

Press release

Minister O’Gorman to introduce legislation to safeguard the Commission on Mother and Baby Homes general archive of records and database

From [Department of Children, Equality, Disability, Integration and Youth](#)

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- **Minister for Children, Equality, Disability, Integration and Youth publishes General Scheme of Preservation and Transfer of Specified Records of the Commission of Investigation**

- **Database can support a future information and tracing service for individuals who were resident in mother and baby institutions.**

The Minister for Children, Equality, Disability, Integration and Youth, Roderic O’Gorman TD, has today published the General Scheme of the Preservation and Transfer of Specified Records of the Commission of Investigation (Mother and Baby Homes and certain related Matters) Bill.

The General Scheme is available on the Department’s [website](#).

The legislation provides a legal basis for transfer of records from the Commission of Investigation into Mother and Baby Homes to the Child and Family Agency (Tusla).

Earlier this year, the Commission informed the Department that it had compiled a database of the mothers and children who were resident in the main mother and baby homes. It noted that this database could be of considerable assistance to those providing information and tracing services. The proposed legislation is being advanced to address concerns raised by the Commission about the need for it to redact personal information, and the impact which such redactions would have in terms of effectively destroying this database.

Given that the source information primarily existed in hard copy ledgers and similar format original documents, the database makes this information markedly more searchable, reduces the risk of wear and tear on the primary source material, and safeguards against loss of the information in the event of destruction of the primary source material.

Commenting on the publication of the legislation, Minister O’Gorman said:

“I am pleased that Government has approved the drafting of this urgent Bill along the lines of the General Scheme, as it will create the legal basis for safeguarding the Commission’s records, and the transfer of the database which the Commission compiled during the course of its investigation.”

Having examined this matter, the Minister believes

“that it is essential that bespoke legislation is advanced in order to provide urgently for the safeguarding of the records and transfer of the database to Tusla, as the Commission is due to stand dissolved following the submission of its final report by the 30 October.”

The Minister is aware that access to records remains a recurring and priority concern for those directly involved with mother and baby institutions. Unrestricted use or open public access is not being proposed in this legislation, and it is not proposed that this would extend to providing a basis for any new entitlement for access to these records.

Minister O’Gorman commented further:

“The aim of this legislation is to ensure we do not lose the opportunity presented for future use of the valuable database developed by the Commission.”

In announcing this urgent interim measure, I am also emphasising my absolute commitment to advancing separate legislation which will aim to provide a solid statutory basis for enhanced information and tracing services”.

The [Regulatory Impact Assessment](#) and [Heads of Bill](#) are available to view on the Department’s website.

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Notes to the Editor:

- The Commission of Investigation (Mother and Baby Homes and certain related Matters) is due to submit its final report to the Minister for Children and Youth Affairs by 30th October 2020. Under current legislation, on submission of its final report, the Commission will stand dissolved and, prior to its dissolution, it must deposit all Commission records with the Minister to be sealed for a period of 30 years.

- The Commission stated that it had compiled a database of the mothers and children who were resident in the main mother and baby homes for the purpose of its work. The database includes information extracted from institutions whose original records are now held by the Child and Family Agency (TUSLA). It also includes information extracted from Regina Coeli, whose records are held by the Legion of Mary (and for which no tracing service is available).
- This Commission has stated that the database would be of considerable assistance to those involved in providing information and tracing services. However, the Commission considers that, under the present GDPR legislation, the database would have to be effectively destroyed.
- This necessitates rapid action by the State to ensure a workable solution to protecting the complete records of the Commission, including the database. The Department has accepted the suggestion of the Commission that bespoke legislation is required in advance of 30 October in order to provide urgently for the safeguarding and transfer of the Commission database so that it can be used for information and tracing purposes in line with current and future legislation.
- A failure to advance the proposed legislation would result in the database being effectively destroyed. Ultimately, a new database would have to be developed to support future information and tracing with the resultant loss of investment of time and expenditure of approx. €1m already incurred by the Commission.

[General Scheme of the Preservation and Transfer of Specified Records of the Commission of Investigation Bill 2020 | Frequently Asked Questions \(15 September 2020\)](#)

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