

# MOTHER AND BABY HOMES COMMISSION OF INVESTIGATION

---

73 Lower Baggot St, Dublin 2.  
or P.O Box 12626, Dublin 2.

Tel: 01 644 5000  
Confidential Freephone (ROI): 1800 806 688

16<sup>th</sup> February 2020

Mr Roderic O’Gorman  
Minister for Children, Equality, Disability  
Integration and Youth  
Block 1, Miesian Plaza  
50-58 Baggot Street Lower  
Dublin 2  
D02 XW14

Dear Minister,

In response to your letter of 8 February, I think it would be helpful if I outline the practice and procedures used by the Confidential Committee.

Under the Commissions of Investigation Act 2004, a Commission is required to establish its own rules and procedures and ‘conduct its investigation in the manner that it considers appropriate in the circumstances of the case’. In the case of the Confidential Committee, the Commission considered and was told by many witnesses that ensuring the confidentiality of the witnesses was a paramount consideration. As is pointed out in the Commission’s report, some people who came to the Confidential Committee had never before spoken of their experiences and had not even told their immediate families that they had been in a mother and baby home. The Commission was also very conscious of the possibility that witnesses may make allegations against named persons and those persons would not have sight of the allegations or have an opportunity to address them. The hearings by the Confidential Committee were, as required by the Commission’s terms of reference (SI 57/2015), conducted as informally as possible and the witnesses were not sworn.

The Commission’s terms of reference required the Confidential Committee to interview witnesses for the purposes of compiling a “report of a general nature”. The interviewer and note taker used a recording device to assist the interviewer to create an accurate summary document. Before the interview commenced, each witness was told before recording that it was proposed that audio recording would be made using a dictaphone for the benefit of the

---

Email: [info@mbhcoi.ie](mailto:info@mbhcoi.ie)

Website: [www.mbhcoi.ie](http://www.mbhcoi.ie)

*Confidential line for callers outside Republic of Ireland: 00 353 1 644 5088*

note taker in the compilation of the record of the interview that would be submitted to the Confidential Committee. The witness was advised that the recording would be destroyed and would not be retained by the Commission as it was merely an aide memoire that could be referenced, if necessary, in the preparation of the Confidential Committee report. Consent was obtained and freely given to the use of the audio device and to the destruction of the record when no longer needed. Not one of the 550 people interviewed objected to being recorded or to the intention to destroy the recording.

The notes taken by the note taker were typed up and checked against the audio recording. The final record created by this process is the only record retained by the Commission. The audio was but a step that ensured accuracy in the creation of the record that would ultimately be used in the preparation of the Confidential Committee report. The complete record of these interviews is referred to as the CC database and it was this database that was used in the creation of the general report created from the witnesses who attended. Deletion of that part of the process which was contained in the audio file occurred in accordance with a clearly defined process that was agreed in advance of the interview and in accordance with the methodology adopted by the Commission pursuant to its terms of reference. The recording of the witnesses, the population of the record and the promise of audio deletion was a process that was proportionate to safeguard the confidentiality of the witnesses and to ensure the effective operation of the Confidential Committee.

The Commission strongly rejects any suggestion that the final record is inaccurate. The interviewers and note takers are all professional people (the two committee members are lawyers and three of the four note takers are lawyers) with considerable experience in interviewing and making written reports. The Confidential Committee report largely uses the words used by the witnesses (as, indeed, does the main report when it recounts witnesses' experiences).

The Commission has very serious reservations about the appropriateness of attempting to retrieve the recordings because of the guarantees given to the people who came to the Confidential Committee. Nevertheless, as a result of your letter, it has asked its IT experts to see if retrieval is possible and at this stage it seems that we are unable to retrieve the recordings. As you are aware, some of the Commission's archives have already been transferred to you; the rest, including the server, will be transferred shortly.

Yours sincerely,



**Judge Yvonne Murphy**  
**Chairperson to the Commission**