

Written answers

Tuesday, 29 September 2020

Department of Children and Youth Affairs Mother and Baby Homes Inquiries



Gary Gannon (Dublin Central, Social Democrats)

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646. To ask the Minister for Children and Youth Affairs if he acknowledges that adopted persons, survivors and advocates have not called for unrestricted use or open public access to the archive of the **Commission** of Investigation into Mother and Baby Homes but they have requested differentiated rights of access to the archive, namely personal data access for those personally affected, access for family members to information regarding the fate and whereabouts of their disappeared loved ones that died while in institutional custody, freedom for survivors of abuse to voluntarily publish their own testimony and records if they wish and public access to administrative records which may be redacted as necessary and proportionate ([details supplied](#)). **[27315/20]**



Gary Gannon (Dublin Central, Social Democrats)

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653. To ask the Minister for Children and Youth Affairs if he will facilitate personal data access requests from survivors, adopted persons, relatives of the disappeared and all others to whom information in the archive relates. **[27322/20]**

Roderic O'Gorman (Dublin West, Green Party)

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I propose to take Questions Nos. 646 and 653 together.

I know that access to personal information is a recurring and priority concern for those directly involved and personally affected by mother and baby homes and related institutions. It is Government policy that persons should have access to such information insofar as is legally and constitutionally possible.

I acknowledge that there are differing views and complex privacy issues in respect of access to information, and it is important to reiterate that unrestricted access it is not the intent of the legislation being drafted to provide for the preservation and transfer of the **Commission's** database.

The **Commissions** of Investigation Act 2004 directs that, on submission of its final report, the **Commission** will be dissolved in law, and, prior to its dissolution, it must deposit all records (defined as "all evidence received and all documents created by or for the Commission"), in a sealed manner with the specified Minister, and these records shall remain sealed for 30 years. The records, when deposited with the specified Minister, are subject to robust safeguards for the confidential preservation of such records.

It is the Commission's own view that its database on mothers and children should be preserved. It also acknowledges the requirement for the State to legislate to do this, and this is the policy intent of the urgent legislation I am bringing forward.

It must be emphasised that unrestricted access to the information contained in the database is not being proposed. Importantly, in bringing forward this Bill, it is not proposed that it would extend to providing a basis for any new entitlement or right for access by individuals to these records. Access to personal information held in these records will continue to be regulated by the Adoption Act 2010, GDPR and Data Protection Act and the Freedom of Information Act, having regard to the constitutional rights of third parties.

I am committed to separately advancing robust information and tracing legislation to provide an enhanced statutory framework for the release of birth and early life information.

Protecting this valuable database, and the information it contains, is an important step in this regard.

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Does this answer the above question?

Yes! 0 people think so!

No! 0 people think not!

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No comments

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