

Joint Committee on Enterprise, Trade and Employment

Opening Statement by Ronan Lupton SC*

21 June 2023

1. Introduction and background

- 1.1 Chairperson and members of the Joint Committee on Enterprise, Trade and Employment (the “**Joint Committee**”), thank you for the invitation to appear before you and to contribute to your current deliberations and discussions on Artificial Intelligence (“**AI**”) in the Workplace.
- 1.2 I am a Senior Counsel based at the Law Library, Dublin. I have been nominated by the Chair and CEO of the Bar of Ireland to attend at today’s Joint Committee hearing.
- 1.3 My legal practice focusses on the areas of commercial, competition, chancery, media, and regulatory law. I am a founding Committee Member of the Media, Internet & Data Protection – MIDBA, bar association. I have taught criminal and constitutional law at professional level. I am an adjunct associate professor of law at the Sutherland School of Law at UCD, where I lecture part-time on the Data Protection and Privacy on the Diploma and LLM courses.
- 1.4 I chair the Association of Licensed Telecommunications Operators – ALTO, CLG. I am also an independent advisor to the ISPCC advising on Internet content and harm related issues.
- 1.5 Recently I was invited to participate on the Expert Group formed by Minister Catherine Martin TD to consider the issue of Individual Complaints under the Online Safety and Media Regulation (“**OSMR**”) Bill 2022.

* B.A. (Hons) (Business Management); M.Sc. (Strategic Management); Dip. Legal Studies; Barrister-at-Law; PgDip (EU Competition Law); current study: M.A.(EU Competition Law)

- 1.6 Prior to commencing practice at the Bar in 2008.¹ I was Head of Regulatory Affairs at Verizon in Dublin where I also held a pan-European interconnect policy role. I have relevant work experience in high technology employment settings that deploy AI technologies, in addition to advising on same professionally.
- 1.7 I commenced my career in telecommunications in 1998, and I have been involved in policy formulation and matters related to the Internet, technology and telecommunications markets since around 2002.
- 1.8 I have served on the Department of Justice Internet Advisory Board (“IAB”), the Internet Safety Advisory Council and later the Internet Safety Advisory Committee (“ISAC”) from 2006 until 2014. Those committees are reformed under the remit of the Minister for Communications and the group are now called the National Advisory Council for Online Safety (“NACOS”).
- 1.9 I have also served as a non-executive director of the Internet Service Providers Association of Ireland (“ISPAI”), which now operates and supervises the hotline.ie service.
- 1.10 I was appointed as a member of the Internet Content Governance Advisory Group (“ICGAG”),² in 2014 and I also contributed to the work of the Law Reform Commission and the Report on Harmful Communications and Digital Safety in 2016.³
- 1.11 Most recently I appeared at the Justice Committee and Committee on Tourism, Culture, Arts, Sport & Media to make submissions on and assist the pre-legislative scrutiny deliberations on: (1) Communications (Retention of Data)(Amendment) Act 2022; and (2) the Online Safety and Media Regulation Act 2022.

¹ I was granted letters patent Senior Counsel by the current Government and called to the Inner Bar in 2021. I am also a member of the Bar of England & Wales (Middle Temple) since 2019.

² ICGAG Report: <https://www.dccae.gov.ie/en-ie/communications/publications/Pages/Internet-Content-Governance-Advisory-Group-Report.aspx>

³ LRC Report: <https://www.lawreform.ie/news/report-on-harmful-communications-and-digital-safety.683.html>

1.12 In late 2022 I co-authored the Bar of Ireland submission on the Artificial Intelligence Liability Directive (“**AILD**”) in response to the Department of Jobs, Enterprise and Innovation (“**DJEI**”) Consultation on AILD and I am well versed and interested in operational and legislative matters concerning AI generally and more specifically AI in the Workplace.

2. **Positioning**

2.1 My evidence and remarks to the Joint Committee are made as an independent legal expert. The area of focus under discussion and review by the Joint Committee is relevant to my legal practice and also to my teaching role.

2.2 I have not been invited to make a written submission to the Joint Committee at this time.

2.3 I look forward to assisting the Joint Committee’s deliberations on AI in the Workplace at this very important time, a time that might be termed a ‘*pre*’ pre-legislative period. The fact that the European AI Act has been passed by the European Parliament last week on 14 June 2023, is also highly relevant and timely to today’s deliberations at the Joint Committee.

2.4 I intend to address three areas in my evidence:

- (i) The issue of AI and legal and employment rights arising in Workplace settings;
- (ii) Strategic Concerns – considering the future of AI technology; and
- (iii) Observations on employment and employment rights evident in the AI Act as passed by the European Parliament.

3. **Conclusion**

3.1 Taking account of the three areas above, and the fact that I have also read the transcripts of deliberations of the Joint Committee held to date, I look forward assisting the Joint Committee in its deliberations.

Ronan Lupton SC