



DÁIL ÉIREANN

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

LEASUITHE A RINNE AN SEANAD AMENDMENTS MADE BY THE SEANAD

DÁIL ÉIREANN

BILLE AN GHARDA SÍOCHÁNA (FEISTÍ TAIFEADTA), 2022 *[BILLE DÁLA ARNA LEASÚ AG AN SEANAD]*

GARDA SÍOCHÁNA (RECORDING DEVICES) BILL 2022 *[DÁIL BILL AMENDED BY THE SEANAD]*

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

*[The page and line references in this list of amendments
are to the text of the Bill as initiated]*

TITLE

1. In page 5, lines 17 to 19, to delete all words from and including “to” in line 17 down to and including “offence;” in line 19.

SECTION 2

2. In page 6, line 14, before “uniform” to insert “a”.
3. In page 6, line 15, after “including” to insert “a”.

SECTION 5

4. In page 8, line 36, to delete “Public Expenditure and Reform” and substitute “Public Expenditure, National Development Plan Delivery and Reform”.

SECTION 9

5. In page 10, lines 2 and 3, to delete “if the recording device was in the same location as the member;” and substitute “if the member were in the same location as the recording device;”.

SECTION 11

6. In page 11, between lines 20 and 21, to insert the following:

“Power to process data obtained under this Part

11. A member of Garda personnel may, for a purpose referred to in *section 9(2)*, and in accordance with an applicable code of practice, process data (including personal data) obtained as a result of the operation of a recording device under this Part.”.

[SECTION 11]

7. In page 11, line 25, after “device” to insert “under this Part”.
8. In page 11, line 28, to delete “permits the damage or destruction of” and substitute “permits damage to, or the destruction of,”.
9. In page 11, line 28, to delete “device;” and substitute “device;”.
10. In page 11, line 31, to delete “coerces, threatens” and substitute “coerces”.
11. In page 11, line 32, to delete “act in a manner contrary to” and substitute “commit an offence under”.

SECTION 14

12. In page 13, line 2, to delete “operation of a recording device” and substitute “utilisation of ANPR”.
13. In page 13, line 3, to delete “operation” and substitute “utilisation”.
14. In page 13, line 5, to delete “operation” and substitute “utilisation”.

SECTION 15

15. In page 13, line 9, after “designate” to insert “in writing”.

SECTION 17

16. In page 14, line 11, to delete “data”.

SECTION 18

17. In page 15, line 20, to delete “that period” and substitute “the 3-month period”.
18. In page 15, line 20, to delete “utilise the ANPR data” and substitute “utilise ANPR”.
19. In page 15, line 34, to delete “of the District Court” and substitute “to whom an application under *subsection (1)* is made”.

[SECTION 18]

20. In page 16, line 1, to delete “judge” and substitute “judge of the District Court assigned to the Dublin Metropolitan District”.
21. In page 16, line 8, to delete “any previous” and substitute “the last”.
22. In page 16, line 20, to delete “District Court district to which the judge is assigned” and substitute “Dublin Metropolitan District”.

SECTION 19

23. In page 16, line 27, after “type” to insert “of”.

SECTION 20

24. In page 17, line 23, to delete “permits the damage or destruction of” and substitute “permits damage to, or the destruction of,”.
25. In page 17, line 24, to delete “data;” and substitute “data,”.
26. In page 17, line 27, to delete “coerces, threatens” and substitute “coerces”.
27. In page 17, line 28, to delete “act in a manner contrary to” and substitute “commit an offence under”.

SECTION 21

28. In page 18, line 9, after “designate” to insert “in writing”.
29. In page 18, line 19, to delete “under” and substitute “specified in”.

SECTION 23

30. In page 19, between lines 11 and 12, to insert the following:

“Offences under this Part

23. (1) Where a member of Garda personnel records a telephone call to or from the Garda Síochána on a telephone line or number that the Commissioner of the Garda Síochána has not designated under *section 21(2)* that person shall be guilty of an offence.
- (2) A person who, without lawful authority or reasonable excuse, knowingly does any of the following:

[SECTION 23]

- (a) falsifies, conceals, destroys or otherwise disposes of data (including personal data) recorded by the Garda Síochána from telephone lines or numbers designated under this Part;
 - (b) permits the falsification, concealment, destruction or disposal of the data (including personal data),
for the purpose of making that data or any document derived therefrom unavailable as evidence, shall be guilty of an offence.
- (3) A person who induces, coerces or requests, without lawful authority or reasonable excuse, a member of Garda personnel to commit an offence under *subsection (2)* shall be guilty of an offence.
- (4) A person guilty of an offence under *subsection (1)* shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both.
- (5) A person guilty of an offence under *subsection (2)* or *(3)* shall be liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years or both.”.

SECTION 24

31. In page 20, line 9, to delete “and” and substitute “or”.

SECTION 25

32. In page 20, line 12, after “apply” to insert “in writing”.
33. In page 20, line 13, to delete “installation or operation,” and substitute “installation, operation”.
34. In page 20, lines 20 and 21, to delete “install or operate the CCTV, or both,” and substitute “install, operate or both, the CCTV,”.
35. In page 20, line 21, to delete “installed or operated,” and substitute “installed, operated”.
36. In page 20, line 34, to delete “installation or operation” and substitute “installation, operation or both,”.

