



**SEANAD ÉIREANN**

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**AN BILLE UM CHOSAINN SONRAÍ, 2018  
DATA PROTECTION BILL 2018**

**LEASUITHE A RINNE AN DÁIL  
AMENDMENTS MADE BY THE DÁIL**

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# SEANAD ÉIREANN

## AN BILLE UM CHOSAINN SONRAÍ, 2018 [BILLE SEANAID ARNA LEASÚ AG AN DÁIL]

### DATA PROTECTION BILL 2018 [SEANAD BILL AMENDED BY THE DÁIL]

*Leasuithe a rinne an Dáil  
Amendments made by the Dáil*

*[The page and line references in this list of amendments  
are to the text of the Bill as passed by Seanad Éireann]*

#### TITLE

1. In page 9, line 15, “Decision 2008/977/JHA” deleted and the following substituted:

“Decision 2008/977/JHA; to give further effect to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data done at Strasbourg on the 28th day of January 1981”.

#### SECTION 3

2. In page 12, line 2, “shall be deemed” deleted and “shall, other than for the purposes of *sections 103(3)# and 139(2)## and (3)##*, be deemed” substituted.

[#These references are correct if amendment No. 89 is accepted.]

[##These references are correct if amendment No. 96 is accepted.]

3. In page 12, lines 8 and 9, “shall be deemed” deleted and “shall, other than for the purposes of *sections 103(3)# and 139(2)## and (3)##*, be deemed” substituted.

[#These references are correct if amendment No. 89 is accepted.]

[##These references are correct if amendment No. 96 is accepted.]

4. In page 12, between lines 10 and 11, the following inserted:

“(3) For the purposes of this Act and the Data Protection Regulation—

- (a) where a designation by the relevant appropriate authority under *subsection (1)* is not in force, a civil servant in relation to whom that authority is the appropriate authority shall be deemed to be its employee and, where such a designation is in force, such a civil servant (other than the civil servant the subject of the designation) shall be deemed to be an employee of the last mentioned civil servant,
- (b) where a designation under *subsection (2)* is not in force, a member of the Defence Forces shall be deemed to be an employee of the Minister for Defence and, where such a designation is in force, such a member (other than the officer the subject of the designation) shall be deemed to be an employee of that officer, and
- (c) a member of the Garda Síochána (other than the Commissioner of the Garda

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Síochána) shall be deemed to be an employee of the Commissioner of the Garda Síochána.”.

SECTION 6

5. In page 12, lines 35 to 38 deleted, and in page 13, lines 1 and 2 deleted and the following substituted:

- “(2) Every regulation made under this Act, other than under *sections 48, 57 and 70* shall be laid before each House of the Oireachtas as soon as may be after it is made.
- (3) Either House of the Oireachtas may, by a resolution passed within 21 sitting days after the day on which a regulation is laid before it under *subsection (2)*, annul the regulation.
- (4) The annulment of a regulation under *subsection (3)* takes effect immediately on the passing of the resolution concerned but does not affect the validity of anything done under the regulation before the passing of the resolution.
- (5) Regulations may be made under *section 48, section 57, and section 70* only if—
- (a) a draft of the proposed regulation has been laid before each House of the Oireachtas, and
- (b) a resolution approving the draft has been passed by each House.”.

SECTION 7

6. In page 13, line 17, “The enactments specified” deleted and “Subject to *subsection (4)*, the enactments specified” substituted.
7. In page 13, lines 19 and 20 deleted and the following substituted:

“(4) The repeals and revocations effected by this section shall not apply for the purposes of *subsections (1)(b), (2) and (3) of section 8#*.”.

[#This is a reference to the section inserted by amendment No. 8.]

SECTION 8

8. In page 13, lines 22 to 30 deleted and the following substituted:

- “8. (1) Subject to this section, the Act of 1988 shall, on and from the date on which this section comes into operation, cease to apply to the processing of personal data (within the meaning of that Act) other than—
- (a) the processing of such data for the purposes of safeguarding the security of the State, the defence of the State or the international relations of the State, or
- (b) the processing of such data under the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 or the Vehicle Registration Data (Automated Searching and Exchange) Act 2018 to the extent that the Act of 1988 is applied in those Acts.
- (2) The Act of 1988 shall apply to—
- (a) a complaint by an individual under section 10 of that Act made before the commencement of this section, and

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- (b) a contravention of that Act that occurred before such commencement.
- (3) An investigation under section 10 of the Act of 1988 that was begun but not completed before the commencement of this section shall be completed in accordance with that Act and that Act shall apply to such an investigation.”.

SECTION 12

9. In page 15, between lines 5 and 6, the following inserted:

- “(3) The Commission is designated for the purposes of Chapter IV (Mutual assistance) of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data done at Strasbourg on the 28th day of January 1981.
- (4) The Minister may, following consultation with the Commission, make any regulations that he or she considers necessary or expedient for the purpose of enabling Chapter IV (as referred to in *subsection (3)*) to have full effect.”.

SECTION 14

10. In page 15, lines 31 and 32, “, in so far as it relates to a function transferred by this section,” deleted.

SECTION 15

11. In page 16, lines 14 to 20 deleted and the following substituted:

- “(5) Subject to *subsection (7)*, the Public Appointments Service shall recommend a person for appointment as Commissioner following an open selection competition held by the Service for that purpose.
- (6) The Public Appointments Service shall appoint a selection panel to assist it in holding an open selection competition.
- (7) The Public Appointment Service shall ensure that a person is recommended under *subsection (5)* for appointment only if it is satisfied that the person has the qualifications, experience and skills necessary to enable the Commission to effectively perform its functions.”.

12. In page 16, line 34, “and” where it secondly occurs deleted.

13. In page 16, line 36, “business.” deleted and “business, and” substituted.

14. In page 16, between lines 36 and 37, the following inserted:

- “(d) cease to be a Commissioner on reaching the age of 70 years, but where the person is a new entrant (within the meaning of section 2 of the Public Service Superannuation (Miscellaneous Provisions) Act 2004) the requirement to cease to be a Commissioner on grounds of age shall not apply.”.

SECTION 18

15. In page 18, lines 18 to 27 deleted and the following substituted:

**Acting Commissioner**

- “18. (1) Where one Commissioner only stands appointed for the time being under *section 15*, the Minister may authorise a member of staff of the Commission to perform the

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functions of a Commissioner during any period when that Commissioner is absent from duty or absent from the State or is, for any other reason, unable to perform the functions of a Commissioner.

- (2) Where a vacancy occurs in the office of Commissioner and no Commissioner stands appointed for the time being under *section 15*, the Minister may authorise a member of staff of the Commission to perform the functions of a Commissioner during the period of that vacancy, but an authorisation under this subsection shall cease upon the appointment of a Commissioner under *section 15* whether or not such appointment was made for the purpose of filling that vacancy.
- (3) An authorisation under *subsection (2)* shall not remain in force for a period of more than 6 months unless the Minister is satisfied that it is not reasonably practicable for an appointment under *section 15* to be made within that period, in which case he or she may extend that period by such further period as he or she is satisfied is a period within which it is reasonably practicable for an appointment to be made under that section.
- (4) The Minister may at any time terminate an authorisation under this section.
- (5) A member of staff of the Commission in respect of whom an authorisation under this section is in force may perform the functions of a Commissioner under this Act, and, for that purpose, references to a Commissioner in this Act (other than in *sections 15(3), 17(2) to (8) and 22*) shall be construed as including references to such member of staff.”.

SECTION 20

16. In page 19, lines 27 to 30 deleted and the following substituted:

**“Assignment and transfer of staff to Commission**

20. (1) Every civil servant who, immediately before the establishment day, stands assigned to act as a member of staff of the Data Protection Commissioner shall, on the establishment day, stand assigned to act as a member of staff of the Commission.
- (2) The Minister may, as he or she considers appropriate, designate in writing such and so many persons who stand assigned under *subsection (1)* to act as members of staff of the Commission to become and be members of staff of the Commission on and from such date as the Minister may specify in the designation (in this section referred to as the “effective date”).
  - (3) A member of staff designated in accordance with *subsection (2)* shall become and be a member of staff of the Commission on and from the effective date.”.

[SECTION 22]

SECTION 22

17. In page 20, line 10, “a scheme under *subsection (1)*” deleted and “a scheme made under *subsection (1)*” substituted.
18. In page 20, line 13, “a scheme under *subsection (1)*” deleted and “a scheme made under *subsection (1)*” substituted.
19. In page 20, line 16, “A scheme under *subsection (1)*” deleted and “A scheme made under *subsection (1)*” substituted.
20. In page 20, line 22, “A scheme under *subsection (1)*” deleted and “A scheme made under *subsection (1)*” substituted.

SECTION 23

21. In page 20, line 33, “(in *subsection (2)* referred to as “annual accounts”)” deleted.
22. In page 20, line 37, “Annual accounts” deleted and “Accounts” substituted.
23. In page 21, between lines 5 and 6, the following inserted:
  - “(3) Subject to *subsections (4)* and *(5)*, *subsections (1)* and *(2)* shall cease to have effect on the date of the coming into operation of *section 172(b)#*.
  - (4) Accounts kept in accordance with this section that relate to the period specified under *subsection (5)* shall be submitted by the Commission to the Comptroller and Auditor General for audit not later than 3 months after the date of the coming into operation of *section 172(b)#*.
  - (5) The Minister may, for the purposes of *subsection (4)*, specify a period which—
    - (a) shall end on the date immediately preceding the date of the coming into operation of *section 172(b)#*, and
    - (b) may be longer or shorter than a financial year of the Commission.”.

[#This is a reference to the paragraph inserted by amendment 123.]

SECTION 30

24. In page 23, between lines 14 and 15, the following inserted:

**“Micro-targeting and profiling of children**

  30. It shall be an offence under this Act for any company or corporate body to process the personal data of a child as defined by *section 29* for the purposes of direct marketing, profiling or micro-targeting. Such an offence shall be punishable by an administrative fine under *section 139*.”.
25. In page 23, line 16, “13 years” deleted and “16 years” substituted.

[SECTION 31]

SECTION 31

26. In page 23, line 31, “and” deleted.
27. In page 23, line 33, “Article 25.” deleted and “Article 25, and” substituted.
28. In page 23, after line 33, the following inserted:
- “(e) the processing of the personal data of children for the purposes of direct marketing and creating personality and user profiles.”.

SECTION 35

29. In page 25, line 12, “in particular the following” inserted after “include”.
30. In page 26, lines 22 to 27 deleted and the following substituted:
- “(5) Subject to *subsection (6)*, regulations may be made under *subsection (2)*—
- (a) by the Minister following consultation with such other Minister of the Government as he or she considers appropriate, or
  - (b) by any other Minister of the Government following consultation with the Minister and such other Minister of the Government as he or she considers appropriate.
- (6) The Minister or any other Minister of the Government shall consult with the Commission before making regulations under *subsection (2)*.
- (7) The Commission may, on being consulted under *subsection (6)*, make observations in writing on any matter which is of significant concern to it in relation to the proposed regulations and, if the Minister or any other Minister of the Government proposes to proceed to make the regulations notwithstanding that concern, that Minister shall, before making the regulations, give a written explanation as to why he or she is so proceeding to—
- (a) the Committee established jointly by Dáil Éireann and Seanad Éireann known as the Committee on Justice and Equality or any Committee established to replace that Committee, and
  - (b) any other Committee (within the meaning of *section 19(1)*) which that Minister considers appropriate having regard to the subject matter of the regulations.”.

