



**SEANAD ÉIREANN**

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**AN BILLE UM FHAISNÉIS BHREITHE AGUS RIANÚ, 2022  
BIRTH INFORMATION AND TRACING BILL 2022**

**LEASUITHE TUARASCÁLA  
REPORT AMENDMENTS**

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# SEANAD ÉIREANN

## AN BILLE UM FHAISNÉIS BHREITHE AGUS RIANÚ, 2022 —AN TUARASCÁIL

### BIRTH INFORMATION AND TRACING BILL 2022 —REPORT

#### *Leasuithe Amendments*

*\*Government amendments are denoted by an asterisk*

1. In page 8, between lines 20 and 21, to insert the following:

“(c) a person who was otherwise illegally adopted.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

2. In page 8, between lines 20 and 21, to insert the following:

“(c) a person who was subject to an illegal birth registration.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

3. In page 8, between lines 25 and 26, to insert the following:

“ “Adoption Advisory Group” means the advisory group convened by the Minister as prescribed in *section 71#*.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

[#This is a reference to a section proposed to be inserted by amendment No. 47.]

4. In page 10, line 30, after “her,” to insert “including records of those administered for the purposes of a medical or medicinal trial”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

- \*5. In page 10, to delete lines 36 and 37, and in page 11, to delete lines 1 and 2 and substitute the following:

“(i) information on whether any person visited or inquired in relation to him or her, which information includes the name of the other person and, where applicable, the degree of relationship of the other person to him or her.”.

6. In page 10, to delete lines 36 and 37, and in page 11, to delete lines 1 and 2 and substitute the following:

“(i) information on whether any person visited or inquired in relation to him or her, information which shall include the degree of relationship of the other person to him or her and—

(i) where the other person is deceased or has not indicated a preference for non-contact on the Contact Preference Register, the name of the other person, or

- (ii) where the other person is not deceased and has indicated a preference for non-contact in the Contact Preference Register, the name of that person and appropriate information in respect of their contact preference.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

- 7. In page 10, to delete lines 36 and 37, and in page 11, to delete lines 1 and 2 and substitute the following:

“(i) information on whether any person visited or inquired in relation to him or her, information which shall include the degree of relationship of the other person to him or her and the name of the other person,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

- 8. In page 11, lines 1 and 2, to delete all words from and including “but” in line 1 down to and including line 2.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

- 9. In page 12, to delete lines 3 and 4 and substitute the following:

“ “medical information” means, in relation to a person, their medical records and information relating to their medical history;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

- 10. In page 12, to delete lines 3 and 4 and substitute the following:

“ “medical information” means, in relation to a person, their medical records and information relating to their medical history, including whether he or she was the subject of any vaccine trials;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

- 11. In page 12, to delete lines 3 and 4 and substitute the following:

“ “medical information” means, in relation to a person, their medical records and information relating to their medical history, including whether he or she was the subject of any vaccine trials and, if so, relevant information in respect of any such trial;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

- 12. In page 12, line 4, after “history” to insert “, including records of those administered for the purposes of a medical or medicinal trial”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

- 13. In page 12, line 4, after “history” to insert the following:

“, including whether he or she was the subject of any vaccine trials and if so, relevant information in respect of any such trial”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

14. In page 12, line 27, to delete “genetic”.  
—*Senators Alice-Mary Higgins, Lynn Ruane.*
15. In page 12, line 27, after “genetic” to insert “or other qualifying”.  
—*Senators Alice-Mary Higgins, Lynn Ruane.*
16. In page 13, line 23, to delete “genetic”.  
—*Senators Alice-Mary Higgins, Lynn Ruane.*
17. In page 13, line 23, after “genetic” to insert “or other qualifying”.  
—*Senators Alice-Mary Higgins, Lynn Ruane.*
18. In page 13, line 24, to delete “genetic”.  
—*Senators Alice-Mary Higgins, Lynn Ruane.*
19. In page 13, line 24, after “genetic” to insert “or other qualifying”.  
—*Senators Alice-Mary Higgins, Lynn Ruane.*
20. In page 13, line 28, to delete “genetic”.  
—*Senators Alice-Mary Higgins, Lynn Ruane.*
21. In page 13, line 28, after “genetic” to insert “or other qualifying”.  
—*Senators Alice-Mary Higgins, Lynn Ruane.*
22. In page 14, between lines 9 and 10, to insert the following:  
“(j) a religious order as deemed relevant by the Minister;”.  
—*Senators Alice-Mary Higgins, Lynn Ruane.*
23. In page 14, between lines 9 and 10, to insert the following:  
“(j) a psychiatric institution as deemed relevant by the Minister;”.  
—*Senators Alice-Mary Higgins, Lynn Ruane.*
24. In page 14, line 13, after “incorrect” to insert “or illegal”.  
—*Senators Alice-Mary Higgins, Lynn Ruane.*
25. In page 14, between lines 21 and 22, to insert the following:  
“(3) For the purposes of this Act, references to “incorrect birth registration” shall be construed to include illegal birth registrations.”.  
—*Senators Alice-Mary Higgins, Lynn Ruane.*
26. In page 14, line 36, to delete “in respect of which” and substitute “regardless of whether”.  
—*Senators Alice-Mary Higgins, Lynn Ruane.*
27. In page 15, between lines 35 and 36, to insert the following:  
“(5) Where no birth information is available, the Authority shall, in so far as practicable,

provide the relevant person with a written statement which explains the absence of information within its possession in respect of their adoption and/or illegal birth registration, and provide information to the relevant person regarding the recourse and supports available to them in locating and interpreting this information.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

