



SEANAD ÉIREANN

**BILLE AN GHARDA SÍOCHÁNA (FEISTÍ TAIFEADTA), 2022
GARDA SÍOCHÁNA (RECORDING DEVICES) BILL 2022**

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

SEANAD ÉIREANN

BILLE AN GHARDA SÍOCHÁNA (FEISTÍ TAIFEADTA), 2022 —AN TUARASCÁIL

GARDA SÍOCHÁNA (RECORDING DEVICES) BILL 2022 —REPORT

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

- *1. In page 6, line 14, before “uniform” to insert “a”.
- *2. In page 6, line 15, after “including” to insert “a”.
3. In page 7, line 22, after “system” to insert “specified in a relevant code of practice”.

—Senators Sharon Keogan, Rónán Mullen.
4. In page 7, line 25, after “systems” to insert “specified in a relevant code of practice”.

—Senators Sharon Keogan, Rónán Mullen.
5. In page 7, line 26, after “*paragraph (a),*” to insert “without the use of facial recognition technology.”.

—Senators Lynn Ruane, Eileen Flynn.
6. In page 10, to delete lines 12 to 18 and substitute the following:

“(2) If a Garda is assigned to wear a body-worn camera, it must be highly visible and turned on at all times when the Garda—

 - (a) is on-duty, and
 - (b) is—
 - (i) responding to a call, or
 - (ii) engaged in any law enforcement related activity that includes, but is not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd control, traffic control, non-community caretaking interactions with an individual while on patrol, or any other instance in which the officer is enforcing any laws of the jurisdiction.

(3) A member of the Garda Síochana shall not be required to have a body-worn camera turned on if they are completing paperwork or are only in the presence of a member of another Garda.”.

—Senators Sharon Keogan, Rónán Mullen.

7. In page 10, lines 16 to 18, to delete all words from and including “order;” in line 16 down to and including line 18 and substitute “order where there are reasonable grounds to believe there is a significant threat;”.

—*Senators Sharon Keogan, Rónán Mullen.*

8. In page 10, between lines 25 and 26, to insert the following:

“(d) is requested to do so by an individual with whom they are engaged in the course of their duties,”.

—*Senators Lynn Ruane, Eileen Flynn.*

9. In page 11, between lines 3 and 4, to insert the following:

“(f) shall do so after receiving sufficient training to make them suitably qualified to use the relevant device, and after receiving sufficient data protection training so as to render them proficient in operating the device in accordance with legislation regulating the use of data,

(g) shall do so after a pilot scheme in respect of that device has been completed, and the results of which have been assessed and published,”.

—*Senators Sharon Keogan, Rónán Mullen.*

10. In page 11, to delete lines 15 and 16 and substitute the following:

“(b) he or she shall notify the subjects of the recording at the start of the operation and record the notification.”.

—*Senators Lynn Ruane, Eileen Flynn.*

11. In page 11, to delete lines 21 and 22 and substitute the following:

“(a) is worn in a location and manner that maximises the camera’s ability to capture video footage of the Garda member’s activities, and”.

—*Senators Sharon Keogan, Rónán Mullen.*

12. In page 11, between lines 23 and 24, to insert the following:

“Additional provisions regarding operation of cameras affixed to, or part of, an aerial vehicle

11. Reasonable measures shall be taken to ensure that the use of any camera affixed to or part of an aerial vehicle, manned or unmanned, shall be overt and clearly identifiable as being Garda operated.”.

—*Senators Lynn Ruane, Eileen Flynn.*

- *13. In page 11, line 35, to delete “device;” and substitute “device;”.

14. In page 11, after line 35, to insert the following:

“(e) turns off, or causes not to be operated, a recording device to knowingly and

purposefully conceal the use or misuse of force.”.

—*Senators Lynn Ruane, Eileen Flynn.*

- *15. In page 12, line 3, to delete “coerces, threatens” and substitute “coerces”.
- *16. In page 12, line 4, to delete “act in a manner contrary to” and substitute “commit an offence under”.
17. In page 12, between lines 5 and 6, to insert the following:

“(3) A person who, without lawful authority or reasonable excuse, shares audio or visual data gathered by a recording device shall be guilty of an offence.”.

—*Senators Lynn Ruane, Eileen Flynn.*

18. In page 14, line 24, to delete “or”.

—*Senators Lynn Ruane, Eileen Flynn.*

19. In page 14, line 25, to delete “under *section 19*”.

—*Senators Lynn Ruane, Eileen Flynn.*

20. In page 14, line 26, to delete “member of the Garda Síochána not below the rank of superintendent” and substitute “judge of the District Court”.

—*Senators Sharon Keogan, Rónán Mullen.*

21. In page 15, between lines 5 and 6, to insert the following:

“(c) shall not be acted on until authorised by a judge of the District Court.”.