31. In page 26, lines 35 to 38 deleted.

SECTION 37

32. In page 28, lines 5 to 12 deleted and the following substituted:
- “(4) Subject to *subsection (5)*, the processing of personal data which is necessary for the performance of a task carried out in the public interest by a controller or which is necessary in the exercise of official authority vested in a controller may be specified in regulations made—
- (a) by the Minister following consultation with such other Minister of the Government as he or she considers appropriate, or
  - (b) by any other Minister of the Government following consultation with the



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Minister and such other Minister of the Government as he or she considers appropriate.

- (5) The Minister or any other Minister of the Government shall consult with the Commission before making regulations under *subsection (4)*.
- (6) The Commission may, on being consulted under *subsection (5)*, make observations in writing on any matter which is of significant concern to it in relation to the proposed regulations and, if the Minister or any other Minister of the Government proposes to proceed to make the regulations notwithstanding that concern, that Minister shall, before making the regulations, give a written explanation as to why he or she is so proceeding to—
  - (a) the Committee established jointly by Dáil Éireann and Seanad Éireann known as the Committee on Justice and Equality or any Committee established to replace that Committee, and
  - (b) any other Committee (within the meaning of *section 19(1)*) which that Minister considers appropriate having regard to the subject matter of the regulations.”.

SECTION 38

33. In page 28, between lines 35 and 36, the following inserted:

**“Communication with data subjects by political parties, candidates for and holders of certain elective political offices**

38. (1) A specified person may, in the course of that person’s electoral activities in the State, use the personal data of a data subject for the purpose of communicating in writing (including by way of newsletter or circular) with the data subject.
- (2) Communicating in accordance with *subsection (1)* shall, for the purposes of Article 6(1)(e), be considered to be the performance of a task carried out in the public interest.
- (3) In this section, “specified person” means—
- (a) a political party,
  - (b) a member of either House of the Oireachtas, the European Parliament or a local authority, or
  - (c) a candidate for election to the office of President of Ireland or for membership of either House of the Oireachtas, the European Parliament or a local authority.
- (4) In this section and in *sections 45, 55 and 56*, “electoral activities” includes the dissemination of information, including information as to a person’s activities and policies, that might reasonably be of interest to electors.”.

[SECTION 38]

34. In page 28, between lines 35 and 36, the following inserted:

**“Processing of personal data and special categories of personal data by elected representatives**

39. (1) For the purpose of enabling an elected representative to perform his or her functions as such a representative, the processing of personal data and special categories of personal data of a data subject by or on behalf of that representative shall be lawful where he or she receives a request or representation from the data subject or where, in accordance with *subsection (2)*, he or she receives a request or representation from another person on behalf of the data subject.
- (2) A person may make a request or representation on behalf of a data subject where the data subject—
- (a) has given his or her consent to the making of the request or representation, as the case may be, or
  - (b) is, by reason of his or her physical or mental incapacity or age, unable to make a request or representation on his or her own behalf.
- (3) In processing special categories of personal data under *subsection (1)*, an elected representative shall impose limitations on access to that data to prevent unauthorised consultation, alteration, disclosure or erasure of that data.
- (4) For the purpose referred to in *subsection (1)* and to the extent that disclosure is necessary and proportionate to enable an elected representative to deal with a request or representation referred to in that subsection, subject to suitable and specific measures being taken to safeguard the fundamental rights and freedoms of the data subject, it shall be lawful for a person to disclose to the representative or a person acting on his or her behalf personal data and special categories of personal data of a data subject who makes the request or representation, or on whose behalf the request or representation is made, as the case may be, to enable that representative respond to that request or representation.
- (5) In this section, “elected representative” means—
- (a) a member of either House of the Oireachtas,
  - (b) a member of the European Parliament,
  - (c) a member of a local authority.”.

35. In page 29, line 6, “preventing, investigating” deleted and “preventing, detecting, investigating” substituted.

SECTION 41

36. In page 30, lines 7 to 10 deleted and the following substituted:

- “(2) For the purposes of Article 86, personal data contained in environmental information may be disclosed where the information is made available under and in accordance with the Access to Information on the Environment Regulations pursuant to a request within the meaning of those Regulations.

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(3) In this section—

“Access to Information on the Environment Regulations” means the European Communities (Access to Information on the Environment) Regulations 2007 (S.I. No. 133 of 2007);

“Act of 2014” means the Freedom of Information Act 2014;

“environmental information” has the same meaning as it has in the Access to Information on the Environment Regulations;

“FOI request” has the same meaning as it has in the Act of 2014;

“record” has the same meaning as it has in the Act of 2014.”.

SECTION 42

37. In page 30, lines 14 to 17 deleted, and the following substituted:

**“Processing of special categories of personal data**

42. Subject to compliance with the Data Protection Regulation and any other relevant enactment or rule of law, the processing of special categories of personal data shall be lawful to the extent the processing is—

(a) authorised by *section 38* and *sections 43 to 51*, or

(b) otherwise authorised by Article 9.”.

SECTION 48

38. In page 31, lines 31 to 37 deleted, page 32 deleted and in page 33, lines 1 to 3 deleted and the following substituted:

**“Processing of special categories of personal data and Article 10 data for reasons of substantial public interest**

48. (1) Processing of special categories of personal data shall be lawful where the processing is carried out in accordance with regulations made under *subsection (3)*.

(2) Article 10 data may be processed where the processing is carried out in accordance with regulations made under *subsection (3)*.

(3) Regulations may be made authorising the processing, where necessary for reasons of substantial public interest, of either or both of the following—

(a) special categories of personal data, and

(b) without prejudice to the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016, Article 10 data.

(4) Without prejudice to the generality of *subsection (3)*, regulations made under that subsection shall identify—

(a) the substantial public interest concerned, and

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- (b) the suitable and specific measures to be taken to safeguard the fundamental rights and freedoms of data subjects in processing the personal data which is authorised by the regulations.
- (5) For the purposes of *subsection (4)(b)*, *subsections (2) to (6) of section 35* shall apply in like manner to regulations made under *subsection (3)* as they apply to regulations made under *section 35*.
- (6) Regulations may be made under *subsection (3)* by—
  - (a) the Minister, following consultation with such other Minister of the Government as he or she considers appropriate and the Commission, or
  - (b) any other Minister of the Government following consultation with the Minister, such other Minister of the Government as he or she considers appropriate and the Commission.
- (7) The Minister or any other Minister of the Government, as the case may be, making regulations under *subsection (3)* shall have regard to the need for the protection of individuals with regard to the processing of their personal data, and without prejudice to the generality of that need, have regard to—
  - (a) the nature, scope and purposes of the processing,
  - (b) the nature of the substantial public interest concerned,
  - (c) any benefits likely to arise for the data subjects concerned,
  - (d) any risks arising for the rights and freedoms of such subjects, and
  - (e) the likelihood of any such risks arising and the severity of such risks.
- (8) Regulations made under *subsection (3)* shall—
  - (a) respect the essence of the right to data protection, and
  - (b) enable processing of such data only in so far as is necessary and proportionate to the aim sought to be achieved.
- (9) In this section, “Article 10 data” has the meaning assigned to it by *section 52*.”.

SECTION 49

- 39.** In page 33, line 13, “health professional” deleted and “health practitioner” substituted.

SECTION 52

- 40.** In page 34, line 34, “persons authorised” deleted and “persons who are or were authorised” substituted.
- 41.** In page 35, line 2, “compliance with Article 6(1), to” deleted.
- 42.** In page 35, line 7, “or” where it secondly occurs deleted.
- 43.** In page 35, between lines 7 and 8, the following inserted:

“(b) assess the risk of bribery or corruption, or both, or to prevent bribery or corruption, or both, or”.

[SECTION 52]

44. In page 35, lines 10 to 15 deleted and the following substituted:

- “(4) Subject to *subsection (5)*, regulations may be made under *subsection (3)*—
- (a) by the Minister following consultation with such other Minister of the Government as he or she considers appropriate, or
  - (b) by any other Minister of the Government following consultation with the Minister and such other Minister of the Government as he or she considers appropriate.
- (5) The Minister or any other Minister of the Government shall consult with the Commission before making regulations under *subsection (3)*.
- (6) The Commission may, on being consulted under *subsection (5)*, make observations in writing on any matter which is of significant concern to it in relation to the proposed regulations and, if the Minister or any other Minister of the Government proposes to proceed to make the regulations notwithstanding that concern, that Minister shall, before making the regulations, give a written explanation as to why he or she is so proceeding to—
- (a) the Committee established jointly by Dáil Éireann and Seanad Éireann known as the Committee on Justice and Equality or any Committee established to replace that Committee, and
  - (b) any other Committee (within the meaning of *section 19(1)*) which that Minister considers appropriate having regard to the subject matter of the regulations.”.

SECTION 53

45. In page 35, lines 33 to 38 deleted and in page 36, lines 1 to 3 deleted and the following substituted:

**“Right of access to results and scripts of examination and results of appeal**

53. (1) Subject to *subsection (3)*, a request by a data subject under Article 15 in relation to the result of an examination at which he or she was a candidate, or in relation to a script completed by him or her in the course of such an examination shall, for the purposes of that Article, be taken to have been made on the later of—
- (a) the date of the first publication of the results of the examination, or
  - (b) the date of the request.
- (2) A request by a data subject under Article 15 in relation to the result of an appeal by the data subject against the result of an examination at which he or she was a candidate shall, for the purposes of that Article, be taken to have been made on the later of—
- (a) the date of the first publication of the results of the appeal, or
  - (b) the date of the request.
- (3) Where—
- (a) a request by a data subject referred to in *subsection (1)* relates to a script

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completed by him or her in the course of an examination in the Leaving Certificate Examinations conducted by the State Examinations Commission, and

- (b) the data subject, whether before or after the making of that request, appeals the result of the examination referred to in *paragraph (a)*,

that request shall be taken to have been made on the date of the first publication of the results of the appeal referred to in *paragraph (b)*.

- (4) In this section—

“appeal” means any formal process to enable a candidate to request a recheck of an examination result which is specified by a person who operates the examination;

“examination” means any process for determining the knowledge, intelligence, skill or ability of a person by reference to his or her performance in any test, work or other activity;

“script” means any work produced by a candidate as part of an examination including any examination answer-book (whether in written or digital form), journal, portfolio, audio and visual recording, practical piece or artefact and, for the purposes of this definition, shall be deemed to include—

- (a) an audio or visual recording, produced in the course of an examination, of the performance of the candidate in the examination, and
- (b) any marks or comments added to the script, or made in relation to the script, by an examiner in the course of his or her marking of the script.”.

SECTION 54

46. In page 36, lines 17 and 18 deleted and the following substituted:

“him or her to—

- (I) make representations to the controller in relation to the decision,
- (II) request human intervention in the decision-making process,
- (III) request to appeal the decision.

- (2) In the case of requests made under *subsection (1)(b)(ii)(II)* or *(III)* the controller shall—

- (a) comply with the request, and
- (b) notify the data subject in writing of—
- (i) the steps taken to comply with the request, and
- (ii) in the case of an appeal under *subsection (1)(b)(ii)(III)*, the outcome of the appeal.”.

SECTION 57

47. In page 37, lines 8 to 10 deleted and the following substituted:

“(2) *Subsection (1)* is without prejudice to any other enactment or rule of law which restricts the rights and obligations referred to in that subsection.”.

