



**CLANN: IRELAND'S UNMARRIED MOTHERS AND THEIR CHILDREN:
GATHERING THE DATA**

Ethical Protocols

Justice for Magdalenes Research is a not-for-profit organisation whose main aim is to provide for the advancement of education of the general public by researching the Magdalene Laundries and similar institutions and by providing information and support to the women who spent time in the Magdalene Laundries and their families.

Adoption Rights Alliance is a not-for-profit advocacy organisation which campaigns for the enshrinement of the rights of the adopted child and Ireland's estimated 100,000 adopted adults in legislation. In the absence of adoption information legislation, Adoption Rights Alliance provides practical advice and advocacy to those affected by Ireland's closed, secret adoption system.

1. Introduction

Clann: Ireland's Unmarried Mothers and their Children: Gathering the Data ('Clann') is a joint initiative by Adoption Rights Alliance (ARA) and JFM Research (JFMR). The purpose of Clann is to help establish the truth of what happened to unmarried mothers and their children in 20th century Ireland.

Clann will assist those who wish to give evidence to Ireland's *Commission of Investigation into Mother and Baby Homes and Certain Related Matters* by arranging free legal assistance for individuals to make full written statements. Clann will also anonymise shared statements, and will gather documentary and archival materials, in order to make a public group report to (1) the Commission of Investigation, (2) the Irish Government, and (3) international human rights bodies. Clann will also disseminate archival and contemporary documentary materials via its website.

The Clann project is led by Maeve O'Rourke and Claire McGettrick (hereafter '**the Clann Project Team**'), who have developed its policies and procedures in cooperation with Hogan Lovells over the past year. They have overall responsibility for the administration and coordination of the project. Where there are any changes to the Project Team, this document will be revised to reflect those changes.

JFMR and ARA are committed to ensuring that the confidentiality of witnesses is upheld and we therefore undertake to abide by the protocols set out in this document and ensure that information is only shared on a 'need to know' basis in order to safeguard witnesses.

2. Policy context

These Ethical Protocols predominantly apply to JFMR and ARA. The members of the pro bono team at Hogan Lovells will operate under their own policies and protocols. The Ethical Protocols set out in this document should also be read within the context of other JFMR and ARA policies, including:

- *JFMR Data Protection Policy*;
- *JFMR Child Protection Policy*;
- *JFMR Adult Protection Policy*;
- *JFMR Volunteer Agreement*;
- *ARA Data Protection Policy* (to be drafted¹);

¹ In the interim, ARA will adhere to JFMR policies

- ARA *Child Protection Policy* (to be drafted);
- ARA *Adult Protection Policy* (to be drafted); and
- The Magdalene Oral History Project ethical protocols.

3. Witness statement gathering process

3.1 Outline of the witness statement gathering process

- a) Interested individuals contact Clann at statements@clannproject.org or via post at Hogan Lovells International LLP, Atlantic House, Holborn Viaduct, London, EC1A 2FG, UK;
- b) Hogan Lovells will send the individual a Preliminary Questionnaire to fill in;
- c) Once the completed questionnaire is received, Hogan Lovells will make arrangements to interview the witness;
- d) Hogan Lovells will compile the statement and send a draft to the witness;
- e) The witness will send the draft statement to Hogan Lovells with any amendments;
- f) Hogan Lovells will then send a finalised statement to the witness, along with a Consent Form to complete and sign.

3.2 Initial contact with Clann

Individuals who wish to avail of the witness statement drafting assistance provided by Hogan Lovells will email statements@clannproject.org or write to Rod Baker, Hogan Lovells International LLP, Atlantic House, Holborn Viaduct, London, EC1A 2FG, UK with their contact details. These contact details are used to provide respondents with a Preliminary Questionnaire and to arrange interviews. The details provided by respondents will be inputted into a secure database as described at **Sections 4.1.1 and 4.1.2** below.

3.3 Preliminary Questionnaires

When emails are received to statements@clannproject.org Hogan Lovells will then contact respondents with a short Preliminary Questionnaire which they will be asked to fill out and return. Those who fill out the Preliminary Questionnaires are given an option to allow JFMR and ARA to use the information provided in the questionnaire for the purposes of producing anonymised statistics (without revealing anyone's identity), informing their research and advocacy work and for the purposes of their submissions to the Commission of Investigation. Where respondents have consented to share the details provided in the questionnaires, this

information will be inputted into a secure database as described at **Sections 4.1.2 and 4.1.3 below**.

