

DÁIL ÉIREANN

AN COMHCHOISTE UM LEANAÍ AGUS GNÓTHAÍ ÓIGE

JOINT COMMITTEE ON CHILDREN AND YOUTH AFFAIRS

Dé Céadaoin, 21 Feabhra 2018

Wednesday, 21 February 2018

Tháinig an Comhchoiste le chéile ag 9 a.m.

The Joint Committee met at 9 a.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Denise Mitchell,	Martin Conway,*
Tom Neville,	Máire Devine,
Anne Rabbitte,	Catherine Noone.
Sean Sherlock.	

* In éagmais / In the absence of Deputy Alan Farrell.

Seanadóir / Senator Joan Freeman sa Chathaoir / in the Chair.

Business of Joint Committee

Vice Chairman: Apologies have been received from the Chairman, Deputy Alan Farrell and from Deputies Kathleen Funchion and Lisa Chambers. Senator Martin Conway is formally substituting for Deputy Farrell. We will now suspend very briefly to allow the witnesses to take their seats.

Sitting suspended at 9.09 a.m. and resumed at 9.10 a.m.

Cybersecurity for Children and Young Adults: Discussion (Resumed)

Vice Chairman: Apologies have been received from the Chairman, Deputy Alan Farrell, Deputies Kathleen Funchion and Lisa Chambers, who cannot be here today. I also note that Senator Martin Conway is formally substituting for Deputy Farrell. I welcome members and also viewers who may be watching our proceedings on Oireachtas television to the public session of the Joint Committee on Children and Youth Affairs. Today, we will hear in session A from Professor Brian O'Neill, chair, and representatives of the Internet Content Governance Advisory Group. In session B, we will hear from the Minister for Children and Youth Affairs, Deputy Katherine Zappone, the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, the Minister for Justice and Equality, Deputy Charles Flanagan, and the Minister for Education and Skills, Deputy Richard Bruton, on the topic of cybersecurity for children and young adults.

I welcome Professor Brian O'Neill, chairperson of the Internet Content Governance Advisory Group and director of research, enterprise and innovation services at Dublin City University, Mr. Ronan Lupton, barrister-at-law, Ms Áine Lynch, CEO of the National Parents Council Primary and Professor Joe Carthy, college principal and dean of science at University College Dublin.

Before we commence, in accordance with procedure, I am required to draw witnesses' attention to the fact that by virtue of section 17(2)(1) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by the committee to cease giving evidence on a particular matter and continue to do so, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official, either by name or in such a way as to make him or her identifiable.

I remind members and witnesses to turn off their mobile phones. Put them on to flight mode if possible because they have an awful impact on our sound system. I advise witnesses that any

submission or opening statement submitted to the committee will be published on its website after the meeting. I understand that the witnesses will make a short presentation here today which will be followed by questions from members of the committee. I propose to the committee that we adhere to the strict five minute time slots for questions and answers. If time allows, members may ask a second round of questions. This meeting is due to finish at 10 a.m. and we have to finish on the dot. I invite Professor O'Neill to make his opening statement, which should last for no more than ten minutes.

Professor Brian O'Neill: I thank the Chair and members of the committee for the invitation. On behalf of the Internet Content Governance Advisory Group, I am accompanied by members as introduced, Professor Joe Carthy, Mr. Ronan Lupton and Ms Áine Lynch. We had apologies due to prior commitments from Dr. Mary Aiken and Ms Kate O'Sullivan, members of our group who were unable to attend today.

Our group was convened on the invitation of former Minister for Communications, Energy and Natural Resources, Pat Rabbitte, to advise on matters of Internet content governance and to respond to issues of Internet safety arising from harmful communications. We were invited today to discuss the pertinence and relevance of our report, which is dated 2014. Our work was time-limited and the group formally ceased its function on delivery but we feel that there is ongoing relevance in the recommendations based on our assessment of the needs for Internet safety provision, strengthening, enhancement and reinforcement. We were an expert group, comprising members from academia, legal professions, children's charities and industry, and consulted across all of those sectors in the work that we undertook. Our work was guided by specific terms of reference and key principles.

In the interests of time, I will paraphrase some key issues contained in my opening statement. I emphasise that our work focuses on issues relating to content governance as opposed to regulation. We detail in our work the multiplicity of strategies that need to be in place to ensure and strengthen children's online safety. We address other matters too but that governance dimension underpins the recommendations that we made. Our approach was holistic. We attempted to be comprehensive in the recommendations being made because it is difficult to isolate specific instances of vulnerability for children online without addressing the holistic environment within which that happens. In that context, as informed by best international practice, we sought to balance the various competing rights and responsibilities of different actors and the varying dimensions of freedom of expression and the importance of protection as well as provision for children online. Those are the underlying principles which informed our work as we attempted to put forward recommendations relating to the arena of State investment and support for children's online engagement. We also detail the variety of different stakeholders and actors who have a role and responsibility to play. If our recommendations were focused towards specific Government Departments, where we believed that they should take a leadership role, this also entailed actions on the part of other stakeholders, notably industry, civil society, parents and indeed children and young people themselves. They are active agents and citizens in their own right, participating in the online environment, and they have responsibilities.