[SECTION 57]

48. In page 37, lines 14 and 15, “judicial independence and court proceedings,” deleted.
49. In page 37, line 33, “commercial” inserted after “the” where it firstly occurs.
50. In page 37, lines 39 to 41 deleted and the following substituted:
- “(c) the personal data concerned are kept—
    - (i) by the Commission for the performance of its functions,
    - (ii) by the Information Commissioner for the performance of his or her functions, or
    - (iii) by the Comptroller and Auditor General for the performance of his or her functions.”.
51. In page 38, line 27, “persons authorised” deleted and “persons who are or were authorised” substituted.
52. In page 39, between lines 29 and 30, the following inserted:
- “(n) safeguarding the integrity and security of examinations systems;”.
53. In page 39, lines 37 to 39 deleted, and in page 40, lines 1 to 8 deleted and the following substituted:
- “(9) Subject to *subsection (10)*, regulations may be made under *subsection (5)* or *(6)*—
    - (a) by the Minister following consultation with such other Minister of the Government as he or she considers appropriate, or
    - (b) by any other Minister of the Government following consultation with the Minister and such other Minister of the Government as he or she considers appropriate.
  - (10) The Minister or any other Minister of the Government shall consult with the Commission before making regulations under *subsection (5)* or *(6)*.
  - (11) The Commission may, on being consulted under *subsection (10)*, make observations in writing on any matter which is of significant concern to it in relation to the proposed regulations and, if the Minister or any other Minister of the Government proposes to proceed to make the regulations notwithstanding that concern, that Minister shall, before making the regulations, give a written explanation as to why he or she is so proceeding to—
    - (a) the Committee established jointly by Dáil Éireann and Seanad Éireann known as the Committee on Justice and Equality or any Committee established to replace that Committee, and
    - (b) any other Committee (within the meaning of *section 19(1)*) which that Minister considers appropriate having regard to the subject matter of the regulations.
  - (12) Regulations made under this section shall—
    - (a) respect the essence of the right to data protection and protect the interests of the data subject, and

[SECTION 57]

- (b) restrict the exercise of data subjects' rights only in so far as is necessary and proportionate to the aim sought to be achieved.”.

SECTION 65

54. In page 42, lines 33 to 39 deleted, pages 43 and 44 deleted, and in page 45, lines 1 to 7 deleted and the following substituted:

“(1) Notwithstanding *subsection (1) of section 8*, the Data Protection Act 1988 (Section 2A) Regulations 2013 (S.I. No. 313 of 2013) and the Data Protection Act 1988 (Section 2A) Regulations 2016 (S.I. No. 220 of 2016) shall, in addition to applying for the purposes referred to in that subsection, apply for all other purposes for which they applied immediately before the commencement of that subsection and, in so far only as they apply for the second-mentioned purposes, they shall be deemed to have been made under *section 37* and may be amended or revoked accordingly.

- (2) (a) The Data Protection Health Regulations shall continue in force upon and after the commencement of *section 7* (in so far as it relates to the repeal of section 4(8) of the Act of 1988) until the first set of regulations are made under *section 57(5)(a)*.

- (b) The Data Protection Health Regulations are amended—

- (i) in Regulation 3, by—

- (I) the deletion of the definition of “the Act”,
- (II) the deletion of the definition of “health professional”, and
- (III) the insertion of the following definitions:

“ ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

‘health practitioner’ has the same meaning as it has in the Health Identifiers Act 2014.”,

- (ii) in Regulation 4(1), by—

- (I) the substitution of “a request under Article 15 of the Data Protection Regulation” for “a request under section 4(1)(a) of the Act”, and
- (II) the substitution of “the physical or mental health of the data subject, but this restriction on providing information applies only to the extent to which, and for so long as, that likelihood pertains.” for “the physical or mental health of the data subject.”,

- (iii) in Regulation 5, by—

- (I) the substitution of “health practitioner” for “health professional” in each place it occurs,
- (II) the substitution, in paragraph (1)(a), of “a request under the said Article 15 of the Data Protection Regulation” for “a request under the said



[SECTION 65]

section 4(1)(a)”, and

- (III) the substitution, in paragraph (2)(a), of “within the meaning of section 2 of the Medical Practitioners Act 2007 or a medical practitioner practising medicine pursuant to section 50 of that Act” for “within the meaning of the Medical Practitioners Act 1978 (No. 4 of 1978), or registered dentist, within the meaning of the Dentists Act 1985 (No. 9 of 1985)”,

and

- (iv) by the deletion of Regulation 6.

- (c) A request referred to in Regulation 4(1) of the Data Protection Health Regulations which includes a request for health data (within the meaning of those Regulations) that was received but not responded to before the commencement of *section 7* (in so far as it relates to the repeal of section 4(8) of the Act of 1988) shall be treated as if it were a request under Article 15 of the Data Protection Regulation.

- (3) (a) The Data Protection Social Work Regulations shall continue in force upon and after the commencement of *section 7* (in so far as it relates to the repeal of section 4(8) of the Act of 1988) until the first set of regulations are made under *section 57(5)(b)*.

- (b) The Data Protection Social Work Regulations are amended—

- (i) in Regulation 3, by—

(I) the deletion of the definition of “the Act”,

(II) the insertion of the following definition:

“ ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);”

and

- (III) the substitution of the following definition for the definition of “social work data”:

“ ‘social work data’ means personal data kept for, or obtained in the course of, carrying out social work by a public authority, public body, voluntary organisation or other body but excludes any health data within the meaning of the Data Protection (Access Modification) (Health) (Regulations) 1989 (S.I. No. 82 of 1989) and ‘social work’ shall be construed accordingly.”

- (ii) in Regulation 4—

(I) in paragraph (1), by—

[SECTION 65]

(A) the substitution of “a request under Article 15 of the Data Protection Regulation” for “a request under section 4(1)(a) of the Act”, and

(B) the substitution of “the physical or mental health or emotional condition of the data subject, but this restriction on providing information applies only to the extent to which, and for as long as, that likelihood pertains.” for “the physical or mental health or emotional condition of the data subject.”,

and

(II) in paragraph (3), by the substitution of “under Article 15 of the Data Protection Regulation” for “under section 4(1)(a) of the Act”,

and

(iii) the deletion of Regulation 5.

(c) A request referred to in Regulation 4(1) of the Data Protection Social Work Regulations which includes a request for social work data (within the meaning of those Regulations) that was received but not responded to before the commencement of *section 7* (in so far as it relates to the repeal of section 4(8) of the Act of 1988) shall be treated as if it were a request under Article 15 of the Data Protection Regulation.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1*

**55.** In page 45, lines 8 and 9, “, subject to suitable and specific measures being taken to safeguard the fundamental rights and freedoms of data subjects,” deleted.

**56.** In page 45, between lines 19 and 20, the following inserted:

“(8) The Regulations of 2011 are amended—

(a) in Regulation 3, by the substitution of “Subject to suitable and specific measures being taken to safeguard the fundamental rights and freedoms of data subjects, processing” for “Processing”,

(b) in Regulation 4, by the substitution of “Subject to suitable and specific measures being taken to safeguard the fundamental rights and freedoms of data subjects, processing” for “Processing”, and

(c) by the insertion of the following Regulation after Regulation 6:

“7. In these Regulations, “suitable and specific measures to safeguard the fundamental rights and freedoms of data subjects” shall be construed in accordance with *section 35* of the *Data Protection Act 2018*.”.

**57.** In page 45, lines 21 and 22, “and subject to suitable and specific measures being taken to safeguard the fundamental rights and freedoms of data subjects” deleted.

**58.** In page 45, between lines 32 and 33, the following inserted:

“(9) The Regulations of 2015 are amended—

[SECTION 65]

- (a) in Regulation 2, by the substitution of “Subject to suitable and specific measures being taken to safeguard the fundamental rights and freedoms of data subjects, the processing” for “The processing”, and
- (b) by the insertion of the following Regulation after Regulation 2:

“3. In these Regulations, “suitable and specific measures to safeguard the fundamental rights and freedoms of data subjects” shall be construed in accordance with *section 35* of the *Data Protection Act 2018*.”.

- 59. In page 45, lines 34 and 35, “and subject to suitable and specific measures to safeguard the fundamental rights and freedoms of data subjects” deleted.
- 60. In page 46, between lines 7 and 8, the following inserted:

“(10) The Regulations of 2016 are amended—

- (a) in Regulation 2, by the substitution of “Subject to suitable and specific measures to safeguard the fundamental rights and freedoms of data subjects, the processing” for “The processing”, and
- (b) by the insertion of the following Regulation after Regulation 2:

“3. In these Regulations, “suitable and specific measures to safeguard the fundamental rights and freedoms of data subjects” shall be construed in accordance with *section 35* of the *Data Protection Act 2018*.”.

- 61. In page 46, line 10, “Health Regulations” deleted and “Data Protection Health Regulations” substituted.
- 62. In page 46, between lines 11 and 12, the following inserted:
  - “ “Data Protection Social Work Regulations” means the Data Protection (Access Modification) (Social Work) Regulations 1989 (S.I. No. 83 of 1989).”.
- 63. In page 46, lines 19 and 20 deleted.

SECTION 66

- 64. In page 47, line 27, “States” deleted and “states” substituted.

SECTION 67

- 65. In page 50, lines 31 to 33 deleted and the following substituted:

- “(a) that occurs in the course of an activity falling outside the scope of the law of the European Union,
- (b) by an institution, body, office or agency of the European Union, or
- (c) to which *section 8(1)(b)*# applies.”.

[#This is a reference to the paragraph proposed to be inserted by amendment No. 8.]

[SECTION 68]

SECTION 68

66. In page 51, line 37, “and” inserted after “matters,”.

SECTION 70

67. In page 54, lines 13 to 18 deleted and the following substituted:

- “(3) Subject to *subsection (4)*, regulations may be made under *subsection (2)*—
- (a) by the Minister following consultation with such other Minister of the Government as he or she considers appropriate, or
  - (b) by any other Minister of the Government following consultation with the Minister and such other Minister of the Government as he or she considers appropriate.
- (4) The Minister or any other Minister of the Government shall consult with the Commission before making regulations under *subsection (2)*.
- (5) The Commission may, on being consulted under *subsection (4)*, make observations in writing on any matter which is of significant concern to it in relation to the proposed regulations and if the Minister or any other Minister of the Government proposes to proceed to make the regulations notwithstanding that concern, that Minister shall, before making the regulations, give a written explanation as to why he or she is so proceeding to—
- (a) the Committee established jointly by Dáil Éireann and Seanad Éireann known as the Committee on Justice and Equality or any Committee established to replace that Committee, and
  - (b) any other Committee (within the meaning of *section 19(1)*) which that Minister considers appropriate having regard to the subject matter of the regulations.”.

SECTION 71

68. In page 55, line 12, “Where” deleted and “Other than where *section 90* applies, where” substituted.
69. In page 55, line 17, “is restricted in accordance with *section 90*” deleted and “is restricted, as may be appropriate” substituted.

SECTION 77

70. In page 58, line 23, “and processor” deleted and “and a processor” substituted.
71. In page 58, line 35, “(in this section referred to as a “secondary processor”)” inserted after “processor”.
72. In page 59, lines 16 to 25 deleted and the following substituted:

- “(4) Where a controller gives an authorisation, whether specific or general in nature, to a processor, including a secondary processor (in this section referred to as “the procuring processor”) to procure the services of a secondary processor, the procuring processor shall inform—
- (a) the controller, and
  - (b) where relevant, any processor who procured the services of the procuring

[SECTION 77]

processor in relation to the processing concerned,

in advance of any such procurement or of a change in the terms of such procurement.

(5) Where a procuring processor procures the services of a secondary processor to carry out processing on behalf of a controller, *subsections (1) and (2)* shall apply to the procuring processor and the secondary processor, subject to the following modifications and any other necessary modifications:

- (a) a reference to a “controller”, other than in *subparagraphs (ii), (iv), (v) and (vi) of subsection (2)(d)*, shall be construed as a reference to the procuring processor,
- (b) a reference to a “controller” in *subsection (2)(d)(iv)* shall be construed as a reference to the controller and the procuring processor,
- (c) a reference to a “controller” in *subsection (2)(d)(v)* shall be construed as a reference to the controller or the procuring processor, as appropriate, and
- (d) a reference to a “processor” shall be construed as a reference to a secondary processor.”.

