



**An Bille um Chiapadh, Cumarsáid Dhochrach agus Cionta Gaolmhara (Leasú)
(Uimh. 3), 2026**

**Harassment, Harmful Communications and Related Offences (Amendment)
(No. 3) Bill 2026**

Mar a tionscnaíodh

As initiated



**AN BILLE UM CHIAPADH, CUMARSÁID DHOCHRACH AGUS CIONTA
GAOLMHARA (LEASÚ) (UIMH. 3), 2026
HARASSMENT, HARMFUL COMMUNICATIONS AND RELATED OFFENCES
(AMENDMENT) (NO. 3) BILL 2026**

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ACTS REFERRED TO

Bail Act 1997 (No. 16)

Broadcasting Act 2009 (No. 18)

Domestic Violence Act 2018 (No. 6)

Gambling Regulation Act 2024 (No. 35)

Harassment, Harmful Communications and Related Offences Act 2020 (No. 32)



**AN BILLE UM CHIAPADH, CUMARSÁID DHOCHRACH AGUS CIONTA
GAOLMHARA (LEASÚ) (UIMH. 3), 2026
HARASSMENT, HARMFUL COMMUNICATIONS AND RELATED OFFENCES
(AMENDMENT) (NO. 3) BILL 2026**

Bill

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entitled

An Act to amend the Harassment, Harmful Communications and Related Offences Act 2020, to amend the Broadcasting Act 2009 and to provide for related matters.

Be it enacted by the Oireachtas as follows:

Definition

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1. In this Act, “Act of 2020” means the Harassment, Harmful Communications and Related Offences Act 2020.

Amendment of section 1 (interpretation) of Act of 2020

2. Section 1 of the Act of 2020 is amended by the insertion of the following definition after the definition of “broadcast”:

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“ ‘deep fake intimate image’ means an intimate image of a person that is generated or manipulated by means of artificial intelligence;”.

Amendment of Act of 2020 - insertion of new section 2A

3. The Act of 2020 is amended by the insertion of the following section after section 2:

“Creating deep fake intimate image without consent with intent to cause harm or being reckless as to whether harm is caused

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2A. (1) A person who creates a deep fake intimate image of another person—

(a) without that other person’s consent, and

(b) with intent to cause harm to, or being reckless as to whether or not harm is caused to, the other person,

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commits an offence.

(2) For the purposes of subsection (1), a person causes harm to another person where—

(a) by that person’s acts, the person intentionally or recklessly seriously interferes with the other person’s peace and privacy or

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causes alarm or distress to the other person, and

- (b) the person's acts are such that a reasonable person would realise that the acts would seriously interfere with the other person's peace and privacy or cause alarm or distress to the other person.

(3) A person who commits an offence under this section is liable— 5

- (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 7 years, or both.”.

Amendment of Act of 2020 - insertion of new section 2B 10

4. The Act of 2020 is amended by the insertion of the following section:

“Inducing creation of deep fake intimate image

2B. (1) A person who induces, or attempts to induce, another person to create a deep fake intimate image of a third person—

(a) without that third person's consent, and 15

(b) with intent to cause harm to, or being reckless as to whether or not harm is caused to, that third person,

commits an offence.

(2) Without prejudice to the generality of subsection (1), a person shall be considered to have induced, or attempted to induce, another person to create a deep fake intimate image of a third person if that person has indicated that person's agreement, whether given expressly or otherwise, to the creation of the image concerned on that person's behalf. 20

(3) For the purposes of subsection (1), a person causes harm to another person where— 25

(a) by that person's acts, the person intentionally or recklessly seriously interferes with the other person's peace and privacy or causes alarm or distress to the other person, and

(b) the person's acts are such that a reasonable person would realise that the acts would seriously interfere with the other person's peace and privacy or cause alarm or distress to the other person. 30

(4) A person who commits an offence under this section is liable—

(a) on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months, or both, or 35

(b) on conviction on indictment to a fine or imprisonment for a term not exceeding 7 years, or both.

(5) In proceedings for an offence under this section it shall not be necessary to prove that—

- (a) a deep fake intimate image of the person concerned was created,
- (b) an alleged inducement or attempted inducement to which the proceedings relate was directed at any specific person, or
- (c) a person to whom an alleged inducement or attempted inducement that is the subject of the proceedings was made was in the State at the time of the alleged offence.”. 5

Amendment of section 5 (anonymity of victims of certain offences) of Act of 2020

5. Section 5 of the Act of 2020 is amended—

- (a) in subsection (1), by the substitution of “section 2, 2A, 2B or 3” for “section 2 or 3”, and 10
- (b) in subsection (2), by the substitution of “section 2, 2A, 2B or 3” for “section 2 or 3”.