I will outline our recommendations with regard to the fundamentals of what we believe to be the hallmarks of best international practice. There are three key layers. I describe it diagrammatically in the report. We should be able to identify these in how any modern state provides for and attends to the needs of young people. One is that governance layer, having a tangible point of direct responsibility. Who takes the lead in the management and co-ordination of children's online safety? That is a fundamental question which needs to be answered and which

we addressed in our report. We described that as a fundamental layer. We put a name on it. We argued for the creation of a national council for children's online safety. This closely approximates the UK Council for Child Internet Safety which has also looked at arrangements in Ireland over the course of the years with regard to how this has developed. It is vitally important in that layer that the space is created for all those partners and stakeholders to participate. There has to be a forum where they are accountable and make a contribution to supporting children's safety.

The second dimension relates to policy development. This is a fast-moving area. Technologies change. We look at potential risks and challenges of which we are still unaware. One has to have the ability to respond. It is not easy to come up with a single solution at a point in time that will be sufficiently robust to still be relevant a year afterwards. That is the policy development layer. We are conscious that in the succeeding session three Ministers will appear, each representing Departments that have a primary role in contributing to a holistic approach towards policy development. We comment on that in our report.

The third aspect is a public-facing body. This is important for all citizens, including children, young people, parents, carers and teachers. Such a body would address important questions. Where is my go-to place? Where do I find trusted definitive advice and support for online safety for children? We address this area in the report. We looked to the enhancement of the Irish Safer Internet Centre, which is a long-standing project. We believe it has not been well-resourced. Such organisations play significant roles in all European member states. These centres operate on the basis of partnership with the European Commission and member states in providing education, awareness, support and contact with stakeholders, including those from the industry. They provide a hotline and a helpline. Ensuring the visibility and accessibility of these services to citizens is vital.

In a nutshell, that is the content of the recommendations. They are set out clearly in three levels. We need policy. We need a public-facing stakeholder forum where there is accountability and transparency and where the key actors are around the table to make appropriate decisions. We need public support and service delivery in terms of reinforcing the safety of children.

We delivered our recommendations in good faith. We had a short timeframe to develop matters of public concern in 2014. These matters do not go away - the concerns remain. We took the view that our recommendations could add value and provide much-needed visibility for public provision.

We know the matters before the committee are of ongoing concern. There is eagerness to find ready solutions. We have portrayed our solutions in that holistic sense. The debate will continue.

We held discussions in preparation for the discussion today. It was not an issue for us in 2014, but the digital age of consent is a feature of the general data protection regulation. It is not in itself an instrument for children's online safety. It is fundamentally a matter of data protection. However, we support affirming the decision to set the age at 13 years. We believe increasing the age to 16 years does nothing for children's Internet safety. It is not a matter of safety of itself. In fact, it could cause unintended consequences and further exposure to risks for children who are not otherwise covered by appropriate privacy protection and who are not availing of or the subject of specific Internet safety protection as active social media users. It is important to bring this up to a contemporary point in the sense of where we are currently. These

debates will be ongoing but a fundamental contribution is needed. It must be flexible, robust and respond to current and future challenges.

Chairman: Thank you, Professor. The 2014 report was excellent. As you said, this area is fast-moving. I imagine some of the recommendations from 2014 are obsolete now. I am curious to find out how many of the recommendations from 2014 have been implemented to date. I will ask after the members put their questions.

Committee members will put questions now. They have five minutes each. We have to be gone on the dot at 10 a.m. Please ask all the questions you want together and then we will ask our guests to answer them.

Deputy Sean Sherlock: I will do a rapid-fire question-and-answer session within my five minutes.

I thank the Internet Content Governance Advisory Group for appearing before the committee today. The presence of the group reaffirms the work done previously by the group. It refreshes our memories with regard to the 30 recommendations made by the group.

I wish to ask about the recommendations, especially with regard to the office of the digital safety commissioner. What is the understanding of the group representatives at present of the nature of that office and how it should be constituted?

Professor Brian O'Neill: It was not our recommendation. I should point out as well that our work coincided and overlapped with the Law Reform Commission. That fact acted as one of the constraints on us because we were given a tight timeframe. We were aware that the Law Reform Commission had longer to consider it. The commission extended its process to the end of 2015.

Again, it was not a matter for us. This is an indication of how fast these questions develop. The Harmful Digital Communications Bill was in development in New Zealand at that time. There was no active proposal in Australia, which has since provided the model. It was later in the day when the Law Reform Commission made that recommendation. We supported several of the recommendations. We discussed them actively with the Law Reform Commission in the development of the report. Specifically, in respect of the digital safety commissioner, in my previous appearance before the committee I mentioned that the recommendations are not entirely incompatible. There are differences because they extend in different dimensions. Work on the establishment of any office that might be called a digital safety commissioner or something similar will be required to implement the recommendations we have set out. It was similar in the case of the Australian Office of the eSafety Commissioner. In Australia the office was an extension and it grew out of the communications regulator and that regulatory arena. The regulator there has had extensive dealings with the broadcasting arena, children's content and children's advertising and has been able to draw on that experience. We have had similar discussions here.