SECTION 83

73. In page 64, lines 34 and 35, “data protection breach” deleted and “personal data breach” substituted.

SECTION 85

74. In page 66, lines 17 and 18, “A controller, other than an independent judicial authority acting in its judicial capacity,” deleted and the following substituted:

“A controller, other than—

- (a) a court, or
  - (b) another independent judicial authority,
- acting in its judicial capacity.”.

75. In page 66, lines 32 and 33 deleted and the following substituted:

“(c) ensure that the data protection officer—

- (i) reports directly, in relation to his or her functions under *subsection (5)*, to the highest level of management of the controller,
  - (ii) does not receive any instructions regarding the exercise of such functions, and
  - (iii) is involved in an appropriate and timely manner in all matters relating to the protection of personal data,
- and”.

76. In page 67, between lines 19 and 20, the following inserted:

“(d) acting as the contact point for data subjects with regard to all issues related to the processing of their personal data and to the exercise of their rights under this Part;”.

[SECTION 86]

SECTION 86

77. In page 67, lines 25 to 33 deleted.

SECTION 88

78. In page 68, line 32, “, including the legal basis for any transfers of data” inserted after “concerned”.

SECTION 90

79. In page 71, line 23, “*sections 91(4)(ii) and 92*” deleted and “*section 91(4)(ii)*” substituted.

80. In page 71, line 35, “*sections 91(4)(ii) and 92*” deleted and “*section 91(4)(ii)*” substituted.

81. In page 72, line 37, “the data subject” deleted and “subject to *section 92*, the data subject” substituted.

SECTION 91

82. In page 75, line 3, “in” deleted.

SECTION 92

83. In page 76, line 4, “privilege.” deleted and “privilege;” substituted.

84. In page 76, between lines 4 and 5, the following inserted:

“(j) the performance by the Commission of its functions.”.

SECTION 99

85. In page 82, line 39, “an independent judicial authority acting in its judicial capacity” deleted and “the courts when acting in their judicial capacity” substituted.

SECTION 100

86. In page 83, line 20, “to” deleted.

SECTION 101

87. In page 83, line 32, “*subsection (1)(a)*” deleted and “*subsection (2)(a)*” substituted.

88. In page 84, line 1, “the” inserted after “infringe”.

SECTION 103

89. In page 85, between lines 11 and 12, the following inserted:

“(3) Where a person is a controller by virtue of his or her being the subject of a designation under *subsection (1) or (2) of section 3*—

(a) a reference in *sections 115, 126 and 133(10)* to a controller shall be deemed to be a reference to the appropriate authority that, or the Minister who, made the designation, and not to the person, and

(b) a reference in *sections 130(6) and 131(10)* to a controller shall be deemed not to include a reference to the person.”.

SECTION 105

90. In page 86, line 8, “Article 77(2)” deleted and “Article 77(1)” substituted.

[SECTION 115]

SECTION 115

91. In page 93, lines 1 and 2 deleted and the following substituted:

“(8) The court hearing a data protection action brought by a not-for-profit body, organisation or association under *subsection (7)* shall have the power to grant to the data subject on whose behalf the action is being brought one or more of the following reliefs:

- (a) relief by way of injunction or declaration; or
- (b) compensation for damage suffered by the plaintiff as a result of the infringement of the relevant enactment.”.

SECTION 126

92. In page 98, lines 22 to 25 deleted and the following substituted:

“(7) The court hearing a data protection action that has been brought, in accordance with *section 118(1)(b)*, on behalf of a data subject by a body, organisation or association to which *subsection (2)* of that section applies shall have the power to grant to the data subject on whose behalf the action is being brought one or more of the following reliefs:

- (a) relief by way of injunction or declaration; or
- (b) compensation for damage suffered by the plaintiff as a result of the infringement of the relevant enactment.”.

SECTION 131

93. In page 104, line 18, “*subsection (5), subsection (6)*” deleted and “*subsection (2), subsection (3)*” substituted.

94. In page 106, line 4, “Subject to *subsection (11)*, a controller” deleted and “A controller” substituted.

95. In page 106, lines 13 and 14 deleted.

SECTION 139

96. In page 115, lines 23 to 25 deleted and the following substituted:

“(2) Where a controller to whom *section 109(2)(b), 110(2)(b)* or *131(9)* applies is a controller by virtue of his or her being the subject of a designation under *subsection (1) or (2)* of *section 3*, a decision by the Commission to impose an administrative fine in respect of the infringement or failure concerned shall be a decision to impose an administrative fine on the appropriate authority that, or, as the case may be, the Minister who, made the designation, and not on the controller.

(3) Where *subsection (2)* applies, a reference in *sections 113(1)(a), 131(9)(b)* and this Chapter to a controller shall be construed as a reference to the appropriate authority or Minister concerned.”.

97. In page 115, between lines 31 and 32, the following inserted:

“(4) The Commission, as soon as practicable after—

- (a) a decision to impose an administrative fine is confirmed under *section 140(3)(a)*

[SECTION 139]

or *141(2)*, or

(b) the court decides, under *section 140(3)(b)*, to impose a different fine, shall give the controller or processor concerned a notice in writing, requiring the controller or processor to pay the amount of the fine concerned to the Commission within the period of 28 days commencing on the date of the notice.

(5) A controller or processor shall comply with a requirement referred to in *subsection (4)*.

(6) All payments received by the Commission under this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.”.

SECTION 140

98. In page 116, line 14, “*section 137(3)*” deleted and “*section 139(3)*” substituted.

SECTION 143

99. In page 117, lines 8 and 9, “by whom the data are kept” deleted.

100. In page 117, line 10, “or any information constituting personal data” deleted.

101. In page 117, line 16, “5 years,” deleted and “5 years” substituted.

102. In page 117, line 17, “obtaining or” deleted.

103. In page 117, line 19, “obtained” deleted and “that were disclosed to the person” substituted.

104. In page 117, lines 25 and 26, “, or intended to be obtained, in contravention of *subsection (1)*” deleted and “without the prior authority of the controller or processor” substituted.

SECTION 148

105. In page 120, line 38 “, by leave of that Court,” deleted.

SECTION 153

106. In page 123, line 24, “or *141(1)*” deleted and “, *141(1)* or *paragraph 5* of *Schedule 3*” substituted.

SECTION 155

107. In page 123, line 37 deleted, and in page 124, lines 1 to 17 deleted and the following substituted:

“(2) The assigned judge shall, in particular—

(a) promote awareness among judges of the provisions of the Data Protection Regulation, the Directive and any enactment, rule made under *section 157(3)#* or other rule of law that gives further effect to the Data Protection Regulation or effect to the Directive, and ensure compliance with those provisions, and

(b) handle, and investigate to the extent appropriate, complaints in relation to data processing operations of the courts when acting in their judicial capacity.”.

[#This is a reference to the subsection inserted by amendment No. 108.]



[SECTION 156]

SECTION 156

108. In page 124, between lines 17 and 18, the following inserted:

**“Restrictions on obligations of controllers and rights of data subjects for objective of safeguarding judicial independence and court proceedings**

157. (1) The rights and obligations provided for in—

- (a) Articles 12 to 22 and Article 34, and Article 5 in so far as any of its provisions correspond to the rights and obligations in Articles 12 to 22, and
- (b) *sections 84, 88, 89, 90 and 91*, and *section 68* in so far as it relates to those sections,

are restricted to the extent that the restrictions are necessary and proportionate to safeguard judicial independence and court proceedings.

- (2) *Subsection (1)* is without prejudice to any other enactment or rule of law which restricts the rights and obligations referred to in that subsection.
- (3) Without prejudice to the generality of *subsection (1)*, a panel may make such rules as it considers necessary for the purpose of ensuring the effective application of a restriction under that subsection.
- (4) Rules made under *subsection (3)* may relate to such matters as the panel considers appropriate for the purpose referred to in that subsection and, without prejudice to the generality of that subsection, may—
  - (a) relate to one or more than one of the following:
    - (i) a class or classes of data subject;
    - (ii) a category or categories of personal data;
    - (iii) civil or criminal proceedings, or both;
    - (iv) a class or classes of civil or criminal proceedings, or both;
    - (v) the circumstances in which, or the conditions under which, a restriction under *subsection (1)* shall apply,
  - (b) include, where relevant, specific provisions as to the matters referred to in Article 23(2), and
  - (c) make provision for such incidental, supplementary and consequential matters as appear to the panel to be necessary or expedient for the purposes of the rule.
- (5) Rules under *subsection (3)* shall be published in such manner (which may include publication on the website of the Courts Service) as the panel considers appropriate.
- (6) In this section, “panel” means a panel of three judges nominated by the Chief Justice for the purposes of this section.”.

[SECTION 156]

109. In page 124, between lines 17 and 18, the following inserted:

**“Processing of personal data where court is controller**

158. (1) The Superior Courts Rules Committee may make processing rules in respect of personal data that are contained in a record of a superior court of record.
- (2) The Circuit Court Rules Committee may make processing rules in respect of personal data that are contained in a record of the Circuit Court.
- (3) The District Court Rules Committee may make processing rules in respect of personal data that are contained in a record of the District Court.
- (4) The panel referred to in *section 157(6)#* may make processing rules in respect of personal data—
- (a) that are not personal data to which *subsection (1), (2) or (3)* applies, and
- (b) in respect of which a court, when acting in its judicial capacity, is a controller.
- (5) Processing rules made under this section shall be binding on a processor of personal data in respect of which the rules are made.
- (6) Processing rules made under *subsection (4)* shall be published in such manner (which may include publication on the website of the Courts Service) as the panel referred to in that subsection considers appropriate.
- (7) Subject to *subsection (8)*, a Committee referred to in *subsection (1), (2) or (3)* may make rules—
- (a) authorising the disclosure, for the purpose of facilitating the fair and accurate reporting of the proceedings, to a *bona fide* member of the Press or broadcast media and at the member’s request, of information contained in a record of proceedings before a court for which the Committee is the rule-making authority, and
- (b) prescribing any conditions subject to which such disclosure is to be made.
- (8) Rules made under *subsection (7)*—
- (a) shall not apply to proceedings required by law to be held otherwise than in public, and
- (b) shall apply subject to any order made or direction given by a court in the proceedings concerned.
- (9) In this section, “processing rules”, in relation to personal data, means rules made for the purposes of Article 28(3) of the Data Protection Regulation and Article 22(3) of the Directive, governing the processing by a processor of the personal data.”.

[#This is a reference to the subsection inserted by amendment No. 108.]

110. In page 124, lines 19 to 21 deleted and the following substituted:

“159. The processing of personal data shall be lawful where that processing—

[SECTION 156]

- (a) consists of the publication of—
  - (i) a judgment or decision of a court, or
  - (ii) a list or schedule of court proceedings or hearings in court proceedings, or
- (b) is necessary for the purposes of such publication.”.

SECTION 159

111. In page 126, line 14, “Article 46(1)” deleted and “Article 46(2)” substituted.

SECTION 161

112. In page 126, between lines 25 and 26, the following inserted:

**“Reference to personal data in enactment**

161. Subject to this Act, a reference in any enactment to personal data within the meaning of the Act of 1988 shall be construed as including a reference to personal data within the meaning of—
- (a) the Data Protection Regulation, and
  - (b) *Part 5*.”.

113. In page 126, between lines 25 and 26, the following inserted:

**“Reference to processing in enactment**

162. Subject to this Act, a reference in any enactment to processing within the meaning of the Act of 1988 shall be construed as including a reference to processing within the meaning of—
- (a) the Data Protection Regulation, and
  - (b) *Part 5*.”.

114. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of Firearms Act 1925**

163. The Firearms Act 1925 is amended by the insertion of the following section after section 27A:

**“Provision of information by Commissioner to Minister for purposes of Act and Firearms (Firearm Certificates For Non-Residents) Act 2000**

27B.(1) The Minister may request the Commissioner to provide any information necessary for the performance of the Minister’s functions under sections 9, 10, 11 and 17 and under section 2 of the Firearms (Firearm Certificates For Non-Residents) Act 2000, and the Commissioner shall, notwithstanding anything contained in any other enactment or rule of law, but subject to the Data Protection Regulation and the *Data Protection Act 2018*, comply with that request.

- (2) In this section, ‘Data Protection Regulation’ means Regulation (EU)

[SECTION 161]

2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

**115.** In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 33AK of Central Bank Act 1942**

**164.** Section 33AK(5) of the Central Bank Act 1942 is amended—

(a) in paragraph (az), by the substitution of “(S.I. No. 349 of 2016), or” for “(S.I. No. 349 of 2016).”.

(b) by the insertion of the following paragraph:

“(ba) to the Data Protection Commission that is required for the performance of that Commission’s functions under the Data Protection Regulation or the Data Protection Acts 1988 to 2018.”.

and

(c) by the insertion in subsection (10) of the following definition:

“ ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);”.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

**116.** In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 2 of Civil Service Regulation Act 1956**

**165.** Section 2(2) of the Civil Service Regulation Act 1956 is amended—

(a) in paragraph (h), by the deletion of “and”.

(b) in paragraph (i), by the substitution of “Síochána, and” for “Síochána.”. and

(c) by the insertion of the following paragraph after paragraph (i):

“(j) in relation to a member of staff of the Data Protection Commission, the Commissioner for Data Protection or, where more than one Commissioner for Data Protection stands appointed, the chairperson (within the meaning of the *Data Protection Act 2018*).”.”.

[SECTION 161]

117. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 24 of Misuse of Drugs Act 1977**

166. Section 24 of the Misuse of Drugs Act 1977 is amended—

- (a) in subsection (1)(c), by the substitution of “(including those containing any data that constitutes personal data)” for “(including any data within the meaning of the Data Protection Acts 1988 and 2003)”,
- (b) in subsection (2)(c), by the substitution of “(including those containing any data that constitutes personal data)” for “(including any data within the meaning of the Data Protection Acts 1988 and 2003)”, and
- (c) by the insertion of the following subsection after subsection (7):

“(8) In this section—

‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

“personal data” means personal data within the meaning of—

- (a) the Data Protection Regulation, or
- (b) *Part 5 of the Data Protection Act 2018*.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

118. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 15A of Control of Clinical Trials Act 1987**

167. Section 15A of the Control of Clinical Trials Act 1987 is amended—

- (a) by the substitution of the following paragraph for paragraph (d):
  - “(d) inspect and copy or extract information from any data including data that constitutes personal data within the meaning of—
    - (i) the Data Protection Regulation, or
    - (ii) *Part 5 of the Data Protection Act 2018*.”,

and

- (b) the insertion of the following subsection after subsection (10):
  - “(11) In this section, “Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection

[SECTION 161]

Regulation).”.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

**119.** In page 126, between lines 25 and 26, the following inserted:

**“Amendment of Data Protection Act 1988**

**168.** (1) The Act of 1988 is amended—

(a) in section 24, by the substitution of the following subsection for subsection (1):

“(1) In this section ‘authorised officer’ has the same meaning that it has in *section 2(1) of the Data Protection Act 2018.*”.

and

(b) in section 26—

(i) in subsection (1)—

(I) in paragraph (b), by the substitution of “notice, and” for “notice”, and

(II) by the deletion of paragraph (c),

and

(ii) in subsection (4)—

(I) in paragraph (a), by the substitution of “paragraph (a) or (b) of subsection (1) of this section” for “paragraph (a), (b) or (c) of subsection (1) of this section”, and

(II) by the substitution of “with a requirement or prohibition specified in the notice” for “with a requirement or prohibition specified in the notice, or, as the case may be, a contravention by him of section 19 of this Act.”.

(2) The amendments effected by *subsection (1)* shall not apply for the purposes of *subsections (1)(b)#, (2)# and (3)# of section 8.*”.

[#*These are references to the subsections and paragraph proposed to be inserted by amendment No. 8.*]

**120.** In page 126, between lines 25 and 26, the following inserted:

**“Amendment of Bankruptcy Act 1988**

**169.** The Bankruptcy Act 1988 is amended by the insertion of the following section:

**“Restriction of right of access to personal data in certain circumstances**

**140D.** (1) Article 15 (Right of access) of the Data Protection Regulation is restricted to the extent necessary and proportionate to safeguard the effective performance by the Official Assignee of his or her functions under section 61, where the performance of those functions gives rise to the processing of personal data to which the Data Protection Regulation applies.

[SECTION 161]

- (2) In this section, ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.”.

<sup>1</sup> OJ No. L 119, 4.5.2016, p.1

121. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of Firearms and Offensive Weapons Act 1990**

170. The Firearms and Offensive Weapons Act 1990 is amended by the insertion of the following section after section 16:

**“Provision of information by Commissioner to Minister**

16A.(1) The Minister may request the Commissioner of the Garda Síochána to provide any information necessary for the performance of the Minister’s functions under sections 9C and 9E and the Commissioner shall, notwithstanding anything contained in any other enactment or rule of law, but subject to the Data Protection Regulation and the *Data Protection Act 2018*, comply with that request.

- (2) In this section ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.”.

<sup>1</sup> OJ No. L 119, 4.5.2016, p.1.

122. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 13A of Electoral Act 1992**

171. Section 13A of the Electoral Act 1992 is amended by the insertion of the following subsection after subsection (3B):

“(3C) In addition to any other electoral purpose for which the information contained in the register prepared under section 13, including a draft register or the supplement to the register prepared under section 15 or an electors list published under section 16, being information which is excluded from the edited register, may be used, that information may be used—

- (a) by a specified person (within the meaning of *section 38#* of the *Data Protection Act 2018*), for the purpose of communicating with a data subject in accordance with *section 38#* of that Act, or
- (b) by an elected representative (within the meaning of *section 39##* of

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the *Data Protection Act 2018*) for the purposes of *section 39##* of that Act.”.”.

[#*This is a reference to the section inserted by amendment No. 33.*]

[##*This is a reference to the section inserted by amendment No. 34.*]

123. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of Comptroller and Auditor General (Amendment) Act 1993**

172. The Comptroller and Auditor General (Amendment) Act 1993 is amended—

(a) in section 10, by the substitution of the following subsection for subsection (3):

“(3) In this section—

‘automated data’ means information that—

- (a) is being processed by means of equipment operating automatically in response to instructions given for that purpose, or
- (b) is recorded with the intention that it should be processed by means of such equipment;

‘data’ means automated data and manual data;

‘data equipment’ means equipment for processing data;

‘data material’ means any document or other material used in connection with, or produced by, data equipment;

‘manual data’ means information that is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system;

‘relevant filing system’ means any set of information relating to individuals to the extent that, although the information is not processed by means of equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible;”.

and

(b) by the insertion of the following section after section 18B:

**“Application of this Act to the Data Protection Commission**

18C. This Act applies to the Data Protection Commission as if it were a Department.”.”.



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124. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 8 of Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993**

173. Section 8 of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993 is amended in subsection (1A) by the substitution of “the functions of the Data Protection Commission under section 10 of the Data Protection Act 1988 and *Part 6 of the Data Protection Act 2018*” for “the functions of the Data Protection Commissioner under section 10 of the Data Protection Act 1988”.”.

125. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 24 of Statistics Act 1993**

174. Section 24 of the Statistics Act 1993 is amended—

(a) by the substitution of the following subsection for subsection (2):

“(2) Without prejudice to the Data Protection Regulation and the *Data Protection Act 2018*, persons and undertakings may provide information and records, or copies thereof, which they may possess to the Director General or officers of statistics on invitation under the provisions of this Act.”.

and

(b) by the insertion of the following subsection:

“(3) In this section, ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1*

126. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 57B of Irish Aviation Authority Act 1993**

175. Section 57B(1) of the Irish Aviation Authority Act 1993 is amended by the substitution of the following paragraph for paragraph (d):

“(d) inspect, copy or extract information from any material (including information in any form) or thing found or produced to the authorised person.”.”.

127. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 18F of Health Insurance Act 1994**

176. Section 18F of the Health Insurance Act 1994 is amended—

- (a) in subsection (2)(d), by the substitution of “data (including data that constitutes personal data)” for “data (within the meaning of the Data Protection Acts 1988 and 2003)”, and
- (b) in subsection (12), by the insertion of the following definitions:

“ ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

‘personal data’ means personal data within the meaning of—

- (a) the Data Protection Regulation, or
- (b) *Part 5 of the Data Protection Act 2018.*”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

128. In page 126, between lines 25 and 26, to insert the following:

**“Amendment of section 142 of Consumer Credit Act 1995**

177. Section 142 of the Consumer Credit Act 1995 is amended—

- (a) in subsection (2), by the substitution of the following paragraph for paragraph (b):

“(b) which relates to information that constitutes personal data to which the Data Protection Regulation applies.”,

- (b) in subsection (4), by the substitution of the following paragraph for paragraph (b):

“(b) which relates to information that constitutes personal data to which the Data Protection Regulation applies.”,

and

- (c) by the insertion of the following subsection after subsection (4):

“(5) In this section, ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1*

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129. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 32B of Irish Medicines Board Act 1995**

178. Section 32B of the Irish Medicines Board Act 1995 is amended—

(a) in subsection (3), by the substitution of the following paragraph for paragraph (l):

“(l) inspect and copy or extract information from any data, including data that constitutes personal data within the meaning of—

(i) the Data Protection Regulation, or

(ii) *Part 5 of the Data Protection Act 2018.*”.

and

(b) by the insertion of the following subsection after subsection (11):

“(12) In this section, ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

130. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 77 of Central Bank Act 1997**

179. Section 77 of the Central Bank Act 1997 is amended by the substitution of the following subsection for subsection (12):

“(12) In this section—

‘automated data’ means information that—

(a) is being processed by means of equipment operating automatically in response to instructions given for that purpose, or

(b) is recorded with the intention that it should be processed by means of such equipment;

‘data’ means automated data and manual data;

‘data equipment’ means equipment for processing data;

‘data material’ means any document or other material used in connection with, or produced by data equipment;

‘manual data’ means information that is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system;

‘relevant filing system’ means any set of information relating to individuals to the extent that, although the information is not processed by means of equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible.”.”.

131. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 1 of Health (Provision of Information) Act 1997**

180. The Health (Provision of Information) Act 1997 is amended by the substitution of the following section for section 1:

**“Requests for and provision of information**

1. (1) The National Cancer Registry Board (established under the Health (Corporate Bodies) Act 1961) may request from any person personal data (including data concerning health and genetic data within the meaning of the Data Protection Regulation) held by, or in the possession of, that person for the purposes of the performance of that Board of its functions.
- (2) Without prejudice to his or her obligations under the Data Protection Regulation and the *Act of 2018*, the person to whom a request is made under subsection (1) shall provide the personal data requested to the extent it is held by, or in the possession of, that person.
- (3) The Health Service Executive may, for the purposes of compiling and maintaining a record of the names, addresses, telephone numbers, e-mail addresses and dates of birth of persons who, for public health reasons, may be invited to participate in any cancer screening (including any breast, cervical or bowel cancer screening) programme operated by the Executive, request from any person the names, addresses, telephone numbers, e-mail addresses and dates of birth of persons held by, or in the possession of, that person.
- (4) Without prejudice to his or her obligations under the Data Protection Regulation and the Act of 2018, the person to whom a request is made under subsection (3) may provide that information to the extent it is held by, or in the possession of, that person.
- (5) In this section—

‘*Act of 2018*’ means the *Data Protection Act 2018*;

‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

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‘personal data’ means personal data within the meaning of the Data Protection Regulation.”.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

132. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 9M of Electricity Regulation Act 1999**

181. Section 9M of the Electricity Regulation Act 1999 is amended—

- (a) in subsection (4), by the substitution of “the Data Protection Regulation or the *Data Protection Act 2018*” for “the Data Protection Acts 1988 and 2003”, and
- (b) by the insertion of the following subsection after subsection (10):

“(11) In this section, “Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1*

133. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of British-Irish Agreement Act 1999**

182. Section 51 of the British-Irish Agreement Act 1999 is amended—

- (a) in subsection (1) by—
  - (i) the substitution of the following definition for the definition of “Act of 1988”:

“ ‘Act of 1988’ means the Data Protection Act 1988, as amended by the *Data Protection Act 2018*;”,
  - and
  - (ii) the substitution of the following definition for the definition of “established”:

“ ‘established’, in relation to a data controller or a data processor, shall be construed in accordance with section 1(3B)(b) of the Act of 1988;”,
  - and
- (b) by the deletion of subsection (6).”.

134. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 7D of Comhairle Act 2000**

“183. Section 7D of the Comhairle Act 2000 is amended—

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- (a) in subsection (3), by the substitution of “Subject to the Data Protection Regulation and the *Data Protection Act 2018*” for “Subject to the Data Protection Acts 1988 and 2003”, and
- (b) by the substitution of the following subsection for subsection (8):

“(8) In this section—

“application”, “assessment” and “service statement” have the meanings assigned to them respectively by Part 2 of the Disability Act 2005;

“Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1*

135. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 33 of Commission To Inquire Into Child Abuse Act 2000**

184. The Commission To Inquire Into Child Abuse Act 2000 is amended by the substitution of the following section for section 33:

“33. (1) Article 15 (Right of access) of the Data Protection Regulation is restricted, to the extent necessary and proportionate to safeguard the effective performance by the Commission of its functions or a Committee of its functions, in so far as it relates to personal data (within the meaning of that Regulation) provided to the Commission or a Committee while the data is in the custody of the Commission or a Committee, or in the case of such data provided to the Confidential Committee, of a body to which it is transferred by the Commission upon the dissolution of the Commission.

(2) In this section, ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1*

136. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 2 of Merchant Shipping (Investigation of Marine Casualties) Act 2000**

185. Section 2(1) of the Merchant Shipping (Investigation of Marine Casualties) Act 2000 is amended in the definition of “record” by the deletion of the words “any form in which

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data (within the meaning of the Data Protection Act 1988) are held.”.”.

137. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 28 of Education (Welfare) Act 2000**

186. Section 28 of the Education (Welfare) Act 2000 is amended—

- (a) by the substitution of “controller” for “data controller” in each place it occurs, and
- (b) in subsection (3), by the deletion of “ “data controller” and “personal data” have the meanings assigned to them by the Data Protection Act 1988” and the insertion of the following:

“ ‘controller’ means a controller within the meaning of the Data Protection Regulation;

‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

‘personal data’ means personal data within the meaning of the Data Protection Regulation;”.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

138. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 38 of Planning and Development Act 2000**

187. Section 38 of the Planning and Development Act 2000 is amended in subsection (2) by the deletion of “and the Data Protection Acts 1988 and 2003”.”.

139. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 14 of Dormant Accounts Act 2001**

188. Section 14(5) of the Dormant Accounts Act 2001 is amended by the substitution of the following paragraph for paragraph (b):

- “(b) Nothing in paragraph (a) shall be construed as restricting the right of a person to inspect the register, in relation to an account, where the person—
  - (i) proves to the satisfaction of an institution that he or she is, or may be, the account holder,
  - (ii) proves to the satisfaction of an institution that he or she is authorised by the account holder to so inspect, or
  - (iii) may act on behalf of the account holder in relation to that

account pursuant to regulations made under section 9.”.”.

140. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 30 of Residential Institutions Redress Act 2002**

189. The Residential Institutions Redress Act 2002 is amended by the substitution of the following section for section 30:

“30. (1) Article 15 (Right of access) of the Data Protection Regulation is restricted, to the extent necessary and proportionate to safeguard the effective performance by the Board of its functions and the Review Committee of its functions, in so far as it relates to personal data (within the meaning of that Regulation) provided to the Board while the data is in the custody of the Board or the Review Committee.

(2) In this section, ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

141. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 2 of Official Languages Act 2003**

190. Section 2(1) of the Official Languages Act 2003 is amended—

(a) in the Irish text, in the definition of “taifead”, by the substitution of “aon fhoirm ina gcoimeádtar sonraí (lena n-áirítear foirm mheaisín-inléite) nó rud” for “aon fhoirm ina gcoimeádtar sonraí (de réir bhrí an Achta um Chosaint Sonraí 1988), aon fhoirm eile (lena n-áirítear foirm mheaisín-inléite) nó rud eile” and

(b) in the English text, in the definition of “record”, by the substitution of “any form in which data are held (including machine-readable form)” for “any form in which data (within the meaning of the Data Protection Act 1988) are held, any other form (including machine-readable form)”.”.

142. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 86 of Personal Injuries Assessment Board Act 2003**

191. Section 86 of the Personal Injuries Assessment Board Act 2003 is amended—

(a) in subsection (1), by the substitution of “but only if the processing (within the meaning of the Data Protection Regulation) of any particulars constituting personal data (within the meaning of that Regulation) in the database is in accordance with the Data Protection Regulation and the *Data Protection Act 2018*.” for “but only if the database is, for the time being, maintained in



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accordance with the Data Protection Act 1988”, and

(b) by the insertion of the following subsection after subsection (4):

“(5) In this section, ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

143. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 12 of Unclaimed Life Assurance Policies Act 2003**

192. Section 12(5) of the Unclaimed Life Assurance Policies Act 2003 is amended by the substitution of the following paragraph for paragraph (b):

“(b) Nothing in paragraph (a) shall be construed as restricting the right of a person to inspect the register in relation to a policy where the person—

- (i) proves to the satisfaction of an insurance undertaking that he or she is, or may be, the policy holder,
- (ii) proves to the satisfaction of an insurance undertaking that he or she is authorised by the policy holder to so inspect, or
- (iii) may act on behalf of the policy holder in relation to that policy pursuant to regulations made under section 7.”.”.

144. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 66 of Civil Registration Act 2004**

193. Section 66 of the Civil Registration Act 2004 is amended—

(a) in subsection (1), by the substitution of “Notwithstanding anything contained in any other enactment, but subject to the Data Protection Regulation and the *Data Protection Act 2018*, an tArd-Chláráitheoir may” for “Notwithstanding anything contained in the Data Protection Acts 1988 to 2003 or any other enactment, an tArd-Chláráitheoir may”, and

(b) by the substitution of the following subsection for subsection (2):

“(2) In this section—

‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

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‘information’ includes personal data;

‘personal data’ means personal data within the meaning of—

- (a) the Data Protection Act 1988,
- (b) the Data Protection Regulation, or
- (c) *Part 5 of the Data Protection Act 2018*.”.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

**145.** In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 39 of Commissions of Investigation Act 2004**

**194.** Section 39 of the Commissions of Investigation Act 2004 is amended—

- (a) by designating the section as subsection (1),
- (b) in that designated subsection (1), by the substitution of “Article 15 (Right of access) of the Data Protection Regulation is restricted, to the extent necessary and proportionate to safeguard the effective operation of commissions and the future cooperation of witnesses, in so far as it relates to personal data (within the meaning of that Regulation) provided to a commission” for “Section 4 of the Data Protection Act 1988 does not apply to personal data provided to a commission”, and
- (c) by the insertion of the following subsection after subsection (1):

“(2) In this section, “Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

**146.** In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 55H of Health Act 2004**

**195.** Section 55H of the Health Act 2004 is amended—

- (a) in subsection (8), by the substitution of the following paragraph for paragraph (a):

“(a) submit a draft of the proposed procedures to the Data Protection Commission for its opinion as to whether any provision of the procedures would, if given effect, be likely to result in a contravention of the Data Protection Regulation or the *Data Protection Act 2018*, and”,

- (b) in subsection (9), by the substitution of “the Data Protection Commission” for

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“the Data Protection Commissioner”, and

(c) by the insertion of the following subsection after subsection (9):

“(10) In this section, “Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

**147.** In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 2 of Safety, Health and Welfare at Work Act 2005**

**196.** Section 2(1) of the Safety, Health and Welfare at Work Act 2005 is amended—

(a) by the substitution of the following definition for the definition of “record”:

“ ‘record’ includes any memorandum, book, report, statement, register, plan, chart, map, drawing, specification, diagram, pictorial or graphic work or other document, any photograph, film or recording (whether of sound or images or both), any form in which data (including data that constitute personal data within the meaning of the Data Protection Regulation or *Part 5* of the *Data Protection Act 2018*) are held, any form (including machine-readable form) or thing in which information is held or stored manually, mechanically or electronically, and anything that is a part or copy, in any form, of any of, or any combination of, the foregoing;”.

and

(b) by the insertion of the following definition:

“ ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);”.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

**148.** In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 265 of Social Welfare Consolidation Act 2005**

**197.** Section 265 of the Social Welfare Consolidation Act 2005 is amended—

(a) in subsection (1)—

(i) by the substitution of the following definitions for the definitions of “data controller” and “personal data”:

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“ ‘controller’ means a controller within the meaning of—

- (a) the Data Protection Regulation, or
- (b) *Part 5 of the Act of 2018*;

‘personal data’ means personal data within the meaning of—

- (a) the Data Protection Regulation, or
- (b) *Part 5 of the Act of 2018*;

and

(ii) by the insertion of the following definitions:

“ ‘*Act of 2018*’ means the *Data Protection Act 2018*;

‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);”

and

(b) in subsection (2), by the substitution of “controller” for “data controller”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

**149.** In page 126, between lines 25 and 26, the following inserted:

**“Amendment of Disability Act 2005**

**198.** The Disability Act 2005 is amended—

- (a) in section 12, by the deletion of subsection (3),
- (b) in section 13, by the deletion of subsection (4),
- (c) in section 41—

(i) by the deletion of the definition of “the Acts”,

(ii) by the substitution of the following definition for the definition of processing:

“ ‘processing’ means processing within the meaning of the Data Protection Regulation;”

and

(iii) by the insertion of the following definition:

“ ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive

95/46/EC (General Data Protection Regulation);”,

- (d) in section 42—
- (i) by the substitution, in subsection (1)(b), of “the Data Protection Regulation”, for “the Acts”,
  - (ii) by the deletion, in subsection (2)(a), of “save in accordance with the provisions of section 12A of the Data Protection Act 1988 (as inserted by the Data Protection (Amendment) Act 2003)”,
  - (iii) by the substitution of the following subsection for subsection (4):
    - “(4) A person who contravenes subsection (2) or (3) shall be guilty of an offence and shall be liable—
      - (a) on summary conviction, to a Class A fine, or
      - (b) on conviction on indictment, to a fine not exceeding €100,000.”,
- and
- (iv) by the insertion of the following subsections:
    - “(5) Where a person is convicted of an offence under subsection (4), the court may order any personal data that appears to the court to be connected with the commission of the offence to be destroyed or erased.
    - (6) The court shall not make an order under subsection (5) where it considers that a person other than the person convicted of the offence concerned may be the owner of, or otherwise interested in, the data concerned, unless such steps as are reasonably practicable have been taken for notifying that person and giving him or her an opportunity to show cause why the order should not be made.”,
- (e) by the deletion of section 43, and
- (f) in section 45, by the deletion of subsection (1).”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1*

**150.** In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 2 of Railway Safety Act 2005**

**199.** Section 2(1) of the Railway Safety Act 2005 is amended in the definition of “record” by the deletion of the words “in which data (within the meaning of the Data Protection Act 1988) are held, any other form”.”.