—*Senators Lynn Ruane, Eileen Flynn.*

22. In page 15, to delete lines 8 and 9 and substitute the following:

“(b) the name of the District Court judge and the date of approval.”.

—*Senators Sharon Keogan, Rónán Mullen.*

23. In page 15, line 13, to delete “member of the Garda Síochána” and substitute “District Court judge”.

—*Senators Sharon Keogan, Rónán Mullen.*

24. In page 15, line 17, after “approval” to insert “, for a collective period of not more than three months”.

—*Senators Lynn Ruane, Eileen Flynn.*

25. In page 15, between lines 17 and 18, to insert the following:

“(6) The total duration of an approval granted under this section, howsoever extended or varied, shall not exceed the duration of three months.”.

—*Senators Sharon Keogan, Rónán Mullen.*

26. In page 15, between lines 30 and 31, to insert the following:

“(2) In making an application under *subsection (1)*, the member shall have regard to the necessity and proportionality of the measure pursuant to an order under this section, taking into account the impact of such on the fundamental rights of individuals.”.

—*Senators Sharon Keogan, Rónán Mullen.*

27. In page 15, line 40, after “*paragraph (c)*” to insert “, and the impact of such focussed monitoring on the privacy and fundamental rights of the individual or individuals concerned”.

—*Senators Lynn Ruane, Eileen Flynn.*

28. In page 16, line 34, to delete “sergeant” and substitute “superintendent”.

—*Senators Sharon Keogan, Rónán Mullen.*

29. In page 17, line 2, after “data”)” to insert “following applications under *section 17* and/or *section 18* of this Act.”.

—*Senators Sharon Keogan, Rónán Mullen.*

30. In page 17, line 9, after “order” to insert “where there are reasonable grounds to believe there is a significant threat”.

—*Senators Sharon Keogan, Rónán Mullen.*

31. In page 17, lines 12 to 15, to delete all words from and including “*Síochána*,” in line 12 down to and including line 15 and substitute “*Síochána*.”.

—*Senators Sharon Keogan, Rónán Mullen.*

32. In page 17, line 23, after “be,” to insert “the name and rank of the Garda who carried out the search, the date of the search, the objective of the search, the specific information searched, the personal data processed during the search, and a written explanation of how the approved measure met the principles of necessity and proportionality.”.

—*Senators Sharon Keogan, Rónán Mullen.*

*33. In page 17, line 33, to delete “data;” and substitute “data,”.

*34. In page 17, line 36, to delete “coerces, threatens” and substitute “coerces”.

*35. In page 17, line 37, to delete “act in a manner contrary to” and substitute “commit an offence under”.

36. In page 18, between lines 4 and 5, to insert the following:

“PART 4

OTHER REGULATION OF RECORDING DEVICES

Calibration of Devices and ANPR

22. (1) Any body-worn cameras or devices using ANPR must be calibrated by an organisation independent of the Garda Síochána.

- (2) Within six months of the passing of this Act, the PSA shall issue licenses to organisations that will be required to calibrate the devices.
- (3) Any body-worn camera or ANPR must be calibrated at least every month by the PSA accredited body.
- (4) In this section, “PSA” means the Private Security Authority.”.

—*Senators Sharon Keogan, Rónán Mullen.*

37. In page 19, between lines 9 and 10, to insert the following:

- “(5) (a) The Commissioner shall be prohibited from recording a line that could be used to provide tip-offs, leads or confidential information.
- (b) Any evidence gathered from recording a line that could be used to provide tip-offs, leads or confidential information shall be inadmissible in court.”.

—*Senators Sharon Keogan, Rónán Mullen.*

- *38. In page 19, line 30, to delete “coerces, threatens” and substitute “coerces”.
- *39. In page 19, line 31, to delete “act in a manner contrary to” and substitute “commit an offence under”.
- *40. In page 21, line 1, to delete “and” and substitute “or”.
- *41. In page 21, line 5, to delete “installation or operation,” and substitute “installation, operation”.
- *42. In page 21, lines 13 and 14, to delete “install or operate the CCTV, or both,” and substitute “install, operate or both, the CCTV,”.
- *43. In page 21, line 14, to delete “installed or operated,” and substitute “installed, operated”.
- 44. In page 21, line 19, after “the” where it firstly occurs to insert “technological specifications,”.

—*Senators Lynn Ruane, Eileen Flynn.*

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

- “(c) state the means by which the public and local residents will be appropriately notified of the use of cameras and their relevant rights,”.

—*Senators Lynn Ruane, Eileen Flynn.*

- *46. In page 21, line 27, to delete “installation or operation” and substitute “installation, operation or both,”.
- *47. In page 22, line 3, to delete “installation or operation,” and substitute “installation, operation”.
- *48. In page 22, line 11, to delete “install or operate the CCTV, or both,” and substitute “install, operate or both, the CCTV,”.
- *49. In page 22, line 12, to delete “installed or operated,” and substitute “installed, operated”.
- 50. In page 22, line 16, after “the” where it firstly occurs to insert “technological specifications,”.