3.4 Interview process

After a witness returns their Preliminary Questionnaire, Hogan Lovells will contact them to arrange an interview. With permission, the interview might be recorded by a representative from Hogan Lovells. Witnesses can ask the interviewer to stop the recording at any time. A draft statement will then be prepared and a copy will be sent to the witness for their approval. Participants are free to amend their statement to add details they may have omitted, to remove other details or to correct errors.

As the Commission appears to be interested in reviewing supporting documentation, Hogan Lovells will ask witnesses to consider providing relevant documentation to attach to their statements.

3.5 Consent process

Once statements are finalised, Hogan Lovells will send a final copy to witnesses along with the Clann Consent Form. Witnesses have the choice either to send it to the Commission of Investigation themselves, to ask Hogan Lovells to send it on their behalf or to retain it for their own use. Witnesses will also be asked if they wish to give 'live evidence' to the Commission's Investigation Committee or its Confidential Committee, in addition to sending their statement to the Commission, though they are under no obligation to do so. If a witness wishes simply to send their statement to the Commission but not give 'live evidence' to the Commission in person, they will be informed that the statement will need to be attached to an affidavit and sworn in front of a solicitor. Hogan Lovells will provide more information about how to do this, if needed. For witnesses who wish to do so, Hogan Lovells will send the application forms for giving 'live evidence' to the Commission (if the witness has not already obtained the forms).

Witnesses will also have the option to share their statement with ARA and JFMR, so that anonymous extracts can form part of the Clann group report. Witnesses will also have the option to consent to share copies of their personal records (which Clann will anonymise where necessary) and/or other documentary materials with the Clann archive. Details of witnesses and their chosen preferences will be inputted into a secure database as described at **Section 4.1.2** below. The protocols associated with the process of receiving and redacting statements and/or documentary materials are discussed further at **Sections 4.2 – 4.4** below.

Witnesses are under no obligation to share their statements with ARA and JFMR and information will only be used in the manner agreed to. Participation in the Clann project is voluntary and participants are free to withdraw consent at any time. However, where a witness has opted for anonymised extracts from their testimony to be included as part of the of ARA and JFMR's legal submission to the Commission of Investigation in the Consent Form, it will not be possible to entirely withdraw the redacted testimony from public circulation. Though we will work to try and achieve its withdrawal from the public domain, we are not in a position to guarantee that this can be successfully achieved.

4. Information usage

4.1 Databases maintained by Hogan Lovells and ARA/JFMR

4.1.1 Hogan Lovells Clann Database

Hogan Lovells will maintain a secure database of participants in the project (the '**Hogan Lovells Clann Database**') using *Ringtail* software. Each entry on the database will include the Preliminary Questionnaire, the witness statement and any documentation shared by the participant. Access to the full Hogan Lovells Clann Database is restricted to Hogan Lovells. The Clann Project Team and Raymond Hill, barrister² will have access to the database entries relating to witnesses who have consented to share their statements and/or documentation with ARA/JFMR.

4.1.2 JFMR/ARA Clann Database

The Clann Project team will maintain a secure database of all those who express an interest in participating in the Clann project (the '**JFMR/ARA Clann Database**'). When email messages are received, the Clann Project Team will input the person's details on the JFMR/ARA Clann Database. The JFMR/ARA Clann Database will contain respondents' contact details and what category they fall into. It will also indicate whether Clann has received their Preliminary Questionnaire and whether Clann has permission to use the person's non-identifying data. Hogan Lovells will share the contact details of participants who write to Clann via Hogan Lovells' postal address and these will then be copied to the JFMR/ARA Clann Database periodically.

² Raymond Hill is a London-based barrister who worked with Justice for Magdalenes (JFM) on a pro bono basis in 2012. He is the principal author of *State Involvement in the Magdalene Laundries*, JFM's principal submission to the Inter-departmental Committee on the Magdalene Laundries.

When Clann is notified that a witness has chosen to share their statement and/or documentary evidence, this will also be noted on the database. The database will note the preferences chosen by witnesses on their Consent Form and the basic details of any documentary evidence which has been shared.