Deputy Sean Sherlock: My second question relates to what Professor O'Neill said about the digital age of consent. We took part in lengthy deliberations last week with Dr. Mary Aiken, who is also a member of the Internet Content Governance Advisory Group and Professor Barry O'Sullivan. They are advocating for the age to be 16 years. They made compelling arguments for the age to be increased from 13 years to 16 years. Can Professor O'Neill enlighten us with his understanding of the interpretation of the EU regulation as it relates to the distinc-

tion between Internet freedoms and a 13-year-old child yielding all personal data to a website, social media site or whatever? Can Professor O'Neill understand that some of us are fearful of keeping it at 13 years and not increasing it to 16 years? We fear that if a child at the age of 13 years is yielding all this information to an unknown entity, then that information can be used for all manner of nefarious reasons. It is possibly the case that we misunderstand what is in the regulation. I am keen to hear the opinion of the group representatives. I will focus the question towards Mr. Lupton.

Professor Brian O'Neill: I will invite my colleague to comment directly on that point. By way of a general comment, the general data protection regulation is fundamentally empowering of citizens' rights for their data and information. All of that is to be welcomed.

I fully support and understand the concerns of advocates who are looking to ensure the best possible reinforcement for children's online safety. Where we disagree is in terms of the use of the age of digital consent as an instrument for that end. We are looking at an updating of our data protection arrangements. Currently, we have norms of 13 years of age applying across global social media and information society services. The strategy of those of us who work in research, policy and education is to reinforce the protections afforded to those active users and to those who benefit from the ability to participate actively. The issue has been widely debated and a broad consultation with the whole children's charity sector has reinforced the message in terms of supporting the participation of young people and ensuring the appropriate protections.

Deputy Sean Sherlock: We have to be specific-----

Chairman: The Deputy asked Mr. Lupton to respond.

Mr. Ronan Lupton: The default age at the moment is 13. Children have rights in regard to the Internet, to freedom of expression, privacy, association etc. I was asked to come in with the content governance group two weeks ago and my position then was that the age should be set at 16. Following research I did before coming before the committee, however, I have now changed my position and I now feel the default option is correct. I spoke to, and received papers from the ISPCC, and looked at the work of the special rapporteur for children's rights, Dr. Geoffrey Shannon. I looked at the office of the ombudsman for children and spoke to Mr. Muldoon yesterday. I spoke to Fiona Jennings at the ISPCC and to Saoirse Brady of the Children's Rights Alliance. These people are experts in their field and they are not wrong. The State's position on Internet companies, and on the transfer of data from one point to another at that age, is correct.

I asked myself why some countries in Europe set the age at 16 and my understanding is that there are concerns about radicalisation. The default option in article 8 of the GDPR, which is to be read with recital 38, sets the default age at 16. There are to be consultations in other EU member states, including Germany, which may result in the age being lowered so where should Ireland be? I believe Ireland should remain at 13.

Chairman: I will have to stop Mr. Lupton as we have to move on. The Deputy can ask another question in the second round.

Deputy Sean Sherlock: I have a final question.

Chairman: The Deputy has gone way past his five minutes.

Senator Catherine Noone: Surely the digital safety commissioner is the only show in

town. We need a clear framework because a third of global users are children. It is arguable that many adults need a certain amount of protection online but I do not need to state at this committee that children are very vulnerable, especially on the Internet. Ministers will be coming in whom we can ask about the progress with the digital safety commissioner. Do the witnesses believe a commissioner is what is needed to ensure children are safe?

Professor Brian O’Neill: I certainly support the case for a visible, public-facing, well-resourced office to deal with these matters. The question is what powers a digital safety commissioner can be afforded, and there is some complexity in the question. The office of the digital safety commissioner in Australia operates in a very different legislative environment. We are in the European Union and we strongly reference the supports of the European Commission and the idea of these being represented by a digital safety commissioner. The detail of what will be involved needs to be developed.

Senator Catherine Noone: The Internet is arguably more complex for adults than for children because of the way technology is evolving. It will not be a straightforward office to set up but it needs to be done. I heard what Mr. Lupton said about the age of consent. How are any children disadvantaged by the age of consent being 16? Can he give me clear examples?

Mr. Ronan Lupton: If a child deals with an Internet company at age 16 but the child’s parent has supervision of the contractual relationship with the Internet provider and the parent puts a picture of the child, naked, on the Internet, the child does not have rights to take the image down without the intervention of the parent. Children between the ages of eight and 13 have access to Internet devices on DS3s and iPods and they should have the right to approach a data platform, for example Facebook, to assert their data rights associated with the image and to demand that it be taken down. The parent often acts in a nefarious manner where a relationship has broken down. They may put up images of a child to bait another parent.

Senator Catherine Noone: How likely is that scenario?

Mr. Ronan Lupton: It is very likely.

Senator Catherine Noone: Are there examples of which Mr. Lupton is aware? Surely this would be highlighted in the media if it happened.

Mr. Ronan Lupton: There was a case in Austria where a child sued her parents relating to images that were placed on Facebook.

