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**16 February 2023**

**Our Ref: DMCC/SM/GS  
CEO REF: 08231**

**By Email Only**

Dr Rebecca Cramp  
Director of Code and Regulatory Affairs  
Irish Pharmaceutical Healthcare Association  
7 Clanwilliam Terrace  
Grand Canal Quay  
Dublin 2  
D02 CC64

**Email: [AmyBrophy@ipha.ie](mailto:AmyBrophy@ipha.ie)**

**Re: Increased transparency in the disclosure of payments to healthcare professionals**

Dear Dr Cramp

Thank you for your letter of 17 January 2023 on behalf of the Irish Pharmaceutical Healthcare Association (IPHA), the representative body of the research-based biopharmaceutical industry in Ireland.

The HSE welcomes the efforts of your member companies, and indeed your organisation, in endeavouring to increase transparency around Transfers of Value (ToV).

The HSE notes the 100% disclosure rate by your member companies in relation to ToVs to Health Care Organisations (HCOs) and notes the significant efforts to increase the disclosure rate in relation to ToVs to Health Care Professionals (HCPs).

We welcome certain assurances provided through your engagement with the Data Protection Commissioner on the legality of using legitimate interest for the collection, use, transfer and publishing of ToV data and your work in carrying out a legitimate interests assessment for the processing of personal data in the context of transparency and transfers of value.

The HSE believes that there is a legitimate public interest in ToV details being published. The publication of ToVs aligns with the statutory responsibility on certain HSE employees under the Ethics in Public Office legislation.

Specifically, the Ethics in Public Office Act 1995 and Standards in Public Office Act 2001 requires the HSE to ensure that all relevant employees are informed of their statutory obligations under these Acts regarding statements of a material interest and annual statements of interest. The HSE has introduced a digital system to do this.

Relevant employees in the HSE are employees across all grades (Management/Administration, Medical/Nursing, Allied Health Professional etc.) remunerated at or above the minimum point of the Grade VIII salary scale must comply with the Ethics in Public Office legislation and the HSE has clarified to those employees that the submission of such a return is both a contractual and statutory duty.

The HSE is happy to confirm to IPHA and any IPHA member company that the HSE strongly believes that any ToV received by a HSE employee / HSE Health Care Professional should be disclosed on the ToV platform i.e. [www.transferofvalue.ie](http://www.transferofvalue.ie). The HSE would not, in general, support a request for non-disclosure.

The HSE would, in addition to the above, flag that its distinct preference would be that an individual company should not repeat TOVs to any HSE employed HCP who has refused to allow publication of a previous ToV received from that company unless exceptional circumstances apply. The HSE is unable to identify any such acceptable circumstances currently.

The HSE is agreeable to progressing a memorandum of understanding with IPHA (and other representative bodies) in relation to same.

Yours sincerely,



**Damien McCallion**  
**Acting Chief Executive Officer**