



DÁIL ÉIREANN

AN BILLE CUMARSÁIDE (SONRAÍ A CHOIMEÁD) (LEASÚ), 2022 COMMUNICATIONS (RETENTION OF DATA) (AMENDMENT) BILL 2022

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE CUMARSÁIDE (SONRAÍ A CHOIMEÁD) (LEASÚ), 2022 —AN COISTE

COMMUNICATIONS (RETENTION OF DATA) (AMENDMENT) BILL 2022 —COMMITTEE STAGE

*Leasuithe
Amendments*

SECTION 2

1. In page 3, between lines 11 and 12, to insert the following:

“Duration of Act and review of Principal Act

2. (1) On the date that is 24 months from the passing of this Act, both this Act and the amendments to the Principal Act effected by this Act (whether or not such amendments have in the interim come into operation) shall stand repealed.
- (2) The Minister for Justice (“the Minister”) shall, upon the passing of this Act, immediately commence a review of the principles, purpose, operation and effectiveness of the Principal Act, having regard in particular to relevant provisions of constitutional and European Union law.
- (3) For the purposes of the review under *subsection (2)*, the Minister—
 - (a) may consult with such other persons or bodies as he or she considers appropriate, and
 - (b) shall consult with and seek the advice and recommendations of—
 - (i) the Data Protection Commission,
 - (ii) the Law Reform Commission,
 - (iii) the Irish Human Rights and Equality Commission, and
 - (iv) the Criminal Law Codification Advisory Committee,each of which shall give priority in its work programme to the provision to the Minister of such advice and recommendations.
- (4) Having completed his or her review under *subsection (2)*, the Minister—
 - (a) shall prepare a report setting out the findings and conclusions consequent on the review, which report shall also set out the advice and recommendations of each of the bodies referred to in *subsection (3)(b)*, and

[SECTION 2]

(b) shall cause a copy of the report to be laid before each House of the Oireachtas as soon as practicable after it has been prepared.

(5) This section comes into operation on the passing of this Act.”.

—Brendan Howlin.

2. In page 4, between lines 38 and 39, to insert the following:

“ ‘security of the State’ means any threat or action that is made by a terrorist organisation either domestic or international in nature and could impact on the business of the State or persons living in the State;”.

—Thomas Pringle.

SECTION 5

3. In page 8, to delete line 7 and substitute the following:

“(i) having committed a serious offence, or”.

—Pa Daly, Martin Kenny.

SECTION 11

4. In page 42, between lines 19 and 20, to insert the following:

“Duration of Act

11. (1) This Act as a whole, or any sections commenced will cease to be in operation 6 months from the date of the first order made by the Minister under *section 12(2)**, unless a resolution has been passed by each House of the Oireachtas resolving that the Act or that a section or sections should continue in operation.

(2) Before a resolution under this section is passed by either House of the Oireachtas, the Minister for Justice shall prepare a Data Protection Impact Assessment (DPIA) of the whole Act and shall cause a copy of it to be laid before each House of the Oireachtas and have a copy sent to the members of the Joint Committee on Justice.

(3) A resolution under this section shall only be passed by each House of the Oireachtas on one occasion and shall be for a period not longer than 3 months.

(4) For the avoidance of doubt, any enactment the amendment of which is effected by a section this Act that ceases to be in operation on and from the day referred to in *subsection (1)* or, as the case may be, the expiry of the period for which it is continued in operation under *subsection (3)* (“the expiry”) shall, on and from that day or, as the case may be, the expiry, apply and have effect as it applied and had effect immediately before the passing of this Act but subject to any amendments made by any other Act of the Oireachtas after such passing.

(5) In this section, “Data Protection Impact Assessment” has the meaning assigned to it by Part 5 of the Data Protection Act 2018.”.

—Thomas Pringle.

[SECTION 11]

5. In page 42, after line 26, to insert the following:

“(3) This Act shall apply for a period of 6 months following the commencement of this Act and thereafter may be extended for an additional period of 3 months subject to the passing of a resolution approving such an extension by both Houses of the Oireachtas.”.

—Catherine Murphy.

6. In page 42, after line 26, to insert the following:

“(3) The provisions of this Act when commenced, shall continue in operation until the 1st June 2023 or on the date which the Minister introduces a successor Act which repeals and replaces these provisions, whichever is the earlier.”.

—James Lawless.

7. In page 42, after line 26, to insert the following:

“(3) That the Minister shall establish and engage with a working group which represents stakeholders and service providers within the first months of the commencement of the Act.”.

—James Lawless.