Senator Catherine Noone: I understand that, as legislators, we have to legislate for the worst-case scenarios but most parents in this country are concerned about protecting their children online. I do not want the committee on children to talk about extreme cases of parents doing this sort of thing, though I do not doubt that this thing happened. This is not what most parents are concerned about.

Mr. Ronan Lupton: The vast majority of parents know exactly what their children do on the Internet. There is a silent majority who want the age to be put up to 16.

Chairman: The Senator has 30 seconds left.

Senator Catherine Noone: The Chairman is being very strict with my time as compared with that of the previous speaker. Can Mr. Lupton give me a real example, rather than an extreme one, of how children would be disadvantaged on the Internet if the digital age of consent

was 16?

Mr. Ronan Lupton: An example would be an image being placed on the Internet which the child does not want on the Internet.

Senator Catherine Noone: It is more likely to be the case that a parent would not want an image of their child to be put on the Internet.

Mr. Ronan Lupton: Yes, the converse can apply.

Senator Catherine Noone: Are we going to set the digital age at 13 because of a fear that parents are going to put naked pictures of their children on the Internet?

Mr. Ronan Lupton: That was an example.

Senator Catherine Noone: Yes, but it was a bad example.

Mr. Ronan Lupton: That may be so but it was an example, nonetheless. The child has rights to freedom of expression and to privacy and this is what the GDPR is about. I listened to the evidence of Mr. Denis Kelleher on this issue. Internet providers use profiling technology to get the age of individuals who engage with them.

Senator Catherine Noone: Depending on the level of that engagement, they can appear to be a lot older. I do not mean to be disrespectful to the organisations mentioned by Mr. Lupton, with which I interact regularly, but I remain to be convinced.

Mr. Ronan Lupton: I do not think the individual experts, whom I listed at the beginning of my reply, are wrong.

Senator Catherine Noone: I am not saying they are but I am still not convinced.

Chairman: We should come back to this issue later because it is a little controversial.

Senator Martin Conway: If a child of the digital age of consent, let us say 13, puts a picture on the Internet and the parents do not want it to be there, can the child overrule his or her parents?

Mr. Ronan Lupton: Yes, that would be the case because the child has rights. It is the converse example of my answer.

Senator Martin Conway: Yes, but it shows the folly of Mr. Lupton's example. I came in here believing that the age should be 13 but, because of the example Mr. Lupton gave, I am beginning to wonder. If a 14 year old boy or girl decides to put a provocative picture of themselves on the Internet at 14, the parents do not have any rights to stop them because the child has rights.

Mr. Ronan Lupton: That is going to be the case in certain circumstances. There would be a-----

Senator Martin Conway: The vast majority of Irish parents will be horrified if that is what happens. I have made that point. I will make just one more because I am not a member of the committee. When the group's report was concluded, was it unanimous? Were the recommendations unanimous or was there any dissension on them?

Mr. Ronan Lupton: The backdrop to the report was two scandals, the first of which was the “Slane girl” case, while the second was the death of a Dáil Deputy. The report was commissioned by the then Minister, Pat Rabbitte. We had very tight timescales. I think it is safe to say the report was unanimous.

Senator Martin Conway: Is Mr. Lupton disappointed that a member of the committee which unanimously supported the report has now adopted a different approach to one of the recommendations made?

Mr. Ronan Lupton: No, that is not the case. Every member of the group can adopt his or her own position. As I said, two weeks ago my position was the age should be set at 16 years. I have changed my view. It is very disappointing that the report sat on a shelf from 2014 until 2018 with very little implementation of the recommendations. There are three Ministers with responsibility for the Internet as a subject. They have budgets in each of their siloed Departments. It is very complex to try to come up with an agency to resolve some of the child protection issues at which this committee needs to look. The difficulty from my point of view is that this bipartisan expert report which was delivered with extreme speed and contains good recommendations sat gathering dust for so much time. I do not want to speak for my colleagues, but-----

Senator Martin Conway: At least the dust is now being wiped off it, not like many other good reports that were produced over the years.

Mr. Ronan Lupton: Thankfully.

Professor Brian O’Neill: May I respond to the point-----

Chairman: Very briefly.

Deputy Sean Sherlock: May I please-----

Chairman: No, Deputy. There are others here.

Deputy Sean Sherlock: In support of the other speakers-----

Chairman: No.

Deputy Sean Sherlock: -----may I ask that we not hear an intervention from Professor O’Neill at this stage? I am asking the committee to move to the other speakers.

Chairman: Okay. I apologise to Professor O’Neill. We are going to have to stop him. We will come back to him later.

Senator Martin Conway: I think I have another five minutes.

Chairman: I am going to move swiftly to Deputy Tom Neville.

Deputy Tom Neville: Mr. Lupton suggested a move to the age of 16 years would open the door to anomalies of which we had not yet thought. Will he clarify the matter? He also said such a change would not be covered by other sections dealing with privacy. Perhaps he might clarify the matter for me by expressing the top three, four or five pros and cons in moving from the age of 13 years to 16. That might help me understand the exact rationale behind such a move.