Amendment of Act of 2020 - insertion of new section 8A

6. The Act of 2020 is amended by the insertion of the following section after section 8:

“Identification orders in civil proceedings” 15

- 8A.** (1) The Circuit Court (in this section referred to as the ‘court’) shall have jurisdiction to hear and determine an application in accordance with this section.
- (2) Upon an application, the court may, subject to subsections (5) and (6), make an order (in this section referred to as an ‘identification order’) 20 where each of the following applies:
- (a) a deep fake intimate image of the applicant has been published or distributed on an information society service by means of an intermediary service provider;
 - (b) the applicant is seeking the identification of the person responsible 25 for such publication or distribution for the purpose of bringing civil proceedings in relation to that publication or distribution.
- (3) An application shall be made on notice to the relevant intermediary service provider concerned.
- (4) An identification order shall require a relevant intermediary service 30 provider to provide to the applicant such relevant information as the court may specify in the order.
- (5) An identification order shall not be made unless the court is satisfied that each of the following applies:
- (a) a deep fake intimate image was published or distributed, on an 35 information society service by means of an intermediary service provider by a person or entity (in this section referred to as an ‘anonymous publisher’) whose identity is unknown to the applicant and whose identity is not readily ascertainable from other

- information available to the applicant on the information society service;
- (b) the applicant is likely, in any civil proceedings proposed to be taken against the anonymous publisher in relation to the publication or distribution of the deep fake intimate image concerned, to succeed 5 in those proceedings;
 - (c) the relevant information is necessary to enable the applicant to bring any such proceedings against the anonymous publisher to whom the relevant information relates;
 - (d) the relevant information is likely to be in the possession of the 10 relevant intermediary service provider;
 - (e) the applicant has no other practicable means of obtaining the relevant information.
- (6) A court may—
- (a) make an identification order only where it considers that the 15 application is made in good faith and that—
 - (i) it is in the interests of justice to do so, and
 - (ii) the interests favouring disclosure of relevant information outweigh those against,

having regard to the rights and obligations of the applicant and 20 those of the anonymous publisher and any third parties who are reasonably likely to be affected by the order, and
 - (b) make the order subject to such conditions as it considers appropriate, which may include, in relation to the relevant information disclosed to the applicant by the relevant intermediary 25 service provider in accordance with that order—
 - (i) terms restricting the use of the relevant information so disclosed to the bringing of civil proceedings, or any specified civil proceedings, against the anonymous publisher, and
 - (ii) an undertaking by the applicant not to use the relevant 30 information so disclosed other than to bring civil proceedings, or any specified civil proceedings, against the anonymous publisher.
- (7) The court may, whether or not it has made an identification order and where it considers it appropriate to do so, order that an applicant pay 35 any or all of the costs of the relevant intermediary service provider in relation to an application and the costs resulting from the making of any identification order.
- (8) In this section—
- ‘application’ means an application under this section for an 40 identification order;

‘civil proceedings’ means any civil proceedings brought before a court or other tribunal;

‘information society service’ means a service as defined in point (b) of Article 1(1) of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015¹;

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‘intermediary service’ has the meaning assigned to it in Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022² on a Single Market For Digital Services;

‘intermediary service provider’ means a provider of an intermediary service;

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‘relevant information’, in relation to an anonymous publisher, means information as to the identity, address or other contact information of the anonymous publisher;

‘relevant intermediary service provider’ means an intermediary service provider that provides the intermediary service by means of which a deep fake intimate image is distributed or published, or caused to be published, by the anonymous publisher.”

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Amendment of Broadcasting Act 2009 - insertion of new Chapter

7. The Broadcasting Act 2009 is amended in Part 8B by the insertion of the following Chapter after Chapter 6A:

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“CHAPTER 6B

Access blocking order where deep fake intimate images created

Access blocking order where deep fake intimate images created

139ZZCC. (1) Subject to subsection (2), where it appears to the Commission, either in the course of an investigation under this Part or otherwise, that an information society service is being used for the purpose of creating deep fake intimate images, it may apply to the High Court for an order requiring internet service providers and providers of application store services to block access in the State to that service.

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(2) An application to the High Court under subsection (1) shall be made on notice to—

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(a) the provider of the information society service concerned,

(b) any other person appearing to the Commission to have a legitimate interest.