28. In page 20, between lines 26 and 27, to insert the following:

“(4) Where no birth information is available, the Authority shall, in so far as practicable, provide the relevant person with a written statement which explains the absence of information within its possession in respect of their adoption and/or incorrect birth registration, and provide information to the relevant person regarding the further recourse and supports available to them.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

29. In page 25, between lines 27 and 28, to insert the following:

**“Information relating to contact preference**

17. In every case where an applicant is provided under this Act with a birth certificate or copy of the records that contain the birth information to which the application relates, or with a statement setting out the birth information contained in those records, the Authority shall send to the applicant, by prepaid registered post or other recorded delivery, a statement by the Authority setting out, in so far as it has established in relation to each relevant parent, whether—

- (a) he or she has not made a statement under *section 38(11)*,
- (b) he or she has made a statement under *section 38(11)* that either of the following applies:
  - (i) he or she is seeking to have contact with the applicant;
  - (ii) he or she is willing to be contacted by the applicant,
- (c) he or she has made a statement under *section 38(11)* that he or she is not willing to be contacted by the applicant,
- (d) he or she is deceased,
- (e) he or she is not willing to be contacted by the applicant.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

30. In page 25, to delete lines 28 to 40, and in page 26, to delete lines 1 to 19.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

31. In page 26, between lines 9 and 10, to insert the following:

“(4) Where a relevant person refuses, or is not in a position, to attend an information session, whether in-person or electronically, information in accordance with *subsection (2)* shall instead be provided to the relevant person in writing through a registered letter.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

\*32. In page 27, between lines 27 and 28, to insert the following:

“(6) A relevant body, when complying with *section 9(9), 10(7), 11(3), 12(3), 15(5) or 16(8)* shall, in addition, inform the applicant concerned, as relevant and appropriate, of his or her right or, in the case of an applicant who has not attained the age of 18 years, the right of a person to make an application under *Part 5* and under *section 38(3)*.”.

33. In page 31, line 35, to delete “next of kin” and substitute “close relative”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

34. In page 32, line 4, to delete “next of kin” and substitute “a close relative”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

35. In page 32, to delete lines 5 to 13 and substitute the following:

“(2) For the purposes of this Part, the following shall be considered to be the next of kin of a deceased relevant person:

- (a) his or her mother or father;
- (b) his or her brother or sister;
- (c) his or her uncle or aunt; or
- (d) his or her nephew or niece.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

36. In page 32, between lines 13 and 14, to insert the following:

“(2) For the purposes of this Part, the following shall be considered to be the close relative of a deceased relevant person:

- (a) his or her mother or father;
- (b) his or her brother or sister;
- (c) his or her uncle or aunt; or
- (d) his or her nephew or niece.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

37. In page 35, between lines 26 and 27, to insert the following:

“(iii) obtaining personal information or records relevant to the person which are held by the relevant person.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

38. In page 60, line 34, to delete “a” and substitute “an accessible”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

\*39. In page 60, to delete line 36 and substitute the following:

“particular, parents and relevant persons (including parents and relevant persons residing outside the State), of the following:”.

40. In page 61, between lines 15 and 16, to insert the following:

“(2) The Minister shall ensure that any public information campaign conducted under this section is conducted in a manner consistent with the State’s obligations under the United Nations Convention on the Rights of Persons with Disabilities.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

41. In page 63, between lines 32 and 33, to insert the following:

“(4) The Minister may, by regulation, remove immunity granted under this section from any of the organisations specified in *subsection (3)* and such a removal shall not affect the obligations of any organisation under this Act.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

42. In page 64, between lines 31 and 32, to insert the following:

“(2) For the avoidance of doubt, no Articles of the General Data Protection Regulation, other than those referred to in *paragraphs (a), (b), (c) and (d) of subsection (1)#*, shall be restricted in the performance of functions or fulfilment of obligations provided for in this Act.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

[#This is a reference to the text of section 68 of the Bill should this amendment be accepted.]

43. In page 64, between lines 31 and 32, to insert the following:

**“Rights and obligations under Article 15 of the General Data Protection Regulation**

69. For the avoidance of doubt, no rights or obligations under Article 15 of the General Data Protection Regulation shall be restricted or infringed upon by any provision of this Act.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

44. In page 64, line 37, after “her” to insert “in an expedient manner”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*



45. In page 65, between lines 7 and 8, to insert the following:

“(5) The Minister shall, within 18 months of the passing of this Act, lay a report before both Houses of the Oireachtas outlining the number of persons who have been provided with counselling services under *subsection (2)* and shall identify any obstacles to persons availing of such counselling services in an expedient manner and shall identify any mitigation measures which may be necessary to ensure the expedient delivery of counselling services.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

\*46. In page 65, to delete lines 9 and 10 and substitute the following:

“70. (1) The Minister shall, not later than 2 years after the coming into operation of this section, commence a review of the operation of this Act, other than *Parts 8 and 9*.

(2) In conducting a review under *subsection (1)*, the Minister shall consult with such persons, including relevant persons, as he or she considers appropriate.

(3) The Minister shall cause a report in writing of the findings of the review under *subsection (1)* to be prepared and, as soon as may be after it is prepared, shall cause copies of the report to be laid before each House of the Oireachtas.”.

47. In page 65, between lines 10 and 11, to insert the following:

**“Adoption Advisory Group**

71. The Minister may convene a permanent Adoption Advisory Group to inform the operation of this Act. The group, if convened, shall be comprised of—

(a) at least two representatives from groups advocating on behalf of relevant persons,

(b) at least two representatives from groups advocating on behalf of relevant persons who were adopted from Ireland to another country,

(c) at least two representatives from groups advocating on behalf of relevant persons from another country to Ireland,

(d) at least two representatives of groups advocating on behalf of parents.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*