[SECTION 26]

SECTION 26

37. In page 21, line 7, after “apply” to insert “in writing”.
38. In page 21, line 8, to delete “installation or operation,” and substitute “installation, operation”.
39. In page 21, line 16, to delete “install or operate the CCTV, or both,” and substitute “install, operate or both, the CCTV,”.
40. In page 21, line 17, to delete “installed or operated,” and substitute “installed, operated”.
41. In page 21, line 31, to delete “installation or operation” and substitute “installation, operation or both,”.
42. In page 22, line 2, to delete “information or”.
43. In page 22, line 7, to delete “installed and operated” and substitute “installed, operated or both”.
44. In page 22, lines 14 and 15, to delete “installation or operation of the CCTV, or both,” and substitute “installation, operation or both, of the CCTV”.
45. In page 22, line 19, to delete “installation or operation of the CCTV, or both,” and substitute “installation, operation or both, of the CCTV”.
46. In page 22, lines 20 to 22, to delete all words from and including “good” in line 20 down to and including line 22 and substitute “good character.”.

SECTION 27

47. In page 22, line 32, to delete “installing or operating CCTV, or both,” and substitute “installing, operating or both, CCTV”.
48. In page 22, line 34, to delete “installation or operation” and substitute “installation, operation or both”.

[SECTION 32]

49. In page 23, line 3, to delete “installing or operating CCTV, or both,” and substitute “installing, operating or both, CCTV”.
50. In page 23, lines 4 to 6, to delete all words from and including “good” in line 4 down to and including line 6 and substitute “good character.”.

SECTION 28

51. In page 23, line 15, to delete “installation or operation,” and substitute “installation, operation”.
52. In page 23, lines 17 and 18, to delete “installation or operation” and substitute “installation, operation or both”.

SECTION 29

53. In page 24, line 25, to delete “installation or operation,” and substitute “installation, operation”.
54. In page 24, lines 27 and 28, to delete “installation or operation” and substitute “installation, operation or both”.

SECTION 30

55. In page 25, line 7, to delete “installation or operation,” and substitute “installation, operation”.

SECTION 31

56. In page 25, lines 12 and 13, to delete “installation or operation” and substitute “installation, operation or both,”.

SECTION 32

57. In page 25, between lines 15 and 16, to insert the following:

“Power to process data obtained under this Part

32. A member of Garda personnel may, for a purpose referred to in *section 25(1)*, and in accordance with an applicable code of practice, process data (including personal data) obtained—
- (a) pursuant to an authorisation given under this Part, and
 - (b) where the authorisation was given to a local authority under *section 26*, pursuant to access given to members of Garda personnel under *subsection (4)(a)* of that section.”.

[SECTION 32]

58. In page 25, 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,”.
59. In page 25, 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,”.
60. In page 25, line 35, to delete “permits the damage or destruction of” and substitute “permits damage to, or the destruction of,”.
61. In page 25, line 35, to delete “thereof;” and substitute “thereof,”.
62. In page 26, line 1, to delete “coerces, threatens” and substitute “coerces”.
63. In page 26, line 2, to delete “act in a manner contrary to” and substitute “commit an offence under”.

SECTION 40

64. *Section proposed to be deleted.*

SECTION 41

65. In page 31, to delete lines 1 to 3.
66. In page 31, line 10, to delete “permits the damage or destruction of” and substitute “permits damage to, or the destruction of,”.
67. In page 31, line 10, to delete “thereof;” and substitute “thereof,”.
68. In page 31, line 13, to delete “coerces, threatens” and substitute “coerces”.
69. In page 31, line 14, to delete “act in a manner contrary to” and substitute “commit an offence under”.
70. In page 31, line 16, to delete “or (3)”.

[SECTION 42]

SECTION 42

71. In page 31, line 29, to delete “installation or operation” and substitute “installation, operation or both,”.
72. In page 31, line 33, to delete “offences.” and substitute “offences,”.
73. In page 31, between lines 33 and 34, to insert the following:
- “if that installation, operation or both, is necessary and proportionate with regard to its principal purpose under this subsection.”.

SECTION 43

74. In page 32, between lines 4 and 5, to insert the following:

“Power to process data obtained under this Part

43. A member of Garda personnel may, for a purpose referred to in *section 42(1)*, process the data (including personal data) obtained pursuant to the operation of CCTV in accordance with an authorisation under this Part.”.

75. In page 32, between lines 4 and 5, to insert the following:

“Offences under this Part

44. (1) A person who, without lawful authority or reasonable excuse, knowingly does any of the following:
- (a) falsifies, conceals, destroys or otherwise disposes of information (including visual or audio information) gathered by CCTV to which this Part relates;
 - (b) permits the falsification, concealment, destruction or disposal of the information;
 - (c) causes damage to or destroys the CCTV or part thereof;
 - (d) permits damage to, or the destruction of, the CCTV or part thereof,
- for the purpose of making that information, any document derived therefrom or the CCTV or part thereof unavailable as evidence, shall be guilty of an offence.
- (2) A person who induces, coerces or requests, without lawful authority or reasonable excuse, a member of Garda personnel to commit an offence under *subsection (1)* shall be guilty of an offence.
- (3) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both, or

[SECTION 43]

- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years or both.”.