because of its confidential nature, or otherwise, then you must, when supplying the information, make this wish clear and specify your reasons. The Authority will consult with you before making a decision on any Freedom of Information request received involving such information supplied by you, however, the Authority cannot guarantee that this information will not in any event fall to be released under the Freedom of Information Acts.

Rights of Review and Appeal

The Act sets out a series of exemptions to protect sensitive information where its disclosure may damage key interests of the State or of third parties. Where a Public Body invokes these provisions to withhold information, the decision may be appealed. Decisions in relation to deferral of access, charges, forms of access, etc. may also be the subject of appeal. Details of the appeals mechanisms are as follows:

Internal Review

You may seek internal review of the initial decision, which review will be carried out by an official at a higher level, if:

- you are dissatisfied with the initial response received i.e. refusal of information, form of access, charges, etc., or
- you have not received a reply within 4 weeks of your initial application. This is deemed to be a refusal of your request and allows you to proceed to internal review.

Requests for internal review should be submitted in writing and, if applicable, accompanied by the appropriate fee, (see “Fees” section of this document) to:

Freedom of Information Officer, The Health Insurance Authority, Canal House, Canal Road, Dublin 6

The relevant fee should be paid by Bank Draft, Money Order, Postal Order or cheque drawn on a bank in the Republic of Ireland, made payable to The Health Insurance Authority.

Such a request for internal review must be submitted within 4 weeks of the initial decision. The Authority must complete the review within 3 weeks. An internal review must normally be completed before an appeal may be made to the Office of the Information Commissioner. You will be notified in writing of the outcome.

Review by the Information Commissioner

Following completion of internal review if you are still dissatisfied, you may seek independent review of the decision from the Information Commissioner. Also if you have not received a reply to your application for internal review within 3 weeks, this is deemed to be a refusal and you may appeal the matter to the Information Commissioner.

Appeals in writing, and, if applicable, accompanied by the appropriate fee, (see under Fees) may be made directly to the Information Commissioner at the following address:

Office of the Information Commissioner
18 Lower Leeson Street,
Dublin 2

Telephone: 01-6395689
Fax: 01-6395676
E-mail: info@oic.ie
Website: <http://www.oic.ie>

Fees

Application Fees

A standard application fee of **€15** must accompany an FOI request made under section 7 of the Act for a record or records **containing non-personal information**.

A reduced fee of **€10** applies if the person making such a request is covered by a medical card holder or a dependant of a medical card holder. A reduced fee request made by a medical card holder or dependant of a medical card holder must be accompanied by: the number of the medical card in question, the name of the Health Service Executive (HSE) Area responsible for issuing the card, and consent to verification of these details with the issuing Authority.

The following requests/applications are exempt from the payment of application fees:

- a request under section 7 for a record or records containing only personal information related to the requester;
- an application under section 17 (right of amendment of records relating to personal information; and
- an application under section 18 (right of person to information regarding acts of public bodies affecting that person).

Internal Review Fees

A standard application fee of **€75** must accompany an application for internal review under section 14 of the Act.

A reduced fee of **€25** applies if the person bringing the application is a medical card holder or a dependant of a medical card holder.

The following internal review applications are exempt from the payment of application fees:

- an application in relation to a decision concerning records containing only personal information related to the applicant;
- an application in relation to a decision under section 17 (right of amendment of records relating to personal information);
- an application in relation to a decision under section 18 (right of person to information regarding acts of public bodies affecting that person);
- an application in relation to a decision to charge a fee or deposit, or a fee or deposit of a particular amount; and
- an appeal of a decision which is deemed to be refused because the original request was not replied to within the time limits specified.

Fees for Review by Information Commissioner

A standard application fee of **€150** must accompany applications to the Information Commissioner for review of decisions made by public bodies under section 34 of the Act.

A reduced fee of **€50** applies if:

- the person bringing the application is a medical card holder or a dependant of a medical card holder; or
- the person is specified in section 29(2) i.e. a third party with the right to apply directly to the Information Commissioner where a public body decides to release their information on public interest grounds.