—*Senators Lynn Ruane, Eileen Flynn.*

51. In page 22, between lines 17 and 18, to insert the following:

“(c) state the means by which the public and local residents will be appropriately notified of the use of cameras and their relevant rights,”.

—*Senators Lynn Ruane, Eileen Flynn.*

- *52. In page 22, line 26, to delete “installation or operation” and substitute “installation, operation or both,”.
- *53. In page 22, line 36, to delete “information or”.
- *54. In page 23, line 1, to delete “installed and operated” and substitute “installed, operated or both”.
- *55. In page 23, lines 8 and 9, to delete “installation or operation of the CCTV, or both,” and substitute “installation, operation or both, of the CCTV”.
- *56. In page 23, line 13, to delete “installation or operation of the CCTV, or both,” and substitute “installation, operation or both, of the CCTV”.
- *57. In page 23, lines 14 to 16, to delete all words from and including “good” in line 14 down to and including line 16 and substitute “good character.”.
- *58. In page 23, line 26, to delete “installing or operating CCTV, or both,” and substitute “installing, operating or both, CCTV”.
- *59. In page 23, line 28, to delete “installation or operation” and substitute “installation, operation or both”.
- *60. In page 23, line 36, to delete “installing or operating CCTV, or both,” and substitute “installing, operating or both, CCTV”.
- *61. In page 23, lines 37 to 39, to delete all words from and including “good” in line 37 down to and including line 39 and substitute “good character.”.
- *62. In page 24, line 9, to delete “installation or operation,” and substitute “installation, operation”.
- *63. In page 24, lines 11 and 12, to delete “installation or operation” and substitute “installation, operation or both”.
- *64. In page 25, line 17, to delete “installation or operation,” and substitute “installation, operation”.
- *65. In page 25, lines 19 and 20, to delete “installation or operation” and substitute “installation, operation or both”.
- *66. In page 25, line 39, to delete “installation or operation,” and substitute “installation, operation”.
- *67. In page 26, lines 4 and 5, to delete “installation or operation” and substitute “installation, operation or both,”.
- *68. In page 26, lines 18 and 19, to delete “install or operate, or cause to be installed or operated,” and substitute “install, operate or both, or to cause to be installed, operated or both,”.

*69. In page 26, line 20, to delete “installs or operates, or causes to be installed or operated,” and substitute “installs, operates or both, or causes to be installed, operated or both,”.

*70. In page 26, line 35, to delete “thereof;” and substitute “thereof,”.

71. In page 26, after line 37, to insert the following:

“(4) A person who, without lawful authority or reasonable excuse, shares information with any party (including video or audio information) gathered by CCTV shall be guilty of an offence.”.

—*Senators Lynn Ruane, Eileen Flynn.*

*72. In page 27, line 1, to delete “coerces, threatens” and substitute “coerces”.

*73. In page 27, line 2, to delete “act in a manner contrary to” and substitute “commit an offence under”.

*74. In page 31, line 32, to delete “thereof;” and substitute “thereof,”.

*75. In page 31, line 35, to delete “coerces, threatens” and substitute “coerces”.

*76. In page 31, line 36, to delete “act in a manner contrary to” and substitute “commit an offence under”.

77. In page 31, between lines 37 and 38, to insert the following:

“(5) A person who, without lawful authority or reasonable excuse, shares information with any party (including video or audio information) gathered by CCTV shall be guilty of an offence.”.

—*Senators Lynn Ruane, Eileen Flynn.*

*78. In page 32, lines 11 and 12, to delete “installation or operation,” and substitute “installation, operation”.

*79. In page 32, line 15, to delete “offences.” and substitute “offences,”.

*80. In page 32, between lines 15 and 16, to insert “if that installation, operation or both, is necessary and proportionate with regard to its principal purpose under this subsection.”.

*81. In page 33, line 3, to delete “coerces, threatens” and substitute “coerces”.

*82. In page 33, line 4, to delete “act in a manner contrary to” and substitute “commit an offence under”.

83. In page 36, between lines 2 and 3, to insert the following:

“Review of operation of *Part 2*

49. The Minister shall, within 12 months of the passing of this Act, lay a report before both Houses of the Oireachtas on the operation of *Part 2*, which shall consider, *inter alia*, the following matters:

(a) the extent and nature of any misuse of recording devices operated by Garda personnel provided for by the Act;

- (b) the impact on the fundamental rights of subjects of recordings made by Garda personnel, and whether greater rights-based provisions are required to safeguard these rights;
- (c) the need for operational codes of practice regarding the use of recording devices by Garda personnel to be provided for in primary legislation;
- (d) whether persons engaged with members of the Garda Síochána ought to have a statutory right to request that a member of Garda personnel make a recording of their engagement.”.

—*Senators Lynn Ruane, Eileen Flynn.*