Where a witness has consented to ARA and/or JFMR contacting them in the future in relation to our continued research and advocacy work, JFMR and ARA undertake to respect the privacy of those concerned and due care and consideration will be given when making contact. If a person no longer wants to be contacted, their wishes will be respected. The Clann Project Team will have responsibility for sending emails to recipients on behalf of JFMR and ARA.

Access to the JFMR/ARA Clann Database will be restricted to the Clann Project Team and Hogan Lovells unless the team feels it is necessary to consult another member(s) of JFMR and/or ARA about a particular issue.

4.1.3 Database of non-identifying statistical data

The Clann Project Team will maintain a database of the non-identifying data supplied by respondents who have consented to sharing this data. The Clann Project Team will provide the other members of ARA and JFMR with updated versions of this database accordingly.

4.2 Sharing of statements

In the Clann Consent Form, witnesses will be given the option to have anonymised extracts from their statements included in ARA and JFMR's submissions to the Commission of Investigation, and/or used in anonymised form by ARA and/or JFMR in relation to their continued research and advocacy work. When a witness opts to share their statement with JFMR and ARA, Hogan Lovells will arrange to give the Clann Project Team access to that statement via the Hogan Lovells Clann Database. The Clann Project Team will have responsibility for anonymising and/or redacting the statements as set out in **Section 4.3** below.

4.2.1 Access to unredacted statements

Access to the unredacted statements and documentary evidence provided by witnesses will be restricted to the Clann Project Team, Raymond Hill, Dr Katherine O'Donnell,³ unless the

³ Dr Katherine O'Donnell is a director of JFMR and an associate professor at University College Dublin. She was the Principal Investigator on the Irish Research Council project *Magdalene Institutions: Recording an Oral and Archival History*.

team feels it is necessary to consult another member(s) of JFMR and/or ARA about a particular issue. The unredacted statements and secure pseudonym keys will be stored by the Clann Project Team on secure laptops in encrypted folders.

4.2.2 Access to anonymised statements

The anonymised statements will be stored securely via the JFMR *Tresorit* cloud storage account. Other members of the ARA and JFMR team will use the JFMR *Tresorit* account to access the anonymised statements. In order to ensure maximum sensitivity and confidentiality for witnesses, anonymised statements will only be used by JFMR and ARA after consultation with the Clann Project Team.

4.3 Anonymisation process

All witnesses who share their statements with JFMR and ARA will be assigned pseudonyms. Witnesses are free to use their own statements for any purpose they see fit, and in that context, if they choose, they can identify themselves. However it will not be possible for individuals to be identified in Clann's group submission.

A secure pseudonym key will be created for each statement. Access will be restricted to Hogan Lovells, the Clann Project Team and Dr Katherine O'Donnell. Each statement will be redacted on a case-by-case basis. Third party individuals who are named in witness statements will be given pseudonyms. Where possible, the names of institutions and agencies, locations and dates will be left intact, except in cases where it may impact on the confidentiality of the witness or others named in the statement.

Where a witness has shared documentary materials with the Clann archive, where appropriate or necessary, items will be redacted on a case-by-case basis, having regard for the confidentiality of the witness and others who may be identified in the materials.

It is not possible to anonymise individual witness statements that are sent to the Commission as they must be signed. However, it is possible to avoid naming third parties in statements if desired.

4.4 Usage of statements

Witness statements will only be used in the manner to which the witnesses have agreed on the Clann Consent Form. Clann will use anonymised extracts from shared witness statements in its legal submissions and other materials. Full witness statements (even in anonymised format) will not be published or shared by JFMR and/or ARA, however if a

witness wishes to share their statement with the Irish Research Council project *Magdalene Institutions: Recording an Oral and Archival History* they will be facilitated in doing so in accordance with the ethical protocols associated with that project.

5. General security protocols

All contact details will be kept in a secure database and access is restricted to the Clann Project Team and Hogan Lovells. Completed Preliminary Questionnaire(s), Consent Forms and all audio files and transcripts will be kept securely at the offices of Hogan Lovells and/or in encrypted format if the materials are in digitised format. Preliminary Questionnaires received by the Clann Project Team will also be stored securely.