Mr. Ronan Lupton: The key issue is that the children we are seeking to protect through this committee and our legislative engagements still have access to the Internet.

Deputy Tom Neville: Okay.

Mr. Ronan Lupton: All of the nasties and things we experience in the environment are still there.

Deputy Tom Neville: Yes.

Mr. Ronan Lupton: The digital age of consent is about access and, effectively, the contract between a service or platform provider and a child and the age the State should set in order for that transaction to occur. The default option in the general data protection regulation, pursuant to Article 8, is 16 years. The State and other member states have the option to reduce it to a minimum age of 13 years. As I said, my position on the matter has changed in the light of what the experts have said and the reviews and papers I have read. They are experts in their field and there to vindicate the rights of the child. As I said, I have changed my position. I have come here in good conscience to outline that position.

Deputy Tom Neville: Will Mr. Lupton set out his top three reasons for changing his mind? Why does he now think the age should be 13 years rather than 16?

Mr. Ronan Lupton: There is a fundamental reality.

Deputy Tom Neville: Yes.

Mr. Ronan Lupton: Children of that age will be accessing and interacting with platforms.

Deputy Tom Neville: Okay.

Mr. Ronan Lupton: That is the first issue. The second is that those children should have rights under the general data protection regulation to engage by posting or removing data and contract in that fashion. The third is the issue of fundamental engagement. It is a question of how they transact their information. Should we be restricting them in engaging with providers and other entities where the general data protection regulation is concerned? We can bring this down to banks and talk about having bank accounts. It is the same thing. The general data protection regulation and the digital age of consent will also involve regular day-to-day transactions. We have been talking about extreme examples.

Deputy Tom Neville: Yes.

Mr. Ronan Lupton: There are day-to-day examples where the digital age of consent comes into it.

Deputy Tom Neville: Okay.

Mr. Ronan Lupton: Instead, we may almost be looking at a nanny state. We are saying there are bad things on the Internet.

Deputy Tom Neville: I would like to pick up on something else Mr. Lupton said. When he spoke about opening the door to other anomalies, was he talking about the websites of the likes of banks, etc?

Mr. Ronan Lupton: They will also be covered by the issue of consent.

Deputy Tom Neville: In Mr. Lupton's expert opinion which is based on what has been said by those to whom he has spoken, does he believe that if the age of consent is pushed to 16 years, there could be a drive or a move towards more underground practices such as kids fudging on their age?

Mr. Ronan Lupton: Yes.

Deputy Tom Neville: Is there a suggestion that if they have fudged on their age between the ages of 13 and 16 years, it will open them up to other dangers? Will the delegates expand on that point?

Professor Brian O'Neill: We addressed this topic in our report at the time. The issue was underage use by nine year olds. We had research to show that large proportions of under 13s were active on Facebook. Such children are not protected. Social media companies have privacy protections for children between the ages of 13 and 18 years. We know about the main problems that arise for those who are outside these protections. They tend to enter false ages and their data are not adequately protected. Realistically, by setting the age at 16 years, we drive a set of activity underground in a way that would be impossible to contend with. Neither is it a good signal to suggest parental responsibility is a matter of signing consent. Parental responsibility-----

Chairman: The Deputy may want to ask a few more questions.

Deputy Tom Neville: Yes. If it is the case that we should change the age to 13 years, we should also change the focus or emphasis from the parents back onto the companies.

Professor Brian O'Neill: It is a combination of the two. It is a child's responsibility, but it is also a parental responsibility, in conjunction with the expected support companies give.

Deputy Tom Neville: My point is that there has to be ownership of this issue somewhere. In Professor O'Neill's opinion, to which side should we go?

Senator Catherine Noone: It is the parents' responsibility.

Deputy Tom Neville: I am sorry, but, in fairness, I am asking a delegate for his opinion. I have heard other opinions.

Chairman: Go ahead.

Deputy Tom Neville: In Professor O'Neill's opinion, where should the onus lie? Should it lie with the parent or the company?

Professor Brian O'Neill: There is primary responsibility on the company to provide safe services.

Deputy Tom Neville: That is fine.

Professor Brian O'Neill: Parental support and guidance are very important. As we know, parents are not experts.

Chairman: Does Deputy Tom Neville have further questions?

Deputy Tom Neville: That is the point. Parents are not experts.

Chairman: We will move on to Deputy Anne Rabbitte.

Deputy Anne Rabbitte: I thank the delegates for coming. I would like to ask a question that the Chairman might be intending to ask later. How many of the 30 recommendations have been implemented to date?

Professor Brian O'Neill: As we set out in our opening statement, the primary recommendations were related to structural and organisational matters and they have not been implemented.

Deputy Anne Rabbitte: How many of the 30-----

Professor Brian O'Neill: I have not counted them. The minor ones have developed of their own accord as policy measures.

Deputy Anne Rabbitte: Is the figure one, ten, five or six?

Professor Brian O'Neill: I have-----

Deputy Anne Rabbitte: Is it nil?

Professor Brian O'Neill: No. I believe there has been-----

Deputy Anne Rabbitte: No. How many of the 30 key recommendations have been implemented? Is the number one, five, ten or 15?

