

## **Opening statement to the Joint Committee on Education and Skills on the provisions of the Retention of Records Bill, 2019**

I refer to the longer statement already circulated to the Committee for fuller information on the points below.

### **The Retention of Records Bill, 2019 and the National Archives Act, 1986**

The Records Retention Bill proposes to withhold from public inspection for 75 years certain state records dealing with the Commission of Inquiry into Industrial Schools in Ireland (the Ryan Commission).

The National Archives Act has served the country perfectly well since its passage in 1986, as regards the withholding of records from public inspection.

The section of the Act which provides for this allows for officers of Government departments, with the consent of the Department of the Taoiseach, to certify that the release of Departmental Records which are over 30 years old would in certain circumstances be contrary to the public interest, or would or might constitute a breach of statutory duty, or a breach of good faith on the ground that they contain information supplied in confidence or would or might cause distress or danger to living persons. Why that is not seen as adequate protection by the proposers of this bill is unclear. The Oireachtas Joint Committee on Education, in 2015, recommended its use, but the Minister turned it down, on unspecified grounds.

### **Survivors' wishes**

A recent research study (the only serious attempt to ascertain the wishes of survivors) commissioned by the Department of Education, which consulted 100 of those who made submissions to the redress bodies to ascertain their views on the fate of the records, resulted in a majority expressing concern at the proposed "sealing" of the records. Those who made submissions to the various inquiries should be given copies of their submissions.

### **Administrative records**

Administrative records that are currently held in the archives of the Ryan Commission, the McAleese Committee and the Murphy Mother and Baby Homes Commission should be available when they are more than 30 (soon to be 20) years old. There are no privacy issues with these records, and it would set an extraordinary precedent if this Bill made it possible for the state to wrongly close important archives when it so

chooses, without recourse to the National Archives Act.

### **Overview**

1. There would seem to be no good reason not to use the provisions of existing legislation to preserve, withhold and make accessible these very important records;
2. Information on the desires of those who gave testimony to the Ryan Commission and the McAleese Committee, and who are currently giving testimony to the Mother and Baby Homes Commission should be gathered, to ascertain what they would wish to happen to the records;
3. Copies of submissions made to these bodies should be given to those who made them;
4. Administrative records of these bodies should be subject only to the provisions of the National Archives Act, and not swept up in this ill-considered attempt to bypass its provisions;
5. A quote for digitisation and redaction of the records should be sought from a reputable IT company;
6. The records of religious congregations who ran the institutions should be brought under the aegis of the state, either through the National Archives Act or through the establishment of a state-run religious records repository.

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