SEANAD ÉIREANN

AN BILLE UCHTÁLA (FAISNÉIS AGUS LORGAIREACHT), 2016
—AN COISTE

ADOPTION (INFORMATION AND TRACING) BILL 2016
—COMMITTEE STAGE

Leasuithe Breise
Additional Amendments

*Government amendments are denoted by an asterisk

SECTION 2

40a. In page 10, to delete lines 16 and 17.

—Senator Alice-Mary Higgins.

40b. In page 10, to delete lines 16 and 17 and substitute the following:

“(4) A determination made by the Authority under this Act may be challenged under the complaint processes set out in the Data Protection Act 2018.”.

—Senator Alice-Mary Higgins.

40c. In page 10, to delete lines 16 and 17 and substitute the following:

“(4) A person wishing to challenge a determination made by the Authority under this Act in relation to its compliance with Article 15 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, may do so in accordance with the complaints process set out in the Data Protection Act 2018.”.

—Senator Alice-Mary Higgins.

SECTION 23

71a. In page 20, between lines 28 and 29, to insert the following:

“Rights from birth

23. (1) This Act is based upon the principle, recognised in the United Nations Convention on the Rights of the Child, that every child should have as far as possible the right from birth to know his or her parents and to preserve his or her identity, including nationality, name and family relations.

(2) In keeping with this principle, notwithstanding any other provision of this Act, where an application is made for provision to the applicant of information referred to in section 22#, including the birth certificate of the applicant, there shall be a right of access to such information, including the applicant’s full original birth certificate,
whether the applicant is a person whose adoption was effected before or after the date on which this Act comes into operation.

(3) Notwithstanding subsection (2), upon commencement of the Act the Minister shall make provision by way of regulation for a six-month period of extensive advertising and outreach in order to ask for any birth mother who may have given a child up for adoption previously to come forward to the Agency if they wish to assert an objection to the disclosure of the birth certificate of that child or other relevant information identifying of them as birth mother, based upon their privacy rights, and the advertising and outreach shall specify that such birth mothers may at any time after registering an initial objection within the six-month period come forward to withdraw such objection.

(4) If such objection under subsection (3) is made to the Agency by a birth mother, it shall be registered as an objection by the Agency, so that if any applicant seeks provision of section 22 information, including their birth certificate, in circumstances where such provision would disclose the identity of that birth mother who has asserted an objection, the applicant shall be informed of the objection and shall attend at an information meeting to be facilitated by the Agency, at which the information shall be discussed with them and provided to them.

(5) Where no such objection is made to the Agency within the specified six-month period, any applicant who seeks disclosure thereafter of section 22 information, including their birth certificate, shall be provided with such disclosure by the Agency.”.

—— Senators Ivana Bacik, Aodhán Ó Riordáin, Gerald Nash, Kevin Humphreys.

[This is a reference to the section proposed to be inserted by amendment No. 69 on the principal list of amendments dated 12th June 2019.]

71b. In page 20, between lines 28 and 29, to insert the following:

“The Independent Information Service

23. An independent information service shall be established under the Independent Archive for the purpose of providing information to adopted people, natural parents and others affected by adoption and informal care arrangements.”.

—— Senator Marie-Louise O’Donnell.

[Acceptance of this amendment involves the deletion of section 23 of the Bill.]

SECTION 24

Section opposed.

—— Senator Marie-Louise O’Donnell.
“Independent Information Service

26. (1) The Independent Information Service shall, on an application made by an adopted person, birth parent, birth relative or other person affected by adoption, an informal care arrangement or related historic abuse, provide that person with—

(a) all personal data held by the Independent Archive about that person (including the adoption order), and

(b) all administrative records relating to that person’s situation.

(2) A birth parent of an adopted person, or a person who is a relevant guardian in relation to an adopted person, may apply to the Independent Information Service in such manner as may be specified by the Independent Information Service for the provision to him or her by the Independent Information Service of information held by the Authority or the Independent Information Service that is maternity information relating to themselves or is otherwise information that relates to themselves, or is information that relates to the adopted person.