**151.** In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 12 of Health (Repayment Scheme) Act 2006**

**200.** Section 12(3) of the Health (Repayment Scheme) Act 2006 is amended by the

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substitution of “except after consultation with the Data Protection Commission” for “except after consultation with the Data Protection Commissioner within the meaning of the Data Protection Acts 1988 and 2003”.”.

152. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 19 of Electoral (Amendment) Act 2006**

201. Section 19 of the Electoral (Amendment) Act 2006 is amended by the substitution of “A registration authority may,” for “Notwithstanding anything in the Data Protection Acts 1988 and 2003, a registration authority may.”.”.

153. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 67 of Pharmacy Act 2007**

202. Section 67 of the Pharmacy Act 2007 is amended—

(a) in subsection (3), by the substitution of the following paragraph for paragraph (l):

“(l) inspect and copy or extract information from any data, including data that constitutes personal data within the meaning of—

(i) the Data Protection Regulation, or

(ii) *Part 5 of the Data Protection Act 2018.*”

and

(b) by the insertion of the following subsection after subsection (12):

“(13) In this section, ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

154. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of Passports Act 2008**

203. The Passports Act 2008 is amended—

(a) in section 2, by—

(i) the deletion of the definitions of “Act of 1988”, “automated data” and “data”,

(ii) the insertion of the following definition:

“ ‘Act of 2018’ means the *Data Protection Act 2018*;”,

(iii) the substitution of the following definition for the definition of “biometric

data”:

“ ‘biometric data’ means biometric data within the meaning of—

- (a) the Data Protection Regulation, or
- (b) *Part 5 of the Act of 2018*,”

(iv) the insertion of the following definition:

“ ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);”

(v) the substitution of the following definition for the definition of “personal data”:

“ ‘personal data’ means personal data within the meaning of—

- (a) the Data Protection Regulation, or
- (b) *Part 5 of the Act of 2018*,”

and

(vi) the substitution of the following definition for the definition of “processing”:

“ ‘processing’ means processing within the meaning of—

- (a) the Data Protection Regulation, or
- (b) *Part 5 of the Act of 2018*.”

(b) in section 8, by the substitution in subsection (1) of “Subject to the Data Protection Regulation and the *Act of 2018*” for “Subject to the Data Protection Acts 1988 and 2003”, and

(c) in section 21(1)(b), by the substitution of “personal data” for “data” in each place it occurs.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

155. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of Criminal Justice (Mutual Assistance) Act 2008**

204. The Criminal Justice (Mutual Assistance) Act 2008 is amended—

(a) in section 76(1), by the insertion of the following definition:

“ ‘controller’ means a controller within the meaning of *Part 5 of the Data Protection Act 2018*,”

(b) in section 79C(7), by the insertion of “or, as the case may be, controller” after “data controller” in each place it occurs,

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(c) in section 94, by—

(i) the substitution of the following subsections for subsections (5) and (6):

“(5) Article 7, in its application in relation to the use of personal data contained in evidence or information obtained under the Treaty by a person in the State, is without prejudice to the application of—

(a) subject to *section 8#* of the *Act of 2018*, section 7 (duty of care owed by data controllers and data processors) of the Act of 1988 in respect of the use of such data (within the meaning of the Act of 1988), and

(b) *Part 5* of the *Act of 2018*, in respect of the use of such data (within the meaning of that Part).

(6) (a) Subject to *section 8#* of the *Act of 2018*, the Data Protection Acts 1988 and 2003 apply in relation to personal data referred to in *subsection (5)(a)*, in respects other than those related to their use.

(b) *Part 5* of the *Act of 2018* applies in relation to personal data referred to in *subsection (5)(b)*, in respects other than those related to their use.”,

and

(ii) the insertion of the following subsection:

“(8) In this section—

‘Act of 1988’ means the Data Protection Act 1988;

‘*Act of 2018*’ means the *Data Protection Act 2018*.”,

and

(d) in section 107, by—

(i) the substitution of the following subsections for subsections (2) and (3):

“(2) Subsection (1) is without prejudice to the application of—

(a) subject to *section 8#* of the *Act of 2018*, section 7 (duty of care owed by data controllers and data processors) of the Act of 1988 in respect of the use of such data (within the meaning of the Act of 1988), and

(b) *Part 5* of the *Act of 2018*, in respect of the use of such data (within the meaning of that Part).

(3) (a) Subject to *section 8#* of the *Act of 2018*, the Data Protection Acts 1988 and 2003 apply in relation to personal data referred to in *subsection (2)(a)*, in respects other than those related to their use.

(b) *Part 5* of the *Act of 2018* applies in relation to personal data referred to in *subsection (2)(b)*, in respects other than those related



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to their use.”,

and

(ii) by the insertion of the following subsection after subsection (4):

“(5) In this section—

‘Act of 1988’ means the Data Protection Act 1988;

‘Act of 2018’ means the *Data Protection Act 2018*.”.

[#This is a reference to the section proposed to be inserted by amendment No. 8.]

**156.** In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 2 of Chemicals Act 2008**

**205.** Section 2(1) of the Chemicals Act 2008 is amended by—

(a) the substitution of the following definition for the definition of “record”—

“ ‘record’ includes any memorandum, book, report, statement, register, plan, chart, map, drawing, specification, diagram, pictorial or graphic work or other document, any photograph, film or recording (whether of sound or images or both), any form in which data (including data that constitute personal data within the meaning of the Data Protection Regulation or *Part 5* of the *Data Protection Act 2018*) are held, any form (including machine-readable form) or thing in which information is held or stored manually, mechanically or electronically, and anything that is a part or copy, in any form, of any of, or any combination of, the foregoing;”

and

(b) the insertion of the following definition:

“ ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

**157.** In page 126, between lines 25 and 26, the following inserted:

**“Amendment of Nursing Homes Support Scheme Act 2009**

**206.** The Nursing Homes Support Scheme Act 2009 is amended—

(a) in section 26, by the deletion of subsection (12), and

(b) in section 45(1), by the substitution of “Subject to the Data Protection Regulation and the *Data Protection Act 2018*” for “Notwithstanding any provision of the Data Protection Acts 1988 to 2003”.

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158. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 23 of Criminal Justice (Miscellaneous Provisions) Act 2009**

207. Section 23 of the Criminal Justice (Miscellaneous Provisions) Act 2009 is amended by the substitution of the following subsections for subsection (2):

“(2) The Data Protection Act 1988 shall, subject to any necessary modifications, apply and have effect in relation to the processing (within the meaning of that Act) of personal data (within the meaning of that Act) for the purposes of the operation of the Council Decision and the Schengen Convention.

(3) The *Data Protection Act 2018* shall, subject to any necessary modifications, apply and have effect to the processing (within the meaning of *Part 5* of that Act) of personal data (within the meaning of that Part) for the purposes of the operation of the Council Decision and the Schengen Convention.””.

159. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 201 of National Asset Management Agency Act 2009**

208. The National Asset Management Agency Act 2009 is amended by the substitution of the following section for section 201:

“201. (1) For the avoidance of doubt, an obligation on a credit institution or any other person under this Act to disclose information to NAMA, a NAMA group entity or the NTMA extends to personal data within the meaning of the Data Protection Regulation.

(2) In this section, ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).””.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

160. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of Criminal Justice (Money Laundering and Terrorist Financing) Act 2010**

209. The Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 is amended—

(a) in section 2(1), by the insertion of the following definitions:

“ ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal

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data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

‘personal data’ means personal data within the meaning of—

- (i) the Data Protection Act 1988,
  - (ii) the Data Protection Regulation, or
  - (iii) *Part 5 of the Data Protection Act 2018*;
- (b) in section 52(2), by the deletion of “(within the meaning of the Data Protection Acts 1988 and 2003)”, and
- (c) in section 88(2), by the deletion of “(within the meaning of the Data Protection Acts 1988 and 2003)”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1*

**161.** In page 126, between lines 25 and 26, the following inserted:

**“Amendment section 12 of Communications (Retention of Data) Act 2011**

**210.** Section 12 of the Communications (Retention of Data) Act 2011 is amended by the substitution of the following subsections for subsection (4):

“(4) The designated judge may, if he or she considers it desirable to do so, communicate with the Taoiseach or the Minister concerning disclosure requests and with the Data Protection Commission in connection with its functions under the Data Protection Regulation and the Data Protection Acts 1988 to 2018.

(5) In this section, ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

**162.** In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 17A of Ministers and Secretaries (Amendment) Act 2011**

**211.** Section 17A of the Ministers and Secretaries (Amendment) Act 2011 is amended—

- (a) in subsection (2), by the substitution of “Data Protection Regulation” for “Data Protection Acts 1988 and 2003”, and
- (b) by the insertion of the following subsection after subsection (3):

“(4) In this section, “Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the

processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.”.

—An tAire Dlí agus Cirt agus Comhionannais.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1*

163. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 28 of Student Support Act 2011**

212. Section 28 of the Student Support Act 2011 is amended—

- (a) by the substitution of “controller” for “data controller” in each place it occurs,
- (b) in subsection (1), by the substitution of “Notwithstanding anything contained in any enactment (other than the *Act of 2018*)” for “Notwithstanding anything contained in the Data Protection Acts 1988 and 2003 or any other enactment”, and
- (c) in subsection (5), by—

- (i) the substitution of the following definitions for the definition of “data controller”:

“ ‘*Act of 2018*’ means the *Data Protection Act 2018*;

‘controller’ means a controller within the meaning of—

- (a) the Data Protection Regulation, or
- (b) *Part 5* of the *Act of 2018*;

‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);”

- (ii) the substitution of the following definition for the definition of “personal data”:

“ ‘personal data’ means personal data within the meaning of—

- (a) the Data Protection Regulation, or
- (b) *Part 5* of the *Act of 2018*;

and

- (iii) the substitution of the following definition for the definition of “processing”:

“ ‘processing’ means processing with the meaning of—

- (a) the Data Protection Regulation, or
- (b) *Part 5* of the *Act of 2018*;”.”.

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<sup>1</sup> OJ No. L 119, 4.5.2016, p.1.

164. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of Communications Regulation (Postal Services) Act 2011**

213. The Communications Regulation (Postal Services) Act 2011 is amended—

(a) in section 65A(1), by—

(i) the deletion of the definition of “Act of 1988”,

(ii) the insertion of the following definition:

“ ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);”,

(iii) the substitution of the following definition for the definition of “personal data”:

“ ‘personal data’ means personal data within the meaning of the Data Protection Regulation;”,

and

(iv) the substitution of the following definition for the definition of “processing”:

“ ‘processing’ means processing within the meaning of the Data Protection Regulation;”,

(b) in section 66A(2), by the deletion of paragraph (a), and

(c) in section 66C—

(i) in subsection (1), by the substitution of “the Data Protection Regulation and the *Data Protection Act 2018*” for “the Data Protection Acts 1988 to 2003”, and

(ii) by the substitution of the following subsection for subsection (2):

“(2) Article 21 (Right to object) of the Data Protection Regulation shall not apply to processing of personal data that is required for the purposes of carrying out legitimate postcode activity.”.

<sup>1</sup> OJ No. L 119, 4.5.2016, p.1.

165. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of Property Services (Regulation) Act 2011**

214. The Property Services (Regulation) Act 2011 is amended—

(a) in section 2(1), by the insertion of the following definition after the definition of “connected relative”:

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“ ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);”

(b) in section 42, by the substitution of the following subsection for subsection (2):

“(2) The Commissioner of the Garda Síochána shall, notwithstanding anything contained in any other enactment or rule of law, but subject to the Data Protection Regulation and the *Data Protection Act 2018*, comply with a request under subsection (1).”

and

(c) by the substitution of the following section for section 93:

**“Restriction of right of access to personal data in certain circumstances**

**93.** Article 15 (Right of access) of the Data Protection Regulation is restricted, to the extent necessary and proportionate to enable the Authority to effectively perform its functions under this Act in so far as the functions relate to carrying out an investigation, in so far as it relates to personal data (within the meaning of that Regulation) processed by the Authority.”

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

**166.** In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 56 of Credit Union and Co-operation with Overseas Regulators Act 2012**

**215.** Section 56 of the Credit Union and Co-operation with Overseas Regulators Act 2012 is amended—

(a) by the substitution of the following subsection for subsection (2):

“(2) A credit union may disclose to ReBo personal data within the meaning of the Data Protection Regulation.”

and

(b) by the insertion of the following subsection after subsection (3):

“(4) In this section, ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

167. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of Europol Act 2012**

216. Section 1 of the Europol Act 2012 is amended by—

(a) the substitution of the following definition for the definition of “data”:

“ ‘data’ means automated data and manual data;”,

(b) the substitution of the following definition for the definition of “personal data”:

“ ‘personal data’ has the meaning it has in *Part 5* of the *Data Protection Act 2018*;”,

(c) by the substitution of the following definition for the definition of “processing”:

“ ‘processing’, in relation to personal data, has the meaning it has in *Part 5* of the *Data Protection Act 2018*;”,

and

(d) the insertion of the following definitions:

“ ‘automated data’ means information that—

(a) is being processed by means of equipment operating automatically in response to instructions given for that purpose, or

(b) is recorded with the intention that it should be processed by means of such equipment;

‘manual data’ means information that is recorded as part of a relevant filing system, or with the intention that it should form part of a relevant filing system;

‘relevant filing system’ means any set of information relating to individuals to the extent that, although the information is not processed by means of equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible;”.

168. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of Personal Insolvency Act 2012**

217. The Personal Insolvency Act 2012 is amended—

(a) in section 2(1), by—

(i) the insertion of the following definition:

“ ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the

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protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);”,

and

(ii) the substitution of the following definition for the definition of “personal data”:

“ ‘personal data’ means personal data within the meaning of—

(a) the Data Protection Regulation, or

(b) *Part 5 of the Data Protection Act 2018*;”,

(b) by the deletion of section 21A, and

(c) by the substitution of the following section for section 186:

**“Restriction of right of access to personal data in certain circumstances**

**186.** Article 15 (Right of access) of the Data Protection Regulation, in so far as it relates to personal data (within the meaning of that Regulation) processed by the following persons or bodies, is restricted to the extent necessary and proportionate to enable the person or body to effectively perform his, her or its functions under this Act, in so far as those functions relate to the supervision of personal insolvency practitioners in accordance with section 176A or to carrying out an investigation under this Part:

(a) the Insolvency Service;

(b) an inspector appointed under section 176;

(c) an authorised officer appointed under section 176B;

(d) the Complaints Committee.”.”.

*’ OJ No. L 119, 4.5.2016, p.1*

**169.** In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 2 of Animal Health and Welfare Act 2013**

**218.** Section 2(1) of the Animal Health and Welfare Act 2013 is amended, in the definition of “record”, by the deletion of “(within the meaning of the Data Protection Acts 1988 and 2003)”.”.

**170.** In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 8 of Health (Alteration of Criteria for Eligibility) Act 2013**

**219.** Section 8 of the Health (Alteration of Criteria for Eligibility) Act 2013 is amended—

(a) in subsection (4), by the substitution of “Subject to compliance with the Data Protection Regulation and the *Act of 2018* and subject to this section” for



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“Notwithstanding anything contained in the Data Protection Acts 1988 and 2003, but subject to this section”,

- (b) in subsection (7), by the substitution of “the Data Protection Commission” for “the Data Protection Commissioner”,
- (c) by the deletion of subsection (8),
- (d) in subsection (9), by the substitution of “references in this section to personal data shall include references to special categories of personal data (within the meaning of *section 2* of the *Act of 2018*)” for “references in this section to personal data shall include references to sensitive personal data”, and
- (e) by the substitution of the following subsection for subsection (10):

“(10) In this section—

‘*Act of 2018*’ means the *Data Protection Act 2018*;

‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

‘personal data’ means personal data within the meaning of the Data Protection Regulation.”.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

171. In page 126, between lines 25 and 26, the following inserted:

**“Insertion of section 957A to Companies Act 2014**

220. The Companies Act 2014 is amended by the insertion of the following section after section 957:

**“Restriction of application of certain articles of Data Protection Regulation**

957A.(1) Articles 14 (Information to be provided where personal data have not been obtained from the data subject) and 15 (Right of access by the data subject) of the Data Protection Regulation are restricted, to the extent necessary and proportionate to safeguard the effective performance by the Director of his or her functions referred to in paragraph (b) and (e) of section 949(1), where the performance of those functions give rise to the processing of personal data to which the Data Protection Regulation applies.

(2) In this section, “Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.”.

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<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1*

172. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of Health Identifiers Act 2014**

221. The Health Identifiers Act 2014 is amended—

(a) in section 2(1)—

(i) by the insertion of the following definition after the definition of “Act of 2013”:

“ ‘Act of 2018’ means the *Data Protection Act 2018*;”,

(ii) by the insertion of the following definition after the definition of “conditions”:

“ ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);”,

(iii) by the substitution of the following definition for the definition of “personal data”:

“ ‘personal data’ means personal data within the meaning of—

(a) the Data Protection Regulation, or

(b) *Part 5* of the *Act of 2018*;”,

(iv) by the substitution of the following definition for the definition of “processing”:

“ ‘processing’ means processing within the meaning of—

(a) the Data Protection Regulation, or

(b) *Part 5* of the *Act of 2018*;”,

(v) in paragraph (g)(iii) of the definition of “secondary purpose”, by the substitution of “in accordance with the Data Protection Regulation and the *Act of 2018*” for “in accordance with the Data Protection Acts 1988 and 2003”, and

(b) by the substitution of the following Part for Part 6:

“PART 6

APPLICATION OF DATA PROTECTION REGULATION

**Application of Data Protection Regulation**

27. Article 32 of the Data Protection Regulation shall apply to a deceased

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individual’s relevant information (individual) as it applies to a living individual’s relevant information (individual).”.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

173. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 15 of Freedom of Information Act 2014**

222. Section 15 of the Freedom of Information Act 2014 is amended—

(a) by the substitution of the following subsection for subsection (3):

“(3) A record shall not be within subsection (2) by reason only of the fact that it contains information constituting—

- (a) personal data within the meaning of the Data Protection Act 1988 to which that Act applies,
- (b) personal data within the meaning of the Data Protection Regulation to which that Regulation and the *Act of 2018* apply, or
- (c) personal data within the meaning of Part 5 of the *Act of 2018* to which that Act applies.”.

and

(b) by the insertion of the following subsection after subsection (4):

“(5) In this section—

‘*Act of 2018*’ means the *Data Protection Act 2018*;

‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

174. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 41 of Customs Act 2015**

223. Section 41 of the Customs Act 2015 is amended by the deletion of subsections (4), (5) and (10).”.

175. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 7 of Regulation of Lobbying Act 2015**

224. Section 7 of the Regulation of Lobbying Act 2015 is amended—

(a) by the insertion of the following definition after the definition of “Commission”:

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“ ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);”,

and

- (b) by the substitution of the following definition for the definition of “personal data”:

“ ‘personal data’ means personal data within the meaning of—

- (a) the Data Protection Regulation, or
- (b) *Part 5 of the Data Protection Act 2018*.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

176. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of Sport Ireland Act 2015**

225. The Sport Ireland Act 2015 is amended—

- (a) in section 40, by—

- (i) the insertion of the following definition before the definition of “anti-doping organisation”:

“ ‘Act of 2018’ means the *Data Protection Act 2018*;”,

- (ii) the insertion of the following definition after the definition of “anti-doping rule violation”:

“ ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);”,

- (iii) the substitution of the following definition for the definition of “personal data”:

“ ‘personal data’ means personal data within the meaning of the Data Protection Regulation;”,

and

- (iv) the substitution of the following definition for the definition of “processing”:

“ ‘processing’ means processing within the meaning of the Data Protection Regulation;”,

- (b) in section 42(4), by the substitution of “Subject to compliance with the Data

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Protection Regulation and the *Act of 2018*, Sport Ireland shall” for “Sport Ireland shall”, and

(c) in section 43—

(i) in subsection (1), by the substitution of “Data Protection Regulation and the *Act of 2018*” for “Data Protection Acts 1988 and 2003”, and

(ii) by the deletion of subsection (3).”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

177. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 12 of Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016**

226. Section 12 of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 is amended—

(a) by designating the section as subsection (1),

(b) in that designated subsection (1), by the deletion of “(within the meaning of the Data Protection Act 1988)”, and

(c) by the insertion of the following subsection after subsection (1):

“(2) In this section—

‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

‘personal data’ means personal data within the meaning of—

(a) the Data Protection Act 1988,

(b) the Data Protection Regulation, or

(c) *Part 5 of the Data Protection Act 2018*.”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

178. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of section 62 of Financial Services and Pensions Ombudsman Act 2017**

227. Section 62 of the Financial Services and Pensions Ombudsman Act 2017 is amended—

(a) in subsection (2), by the substitution of the following paragraph for paragraph

(b):

“(b) ensures compliance with the Data Protection Regulation and the *Data Protection Act 2018*.”,

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and

(b) by the insertion of the following subsection after subsection (4):

“(5) In this section, ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.

<sup>1</sup> *OJ No. L 119, 4.5.2016, p.1.*

179. In page 126, between lines 25 and 26, the following inserted:

**“Amendment of National Shared Services Office Act 2017**

228. The National Shared Services Office Act 2017 is amended—

(a) in section 2, by the insertion of the following definition:

“ ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).”.

(b) in section 9(2)(a)(iv), by the substitution of “processing (within the meaning of the Data Protection Regulation) personal data (also within the meaning of that Regulation)” for “processing (within the meaning of the Data Protection Act 1988) personal data (also within the meaning of that Act)”, and

(c) in section 35—

(i) in subsection (1)—

(I) by the substitution of “Notwithstanding anything contained in any enactment, but subject to the Data Protection Regulation and the *Data Protection Act 2018*” for “Notwithstanding anything contained in the Data Protection Acts 1988 and 2003”, and

(II) by the substitution of “controller” for “data controller” in each place it occurs,

(ii) in subsection (3), by the substitution of “controller” for “data controller”, and

(iii) in subsection (4)—

(I) by the substitution of the following definition for the definition of “data controller”:

“ ‘controller’ has the same meaning as it has in the Data Protection Regulation;”.

[SECTION 161]

and

(II) by the deletion of the definition of “data subject”.

*' OJ No. L 119, 4.5.2016, p.1*

**180.** In page 126, lines 26 to 35 deleted.

SECTION 162

**181.** In page 126, lines 36 and 37 deleted, and in page 127, lines 1 to 5 deleted.

SECTION 163

**182.** In page 127, lines 6 to 22 deleted.

SECTION 164

**183.** In page 127, lines 23 to 31 deleted.

SECTION 165

**184.** In page 127, lines 32 to 36 deleted, and in page 128, line 1 deleted.

SCHEDULE 3

**185.** In page 131, lines 23 to 25 deleted.