

PAC-R-1287

Tithe an Oireachtais

HOUSES OF THE OIREACHTAS



PARLIAMENT OF IRELAND

An Coiste um Nós Imeachta agus Pribhléidí (Dáil Éireann)

Teach Laighean, Baile Átha Cliath 2

Committee on Procedure and Privileges (Dáil Éireann)

Leinster House, Dublin 2

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28th February 2014

Mr Ted McEnery
Clerk to the Public Accounts Committee
Kildare House

Re. provision of transcripts of private meetings

Dear Ted

I refer to your letter of 14th February, which queries matters relating to transcribing of proceedings of a Committee meeting held in private session. This matter is within the remit of the Committee on Procedure and Privileges (CPP), under Standing Order 99(1)(b) which provides that CPP shall “oversee the procedure in Standing, Select and Special Committees”.

Your letter was considered by CPP on Wednesday evening. In considering it, CPP (in relation to the particular PAC meeting in question) took account of the fact that the witness had requested that the meeting be held in private, that PAC had decided that the meeting should be held in private, and that the witness had subsequently requested a transcript of the meeting.

Having given the matter very careful consideration, CPP decided that transcripts of proceedings of meetings held in private session should not be produced. CPP also decided that neither extracts of evidence, nor redacted transcriptions, from meetings held in private should be produced. It is intended to notify the Chairs of all Oireachtas Committees of this decision.

CPP noted that, while the proceedings of private sessions are recorded, this is for the purpose of assisting clerks with the production of minutes. CPP is of the view that the use of such recordings should not be extended to other purposes, as the existence of the recordings alone does not legitimise their use for purposes other than originally intended.

In reaching its decisions, CPP had regard to–

- the provisions of Standing Orders in relation to taking evidence, and PAC’s own terms of reference,
- historical practice in relation to the treatment of evidence taken in private proceedings,
- the legitimate expectation of privacy, particularly on the part of members, where a meeting is held in private, and
- the legal risks for a witness where a transcript of a private meeting is produced.

Yours sincerely

Noreen Banim

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Clerk to Dáil CPP