All digital files held by ARA and JFMR are encrypted and stored on secure laptops (with password-protected external back-ups) and on an encrypted *Tresorit* cloud storage account. All hard copy materials are stored by ARA and JFMR in a locked office. All email addresses for ARA/JFMR representatives have rigorous security protocols implemented, including 'two-step verification' to prevent hacking. Any materials placed on USB drives or CDs/DVDs created are always encrypted.

If a witness asks Hogan Lovells to send their statement to the Commission on their behalf, the Commission will also receive the person's identifying information and contact details. The Commission has stated that it will keep personal details entirely confidential (subject only to the possibility that any party 'affected' by the evidence submitted might be given the opportunity to review the evidence and ask questions about it).

6. Email, social media and website

JFMR and ARA are conscious that individuals may choose to contact Clann not only via email or post, but also via social media and the project's website. The following section sets out the security protocols associated with the email addresses and social media accounts operated by Clann.

6.1 Clann email accounts

clannproject@gmail.com

Used for: This account receives forwarded emails from statements@clannproject.org and info@clannproject.org. It is also used as the sign-in for Clann's social media accounts.

Access: Access is restricted to the Clann Project Team. Emails (including forwards from clannproject.org addresses) are also forwarded to clairemcgettrick@gmail.com as a means of ensuring that queries are not missed.

statements@clannproject.org

Used for: This email address is used by those who wish to avail of the free witness statement gathering assistance provided by Hogan Lovells.

Access: Emails are forwarded to clannproject@gmail.com and motherandbabyhomes@hoganlovells.com

info@clannproject.org / admin@clannproject.org

Used for: The info@clannproject.org email is the main contact portal for Clann, including queries filled out via the Clann website. The admin@clannproject.org address is retained as a precaution as WordPress (which is used to maintain the Clann website) appears to use this address as a default in certain instances.

Access: Access is restricted to the Clann Project Team.

6.2 Clann social media accounts

Twitter: [@clann_project](https://twitter.com/clann_project)

Used for: Disseminating news and information about the project as well as relevant media articles and other materials. Though it is not advertised as a contact portal, some individuals may choose Twitter as a means of contacting Clann and thus we are mindful of the need to ensure that these ethical protocols apply to all means of contact.

Access: Access is restricted to the Clann Project Team and Mari Steed.⁴

Facebook: <https://www.facebook.com/clannproject>

Used for: Disseminating news and information about the project as well as relevant media articles and other materials. Though it is not advertised as a contact

⁴ Mari Steed is a director and co-founder of JFMR and US Co-ordinator of ARA.

portal, some individuals may choose Facebook as a means of contacting Clann and thus we are mindful of the need to ensure that these ethical protocols apply to all means of contact.

Access: Access is restricted to the Clann Project Team and Mari Steed. Access has also been given to Aisling O'Rourke who has volunteered to assist Clann with promoting its Facebook page. Ms O'Rourke has been briefed on the need for confidentiality, has signed JFMR's Volunteer Agreement and has been given a copy of these protocols.

6.3 Autoresponders

Individuals who email statements@clannproject.org, info@clannproject.org or admin@clannproject.org will receive an 'autoresponder' which informs the person that their contact details have been received by JFMR, ARA and Hogan Lovells and that they are free to withdraw from the process. The Clann Autoresponder also provides information about useful resources, including ARA's Tracing Handbooks. A copy of the Clann Autoresponder is available at **Appendix 1**.

6.4 Answering queries

Where possible, all queries will be answered using the clannproject@gmail.com account. If a Clann query is being answered by a JFMR or ARA representative via their personal account, the clannproject@gmail.com account should be copied in so that a complete record of all correspondence can be maintained. If a member of JFMR or ARA is contacted via their social media accounts about the Clann project, copies of responses and the original query should also be forwarded to clannproject@gmail.com.

6.5 Clann website

The Clann website (<http://clannproject.org/>) is maintained by the Clann Project Team and Mari Steed. Access is restricted to the Clann Project Team and Mari Steed.

6.6 Passwords

In order to ensure a high standard of protection for witnesses and other individuals who contact Clann, all passwords will be changed regularly. Passwords are restricted to the Clann Project Team and will always be disseminated in such a way that ensures they are not linked to the accounts to which they relate.

