



**SEANAD ÉIREANN**

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**AN BILLE CUMARSÁIDE (SONRAÍ A CHOIMEÁD) (LEASÚ),  
2022**

**COMMUNICATIONS (RETENTION OF DATA)  
(AMENDMENT) BILL 2022**

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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

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

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#### *Leasuithe Amendments*

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*\*Government amendments are denoted by an asterisk*

#### SECTION 2

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

“ ‘security of the State’ means the territorial integrity and independence of the State from subversive activities by hostile states and from hostile groups within the State, and the safe and ongoing functioning of sovereign authority and the constitutional system of the State, and the security of its citizens (including the rights and freedoms of citizens);”.

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

2. In page 5, between lines 11 and 12, to insert the following:

“ ‘threat to the security of the State’ means a threat to the integrity and independence of the State, to the safe and ongoing function of sovereign authority in the State, or to the security of its citizens (including the rights and freedoms of citizens), from hostile states or hostile groups within the State, and which is a threat greater than that posed by common criminal behaviour;”.

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

3. In page 5, between lines 11 and 12, to insert the following:

“ ‘threat to the security of the State’ means a situation of a particular threat to the constitutional system of the State or the ongoing function of sovereign authority, or to the security, rights, and freedoms of citizens, including that caused by actions of a terrorist nature or actions in cyberspace, which cannot be eliminated by the use of ordinary means;”.

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

#### SECTION 3

4. In page 5, line 35, to delete “a period of one year, or”.

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

[SECTION 4]

SECTION 4

5. In page 6, line 36, after “made” to insert the following:

“, only if it is strictly necessary to safeguard the security of the State, and only if the relevant judge specifies the period of time for which the retention of the data is strictly necessary”.

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

6. In page 7, to delete lines 1 and 2 and substitute the following:

“(a) for such period as the relevant judge may specify in the order,”.

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

7. In page 7, line 29, to delete “a period of one year, or”.

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

SECTION 5

8. In page 8, line 7, to delete “an” and substitute “a serious”.

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

9. In page 8, line 13, to delete “preventing,”.

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

10. In page 8, line 13, to delete “preventing, detecting,”.

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

11. In page 8, line 33, after “a” to insert “serious”.

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

12. In page 8, line 36, to delete “preventing,”.

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

13. In page 8, line 36, to delete “preventing, detecting,”.

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

SECTION 7

14. In page 37, between lines 5 and 6, to insert the following:

**“Protection of journalistic sources**

7E. (1) Sections 6B, 6D, 6E, 7B, and 7D shall not apply in the case of data belonging to a journalist, and no powers may be exercised in respect of the retention, preservation or disclosure of data of a journalist as a matter of urgency, without relevant authorisation issued by an authorising judge.

(2) All sections of this Act, other than those listed under subsection (1), shall only apply in the case of data belonging to a journalist and orders may only be issued in respect of data belonging to a journalist, where the applicant convincingly establishes that there is an overriding

[SECTION 7]

requirement in the public interest that justifies such an order.”.”.

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

SECTION 11

15. 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.
- (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 affected 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.”.

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

[#*This is the correct reference if this amendment is accepted.*]