Professor Brian O'Neill: I have not counted them in that way. Of the key recommendations-----

Deputy Anne Rabbitte: Has Professor O'Neill come to an Oireachtas committee without having counted how many of the key recommendations that were to be implemented have been implemented?

Professor Brian O'Neill: The key recommendations are the ones I have set out which have not been-----

Deputy Anne Rabbitte: Therefore, nil is the answer.

Professor Brian O'Neill: None of those recommendations has been implemented.

Deputy Anne Rabbitte: That answers that question. How many times a year does the group meet?

Professor Brian O'Neill: As I clarified at the outset, our work was time-limited. We met for a period of almost eight months and then our work was finished. We do not continue to meet as we are not formally constituted as a group.

Deputy Anne Rabbitte: Did the group have an input into the conversation with the Law Reform Commission?

Mr. Ronan Lupton: We did. We consulted the commission.

Deputy Anne Rabbitte: What was the group's recommendation to it?

Mr. Ronan Lupton: It was absolutely in line with the report. We recommended a number of areas of legislative reform, including changes to the Non-Fatal Offences Against the Person

Act 1997, of which this committee will be aware. We recommended changes to the court rules for discovery and disclosure and various other aspects.

Deputy Anne Rabbitte: What about the age of digital consent?

Mr. Ronan Lupton: It was not an issue at that point. The general data protection regulation was still under design and construction at that stage. It is not a valid question. We did not deal with it.

Deputy Anne Rabbitte: The group did not deal with it.

Mr. Ronan Lupton: No.

Deputy Anne Rabbitte: We are still formulating our own opinions. What would the members of the group recommend to us?

Mr. Ronan Lupton: I have said publicly that the report was allowed to lie on a shelf for far too long. The three-way responsibility lies with the Ministers for Children and Youth Affairs; Justice and Equality; and Communications, Climate Action and Environment. All of those three Ministries have responsibility for and budget arising from the European institutions concerning the Internet. I have sat on the Internet safety advisory committee for approximately nine years and struggled to figure out precisely where budget and supervision and responsibility have come from because it changes from time to time. I am sorry for being slightly upset about this. Our report recommended significant structural change, not regulation of the Internet, which is a very important message, but structural change that would give protection to society - not limited to children - that has sat on a shelf for far too long and gathered dust.

Deputy Anne Rabbitte: I do not disagree with the witnesses. There is a level of frustration.

Mr. Ronan Lupton: Yes, I am sorry but there is one other point. Is it possible for the State to come up with a model, taking what the Law Reform Commission has recommended and taking our recommendation, and have a structure or agency that sits across a number of Departments rather than siloing it?

Deputy Anne Rabbitte: Is that not what Senator Noone has suggested in talking about a digital safety commissioner?

Mr. Ronan Lupton: I do not disagree with what Senator Noone has said but the question is this; when the Legislature comes to consider this properly, should it be a siloed approach, which is a one-stop-shop or can it really operate across three Departments? My experience is that such an approach causes problems. Instead, to address the question directly, what one might find is a structure that was implemented years ago, namely, the information society commission. Vivienne Jupp was the chair of that. That was many years ago. It was under the remit of the Department of the Taoiseach as an umbrella-type organisation. That is the type of structure we need in order that the Ministers can say they have a budget for this and it goes directly to that agency.

Deputy Anne Rabbitte: In Mr. Lupton's expert opinion what Department should it sit under, because somebody has to take ownership of it?

Mr. Ronan Lupton: It would probably be the Taoiseach's Department where there is a more global, generic structure that can be supervised at Cabinet level and perhaps even have a Cabinet Minister with responsibility for information society issues.

Deputy Anne Rabbitte: If there was a Cabinet Minister with responsibility, where does Mr. Lupton think it should sit?

Mr. Ronan Lupton: There should be an individual Ministry for information society.

Deputy Anne Rabbitte: An individual Ministry, not under the remit of the Minister for Communications, Climate Action and Environment?

Mr. Ronan Lupton: I am of the view that we are in an age where there is an information society agenda and initiative that warrants data protection and civil-related information society issues to be given an individual Ministry.

Chairman: Does Mr. Lupton mean a full Cabinet Ministry?

Mr. Ronan Lupton: Yes.

Deputy Anne Rabbitte: In recent days there has been debate on whether the age of digital consent should be 13 or 16. Perhaps Ms Lynch could respond to me. For me, it is about the data and it is also about the targeted marketing. What is her opinion on that?

Ms Áine Lynch: We need to make sure that when we are talking about protecting children, we use the right tools to do so. The UN Convention on the Rights of the Child gives explicit rights to children. Before we walk all over those by using legislation in the wrong way to protect children, we should be very careful about taking those rights away from children. We need to make sure that we protect those rights, unless the risk is so high that we have to look at those rights again. My colleagues and I agree with the age of 13 because we are not talking about child protection with the digital age of consent. A lot needs to be done to support child protection but I do not think the digital age of consent is the right tool to use to protect children. We need to be very clear about children's rights in the digital world as well as their protections.

