Joint Committee on Justice
Pre-Legislative Scrutiny of the General Scheme
of the Legacy of the Troubles Bill 2026
29 September 2026

I thank the committee for the invitation to contribute to your deliberations on the general scheme of the Legacy of the Troubles Bill 2026. I am a Deputy Commissioner at the Data Protection Commission (DPC), with responsibility for the DPC's Supervision functions with regard to the Public Sector. Also in attendance is Mr Stephen Ryan, Assistant Commissioner, from the DPC's Supervision section, with responsibility for matters pertaining to the processing of personal data for law enforcement purposes.

This Bill gives effect to the legislative commitments of the Government under the Joint Framework to address the Legacy of the Troubles agreed with the UK Government in September 2025. For the purposes of this meeting, the comments of the DPC will focus on those provisions of the Bill that relate to the processing of personal data by the public bodies named therein.

Heads 4 and 20 of the Bill relate to the provision of information by An Garda Síochána to, respectively, the Legacy Commission, and the Independent Commission on Information Retrieval (the ICIR). These Heads will provide a legal basis for the disclosure of information including personal data to these bodies, subject to compliance with the Data Protection Act 1988. The DPC notes that the Act of 1988 will be applicable to such processing, rather than the Data Protection Act 2018, and the GDPR, for two reasons. Firstly, the processing falls outside the scope of the law of the European Union, and therefore the GDPR. Secondly, the Data Protection Act 1988 remains applicable to the processing of data for the purposes of the international relations of the State, which purposes are relevant to the present Bill and the proposed data sharing.

Head 24 of the Bill provides that Data Protection Regulation (GDPR) and the Data Protection Acts 1988 to 2018 shall not apply to the performance by the ICIR of its functions. This implements paragraph 3 of Article 8 of the intergovernmental Agreement of 15 October 2015, which states that, "Freedom of Information, Data Protection and National Archives legislation shall not apply to the Commission."

The DPC understands that the non-application of the data protection laws of both Ireland and the United Kingdom to the ICIR may be deemed necessary due to its status as a cross-border body, established on the basis of an international agreement. However, we note that the non-application of data protection law to the processing of data by the ICIR will have the effect of not placing upon that body the responsibilities and obligations of a data controller, and will negate the rights of individuals as data subjects provided under such laws.

The DPC notes that the Bill does contain safeguards for personal data to be processed by the ICIR, including:

1. The inviolability provided to the archives and premises of the ICIR under Head 17,
2. the prohibition on the disclosure of information under Head 19,

   and

3. the verifiable destruction of records and information held by the ICIR on the body's dissolution under Head 22.

The DPC recommends that in the progression of the Bill, and the establishment of the ICIR, due consideration be given to the implementation of safeguards equivalent to those provided for in data protection law to ensure, in particular, the confidentiality, security, and integrity of information that it processes for the performance of its functions.

I hope these comments will be of assistance to the committee and I am very happy to answer any questions members may have, and to speak to any of the issues that I have referred to.