From time to time the Clann Project Team may need to give other members of JFMR and ARA temporary access to the accounts listed above, e.g. to consult on a particular issue or in the event of illness or the need for holiday cover. In instances such as this, once the need for access no longer exists, in order to maintain strict confidentiality, the passwords of the account(s) in question will be changed.

7. Child protection

JFMR and ARA undertake to adhere to the recommendations of *Children First: National Guidelines for the Protection and Welfare of Children* and will refer any child protection and welfare issue to the appropriate agencies as set out in Section 7 of JFMR's *Child Protection Policy*. If JFMR has concerns or suspects abuse of a child or young person it will report these concerns to the Health Service Executive (HSE) and/or the Gardaí (Reporting Form available at **Appendix 1** of JFMR's *Child Protection Policy*).

If a current child protection concern comes to the attention of JFMR or if an adult discloses that s/he was abused as a child and it becomes apparent that the alleged abuser is still in contact with and/or responsible for children the matter should be reported to the Designated Person who will then consult with the HSE and on the basis of this consultation, a formal report may be made to the HSE using the Standard Reporting Form available at **Appendix 1** of JFMR's *Child Protection Policy*.

Appendix 1 – Clann Autoresponder

Thank you for contacting Clann: Ireland's Unmarried Mothers: Gathering the Data, which is a project of Justice for Magdalenes Research (JFMR), Adoption Rights Alliance (ARA).

By sending this email you have agreed to share your contact details with ARA, JFMR and our pro bono partners Hogan Lovells, solicitors, who are providing assistance to us in compiling statements, documentary materials and legal analysis. These details will be kept in the strictest confidence and they will not be shared with others.

We will respond to your email as soon as we can. In the meantime, we hope the following information will be of assistance.

Resources

We have made a list of resources available on our website which may be of assistance. To access the list please visit the following page: <http://clannproject.org/index.php/resources/>

We also strongly encourage you to read our Guide to the Commission of Investigation, available at this link: http://clannproject.org/wp-content/uploads/Guide-to-the-Commission-of-Investigation_V1_June-2016.pdf

Please note, Clann is not in a position to offer adoption tracing assistance or answer queries in this regard. Please visit <http://www.adoptionrightsalliance.com/searchandreunion.htm> to download the Adoption Rights Alliance Tracing Handbooks which are a step-by-step guide to obtaining information and which will assist you through the tracing process.

Adopted people, natural parents and relatives may also register with the National Adoption Contact Preference Register (NACPR), which is run by the Adoption Authority of Ireland and which is available here:

<http://www.aai.gov.ie/index.php/tracing/contact-preference-register.html>

Free Witness Statement Drafting Assistance

ARA and JFMR are working with Hogan Lovells who are providing pro bono assistance to us on a Project to compile statements, documentary evidence and legal argument for submission to the Commission of Investigation. Further information about the Project is available in our Information Form which is available at the following link: <http://clannproject.org/wp-content/uploads/Clann-Information-Form.pdf>

If you have contacted us to request a Preliminary Questionnaire in order to facilitate your participation in the Project, please ensure that you have indicated your circumstances so we can send you the correct questionnaire.

If you have sent us a completed Preliminary Questionnaire which you have downloaded from our website, Hogan Lovells will contact you in due course.

If you wish to withdraw from the process, please respond to this email immediately to let us know. Please be advised that if you do not respond immediately to withdraw your consent, Hogan Lovells may have already contacted you with a Preliminary Questionnaire. If this is the case, please contact us at statements@clannproject.org to let us know that you no longer wish to participate, and we will ensure that you are not contacted again.

Documentary materials

One of Clann's central aims is to gather and preserve the narrative of the experiences of Irish unmarried mothers and their children by compiling documentary materials and statements. We have begun the process of uploading materials to our website and intend to continue adding content over time. We also welcome donations of documentary materials, so please contact us if you would like to contribute to the archive.

NOTE: if you have emailed statements@clannproject.org with a general query, please forward your email to info@clannproject.org.

Thank you once again for contacting us and we will be in touch in due course.

Yours sincerely,

Adoption Rights Alliance, JFM Research and Hogan Lovells