Chairman: I thank members and witnesses. We will move on. We have done so well. We have only seven minutes left. I will go straight to Senator Devine. That means everyone has exercised their right to ask questions today. Does Deputy Mitchell wish to speak instead of Senator Devine?

Deputy Denise Mitchell: No, I am fine.

Senator Máire Devine: My question is similar to that of other members so I will not repeat too much. A terrible beauty is born with the Internet. I agree with having an individual Ministry because it would also involve issues such as artificial intelligence and data collection. The future will change everything, including our jobs. I refer to manual jobs and what the future will bring, be it terrible or beautiful. I am still of the opinion that the age of 16 is preferable, although we will have a meeting later to discuss the issue again. I am a parent and want to allow my child to be a child. I am very strongly of that opinion. Perhaps when we have the discussion later my position will change but what I have heard today does not satisfy me enough to change my opinion.

The issue of data is the big thing of the future. Invitations were sent to Facebook, Instagram and other companies to come in here. They were quite dismissive and I imagine they had no interest in coming here although they paid lipservice to child protection. This is a child protection issue. What Mr. Lupton said about unintended consequences was a bit extreme and off the Richter scale but we need to legislate for the weakest. If we have to change the age, for

example to 14 from 13, the recommendations will sit on the shelf for another five years before we get back to them again. My instinct as a parent, in respect of cognitive, intellectual and emotional development, is to stick with the more protective option. I understand that Mr. Lupton is coming from the point of view that it is nothing to do with child protection but I disagree fundamentally with him.

Deputy Denise Mitchell: I thank the witnesses for their attendance. I will start with the process involved in arriving at the age of 13 about which I have concerns. Nobody has given me confidence about the age of 13. Why not 14 or 15? The reason I am concerned is because there are many 13 year olds who are not mature enough. I and all members of the committee are in favour of empowering children. We are talking about giving children rights at 13 years of age. The comment about the photo amounts to removing a right from a parent. As the parent of a 13-year old child, I am being told that my child has the right to put up a provocative photo of herself but as her parent, I have no right to remove that. I find that most alarming. That will send shockwaves to parents everywhere who want to protect their children. We want to protect the rights of children without removing their rights.

Chairman: Who is the question addressed to?

Deputy Denise Mitchell: Whoever can answer it. I also wish to ask another question. There has been much talk in the media about the issue and reference was made in the opening statement to trying to strike a balance. That is understandable and it is laudable. Various newspapers have had polls on banning smartphones for children under a certain age. What is the view of the witnesses on that? How do they see that operating? Would it work? I would like some discussion on those issues.

Professor Brian O'Neill: I will lead.

Chairman: I am sorry to interrupt Professor O'Neill but we have three minutes left. We must finish up at 10 a.m. We have four Ministers outside waiting to come in. If he does not mind, could he please answer as quickly as he can?

Professor Brian O'Neill: Very good. It is about striking the balance. Parenting is always about striking the balance. I have worked in this space for a very long time and education is a matter of ongoing dialogue. We have got the wrong end of the stick by coming in to try to legislate for how parenting is done.

Ms Áine Lynch: If we ban smartphones, we are saying that children can have phones so really we are banning the Internet and that does not follow with everything else we are doing with the digital strategy in schools and protecting children. We need to realise that the safety of children is linked to development and that we do not suddenly get to 16 and have all the wisdom and knowledge of how to keep ourselves safe. The values around safety for children start at a very young age in the real world and we need to make sure that we also underpin those values in the digital world with children. We know from child development that unless that work is done from a very early age onwards, we are missing opportunities and it can be hard to do later. It is really important that children are engaging with the digital world. I do not think that by keeping it at 13, we are taking over the parenting role. The parent still has a very key role and that is the education piece and supporting parents to support their children's safety online is really important but does not come under the general data protection regulation, GDPR.

Chairman: We have one minute left. Deputy Sherlock has 30 seconds.

Deputy Sean Sherlock: I seek clarification on the law of contract as it relates to the law of the land and the law of contract as it relates to the GDPR and this regulation. In other words, is the 13-year old entering into a contract for the procurement of services and does the law of the land not supersede that law, in effect?

Mr. Ronan Lupton: Contracts can be voided and voidable in the context of the common law position. I could give an extremely long answer on this-----

Deputy Sean Sherlock: Could Mr. Lupton give the short answer?

Mr. Ronan Lupton: -----but there is a supervening issue here, which fundamentally means that the common law position may in fact override this in any event.

Deputy Sean Sherlock: In other words, the law of the land could supersede it if it is put to the test, the age of consent being 13.

Mr. Ronan Lupton: Correct.

Senator Catherine Noone: I have two questions on which I hope I can get “Yes” or “No” answers. Should we be at least thinking about banning mobile telephones in schools?

Professor Brian O’Neill: If schools have responsibility and feel competent to be able to manage their own environments-----

Chairman: It is a “Yes” or “No”, Professor.

Professor Brian O’Neill: It is a school’s decision.

Senator Catherine Noone: Should we have policy from a digital safety commissioner that suggests that schools should not allow mobile telephones in schools to ensure that children will play and that they are not stuck on their telephones at school? Should we be looking at a policy whereby at least in schools children are playing in the normal way and are not on their telephones?