The following applications to the Information Commissioner do not require an application fee:

- an application concerning records containing only personal information related to the applicant;
- an application in relation to a decision under section 17 (right of amendment of records relating to personal information);
- an application in relation to a decision under section 18 (right of person to information regarding acts of public bodies affecting the person);
- an application in relation to a decision to charge a fee or deposit exceeding €25.00 under section 47 in respect of search and retrieval and photocopying of records (decisions in relation to the charging of fees or deposits for search and retrieval and/or photocopying of less than €25 are not subject to review by the Information Commissioner);

- an application in relation to a decision to charge a fee under section 47(6A), or a fee of a particular amount under section 47(6A), on the grounds that the records concerned do not contain only personal information related to the requester or the requester is not a medical card holder or a dependant of a medical card holder; and
- an appeal of an internal review decision which is deemed to be refused because that decision was not made within the time limits specified.

Search and Retrieval and Photocopying Fees

Fees may also be charged for search and retrieval of records as follows:

- in respect of personal records, fees in respect of the cost of copying the records requested will apply; and
- in respect of other (non-personal) information, fees may be charged in respect of the time spent in efficiently locating and copying records, based on a standard hourly rate of €20.95. No charges shall apply in respect of the time spent by public bodies in considering requests.

A deposit may be payable where the total fee is likely to exceed €50.79. In these circumstances, the Authority will, if requested, assist the member of the public to amend the request so as to reduce or eliminate the amount of the deposit.

Charges may be waived in the following circumstances:

- where the cost of collecting and accounting for the fee would exceed the amount of the fee;
- where the information would be of particular assistance to the understanding of an issue of national importance; and
- in the case of personal information, where such charges would not be reasonable having regard to the means of the requester.

Section 47 of the FOI Act sets out the rules for applying search and retrieval fees. Fees are currently set as follows in accordance with Statutory Instruments Nos. 264 of 2003, 139 of 1998 and 13 of 1997:

- €20.95 per hour - search and retrieval
- €0.04 per sheet for a photocopy
- €0.51 for a 3½ inch computer diskette
- €10.16 for a CD-ROM
- €6.35 for a Radiograph (X-Ray)

The Act permits refusal of requests where a fee or deposit payable under Section 47 has not been paid. This allows a public body to refuse a request where there has been a failure on the part of the requester to pay a fee or deposit in respect of search, retrieval and copying of records.

Appendix 1: FOI Application Form

Please use **BLOCK** letters

Details of Applicant:

Surname : _____

First Name : _____

Postal Address: _____

Telephone Number(s)

Home: _____

Business: _____

Office Use Only

Date FOI Request Received _____

Identify Verified _____

Consent Confirmed _____

Personal Information

Before you are given access to personal information relating to yourself, you may be asked to provide proof of your identity.

Form of Access

My preferred form of access is: *(please tick as appropriate)*

to receive copies of the records by post

other -

please specify _____

Fee Information:

Please indicate the fee (if any) that you have enclosed with your application. (For information regarding applicable fee please refer to the Health Insurance Authority's 'Freedom of Information Act – Section 15 Reference Book')

Amount: € _____

Payment Method: (please tick)

Bank Draft:

Money Order

Postal Order

Cheque

FOI Application Form continued

Medical Card Details:

If you hold a medical card or are a dependant of a medical card holder and are submitting a reduced fee please complete the following section:

Medical Card Number: _____

Name of HSE Area: _____

Declaration: I hereby authorize the Health Insurance Authority to verify the validity of the above mentioned medical card number with the HSE Area named above.

Signature: _____

Print Name: _____

Date: _____

Details of Request

In accordance with section 7 of the FOI Act, I request access to records which are:
(Please tick as appropriate)

- Personal
- Non-personal

In the space provided below please describe the records as fully as you can. If you are requesting personal information, please state precisely in whose name those records are held. You will not normally be given access to personal information of another person unless you have obtained the written consent of that person.

I request the following records:

PLEASE SIGN HERE: _____

DATE: _____