(3) The court may make an order requiring the blocking of access to an information society service if it is satisfied that—

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(a) the provider of the service knows or should reasonably know that the service is being used to commit offences under section 2A of

1 OJ No. L 241, 17.09.2015, p. 1

2 OJ No. L 277, 27.10.2022, p. 1

the Harassment, Harmful Communications and Related Offences Act 2020, and

- (b) the provider has not taken any, or any sufficient, measures to prevent offences under that section being committed.
- (4) The High Court may provide in an order under this section that a requirement imposed by the order is subject to such conditions as it considers necessary. 5
- (5) The High Court may, of its own motion or on an application of the provider of the information society service concerned, vary or discharge an order made under this section if it is satisfied that there is a material change of circumstance. 10
- (6) In making an order under this section, or in varying or discharging any such order, the High Court shall have regard to the following:
 - (a) levels of risk of harm, and in particular harm to children, from the availability of the information society service or exposure to it; 15
 - (b) the rights of the provider of the information society service and users of that service;
 - (c) the rights of any persons who may be affected by the availability of the information society service;
 - (d) the proportionality of any decision to make, vary or discharge an order, in light of the matters referred to in paragraphs (a) to (c). 20
- (7) Where the High Court makes an order under this section, or where the Court varies or discharges such an order, the Commission shall publish a notice on a website maintained by it, informing the public of the effect of such order, variation or discharge. 25
- (8) In this section, references to a provider of an application store service blocking access to an information society service include references to the provider blocking the downloading of software used to provide the service or to access the service.
- (9) In this section— 30
 - ‘deep fake intimate image’ has the same meaning as in the Harassment, Harmful Communications and Related Offences Act 2020;
 - ‘information society service’ means a service as defined in point (b) of Article 1(1) of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015³; 35
 - ‘internet service provider’ means a person who provides access to the internet at endpoints of the internet (including, for example, on a smartphone);
 - ‘provider of an application store service’ means a person who provides 40

3 OJ No. L 241, 17.9.2015, p. 1

a service the main purpose of which is to facilitate the download of, or access to, application software at endpoints of the internet.”.

Amendment of Schedule 3 to Broadcasting Act 2009

8. Schedule 3 to the Broadcasting Act 2009 is amended by the insertion of the following paragraphs after paragraph 38: 5

“38A. Online content by which a person creates a deep fake intimate image, contrary to section 2A of the Harassment, Harmful Communications and Related Offences Act 2020 (creating deep fake intimate image without consent with intent to cause harm etc.).

38B. Online content by which a person induces, or attempts to induce, 10
another person to create a deep fake intimate image, contrary to section 2B of the Harassment, Harmful Communications and Related Offences Act 2020 (inducing creation of deep fake intimate image without consent and with intent to cause harm etc.).”.

Amendment of Schedule to Bail Act 1997 15

9. The Schedule to the Bail Act 1997 is amended in paragraph 42 by the insertion of “, 2A or 2B” after “section 2”.

Amendment of section 40 (relationship between defendant and victim as aggravating factor in sentencing for certain offences) of Domestic Violence Act 2018

10. Section 40 of the Domestic Violence Act 2018 is amended in subsection (5), in 20
paragraph (aa) of the definition of “relevant offence”, by the substitution of “section 2, 2A, 2B or 3” for “section 2 or 3”.

Amendment of Schedule 1 to Gambling Regulation Act 2024

11. Schedule 1 to the Gambling Regulation Act 2024 is amended in paragraph 2(24) by the 25
insertion of “2A, 2B,” after “section 2,”.

Short title and commencement

12. (1) This Act may be cited as the Harassment, Harmful Communications and Related Offences (Amendment) (No. 3) Act 2026.

(2) This Act comes into operation on the day after the date of its passing.

An Bille um Chiapadh, Cumarsáid
Dhochrach agus Cionta Gaolmhara (Leasú)
(Uimh. 3), 2026

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta um Chiapadh, Cumarsáid
Dhochrach agus Cionta Gaolmhara, 2020, do
leasú an Achta Craolacháin, 2009 agus do
dhéanamh socrú i dtaobh nithe gaolmhara.

*Na Seanadóirí Eibhlín Ní Fhloinn, Proinséas Ní
Dhuibh, Ailís-Máire Ní Uiginn agus Lynn Ní Ruáin
a thug isteach,*

13 Deireadh Fómhair, 2026

Harassment, Harmful Communications and
Related Offences (Amendment) (No. 3) Bill
2026

BILL

(as initiated)

entitled

An Act to amend the Harassment, Harmful
Communications and Related Offences Act
2020, to amend the Broadcasting Act 2009 and
to provide for related matters.

*Introduced by Senators Eileen Flynn, Frances
Black, Alice-Mary Higgins and Lynn Ruane,*

13th October, 2026

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