(3) Where a birth parent of an adopted person, or a person who is a relevant guardian in relation to an adopted person, applies to the Agency for maternity information relating to themselves or other information that relates to themselves—

(a) that information shall be provided in its original form without redaction,

(b) the Independent Information Service, on receipt of an application made in accordance with subsection (1) and (2), shall take all reasonable steps in accordance with any guidelines prescribed by the Adoption Advisory Group, to locate the adopted person concerned,

(c) the Independent Information Service shall contact the adopted person directly and not the adopted person’s adoptive parents,

(d) the Independent Information Service shall inform the adopted person that information about themselves will be released to the birth parent,

(e) the adopted person will be given the opportunity to register their contact preference on the National Adoption Contact Preference Register, and

(f) The birth parent will be informed of the adopted person’s contact preference during the information session referred to in subsection (4).

(4) It shall be the duty of the Independent Information Service to provide an information session to any person who applies for records and personal data, the format of which shall be prescribed in consultation with the Adoption Advisory Group. The information session shall serve the following purposes:

(a) to inform the person about the records held by the Independent Information Service about them;

(b) to provide the person with information on how to read and understand adoption
records;
(c) to inform the person of the existence of the tracing service provided by the Agency;
(d) to inform the person of the existence of the National Adoption Contact Preference Register.

(5) The Independent Information Service shall make an emergency telephone number available for adopted persons in life-threatening situations where medical information may be required immediately.

(6) The Independent Information Service shall treat the next of kin of a deceased person who would, but for their death, have fallen within the provisions of this section as if they were the applicant under subsection (1) or (2).

—Senator Marie-Louise O’Donnell.

[Acceptance of this amendment involves the deletion of section 26 of the Bill.]

80b. In page 23, between lines 3 and 4, to insert the following:


—Senator Alice-Mary Higgins.

80c. In page 23, to delete lines 4 to 39, to delete page 24, and in page 25, to delete lines 1 to 4.

—Senator Alice-Mary Higgins.

80d. In page 23, to delete lines 4 to 39, to delete page 24, and in page 25, to delete lines 1 to 4 and substitute the following:

“(6) (a) The agency shall notify the relevant parties of a determination reached.

(b) Any party wishing to challenge that determination shall do so under the process set out in the Data Protection Act 2018.”.

—Senator Alice-Mary Higgins.

Section opposed.

—Senator Alice-Mary Higgins.

SECTION 28

88a. In page 26, between lines 27 and 28, to insert the following:


—Senator Alice-Mary Higgins.
[SECTION 28]

88b. In page 26, to delete lines 28 to 38, to delete page 27, and in page 28, to delete lines 1 to 30.

—Senator Alice-Mary Higgins.

88c. In page 26, to delete lines 28 to 38, to delete page 27, and in page 28, to delete lines 1 to 30 and substitute the following:

“(7) (a) The agency shall notify the relevant parties of a determination reached.

(b) Any party wishing to challenge that determination shall do so under the process set out in the Data Protection Act 2018.”.

—Senator Alice-Mary Higgins.

Section opposed.

—Senator Alice-Mary Higgins.

SECTION 31

94a. In page 30, between lines 19 and 20, to insert the following:


—Senator Alice-Mary Higgins.

94b. In page 30, to delete lines 20 to 40, to delete page 31, and in page 32, to delete lines 1 to 16 and substitute the following:

“(6) (a) The agency shall notify the relevant parties of a determination reached.

(b) Any party wishing to challenge that determination shall do so under the process set out in the Data Protection Act 2018.”.

—Senator Alice-Mary Higgins.

Section opposed.

—Senator Alice-Mary Higgins.

SECTION 32

Section opposed.

—Senator Marie-Louise O’Donnell.

SECTION 39

Section opposed.

—Senator Marie-Louise O’Donnell.

SECTION 40

Section opposed.

—Senator Marie-Louise O’Donnell.
PREAMBLE

158a. In page 5, between lines 13 and 14, to insert the following:

“WHEREAS this Act marks the beginning of Ireland’s Transitional Justice process and is modelled on Transitional Justice’s four central tenets: justice, reparation, truth-telling, and guarantees of non-recurrence. In enacting this Act, the State acknowledges that the statutory right to access information for adopted people is a key element of the State’s efforts to address the injustice of Ireland’s closed, secret, forced adoption system and related historic abuses.”

—Senator Marie-Louise O’Donnell.