Professor Brian O’Neill: I fully support that but I do not believe it is a banning issue.

Senator Catherine Noone: It does not need to be a ban.

Chairman: Senator, your second question, and I ask you to be brief.

Senator Catherine Noone: With regard to the United Nations convention, does it not define the age of a child as under 18?

Professor Brian O’Neill: Under 18 is the age of a child.

Senator Catherine Noone: So what are we talking about?

Chairman: On behalf of the joint committee, I thank our witnesses for their presentation and for dealing with the members’ questions in a comprehensive but speedy manner. I propose that we suspend for a few minutes to allow the next witnesses take their seats.

Sitting suspended at 10.01 a.m. and resumed at 10.06 a.m.

Chairman: I welcome to the meeting the Minister for Children and Youth Affairs, Deputy Zappone, the Minister for Communications, Climate Action and Environment, Deputy Naugh-

ten, the Minister for Justice and Equality, Deputy Flanagan, the Minister for Education and Skills, Deputy Bruton, and departmental officials. I wish to express our appreciation to you all for taking time to attend today. We invited you because the committee realised this is a complex, cross-departmental issue and your presence here today shows how seriously you are taking it. I thank you for that.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official either by name or in such a way as to make him or her identifiable.

I remind members and witnesses to turn off their mobile telephones or put them on flight mode.

I advise the witnesses that any submissions or opening statements they have made to the committee will be published on the committee website after this meeting.

I understand the Ministers will make a short presentation of a maximum of five minutes each - we are very strict in this committee about timing - which will be followed by questions from members of the committee. Before I invite the Minister, Deputy Zappone, to make her opening statement, I acknowledge I am aware the Minister, Deputy Flanagan, must leave at 11 a.m.-----

Minister for Justice and Equality (Deputy Charles Flanagan): I will be back.

Chairman: -----and that he will join us again later. I invite the Minister, Deputy Zappone, to make her opening statement, which will be followed by statements from the Minister, Deputy Naughten, the Minister, Deputy Flanagan, and the Minister, Deputy Bruton, respectively.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I thank the Chairman and members of this committee for the interest they have shown in this important topic. I believe the issue of safety for children engaging in online activity presents a very serious challenge. Protecting children from online abuse, bullying, grooming and sites with harmful content requires a whole-of-government approach. While the Internet is not age-bound and the risks and dangers apply to people of all ages, children are particularly vulnerable and need greater protection.

I share the concerns about the importance of enhancing cybersecurity, particularly for vulnerable groups. That includes children and young people but getting this right is a big challenge for Governments worldwide. However, the challenges are not just for Government. They are for all of society. There is also a role for parents, children and industry.

The Internet operates across borders. The challenges we meet often arise from decisions taken outside our jurisdiction. However, we have the advantage that many of the world's leading technology companies have a significant corporate presence here in Ireland. I believe they can and must work with Government.

I believe that we must link responsibility for child welfare and protection with the provision of services. In any setting where children are involved, the provider of the service must be aware of the possible risks to children. They must try to reduce these risks as much as possible. We must embed responsibility for child welfare and protection in all our services to children.

I am conscious that many Departments are already doing great work, more of which we

will hear about shortly, but we need to collaborate more on that. We need a truly joined-up approach. For example, dealing with the criminal behaviour associated with the Internet is a matter for my colleague, the Minister, Deputy Flanagan, at the Department of Justice and Equality; facilitating technology is the responsibility of the Minister, Deputy Naughten, and his Department; the Department of Education and Skills plays a valuable role in Internet safety in schools; and the Department of Health has a particular interest in children's health and well-being. This is critical as well.

My own Department has a role to play. Child protection is our mission. We must not and do not distinguish between online and offline communities. We have reached a key moment for child protection in this country. Mandatory reporting of abuse is a reality. Every organisation working with young people must from next month compile and publish a child safety statement, while the budget of Tusla, the Child and Family Agency, is passing €750 million for the first time. These are concrete steps. They offer protections to our young people in all environments, including online.

I am also very concerned that the voices of children and young people will be heard and acted upon when we make decisions on Internet safety. Without their input, perspectives and knowledge, our policies simply will not work. My Department has overall policy responsibility for ensuring that the voices of children and young people are heard on decisions that affect their lives. We undertake and support consultation in this regard. We have been developing structures to enable participation in decision-making by children. These structures include Dáil na nÓg and Comhairle na nÓg. The committee recently met groups of young people from the Comhairle. I believe they were pretty powerful, as young people often are. As I said earlier today, it is only through engagement with young people that we can find the solutions that will work. The consultation with Wicklow Comhairle na nÓg, as the committee knows, produced a charter on cyberbullying. The charter makes requests of us all. It asks that we have a plan for dealing with cyberbullying and that we protect children and their rights and well-being. The charter speaks to bullies, those being bullied, bystanders and all young people. While this initiative is local to Wicklow, the message from young people can be considered more widely. Technology *per se* is not the problem; people's behaviour is the problem. The committee also met with Clare Comhairle na nÓg and heard of its very successful initiative with McAfee which has resulted in a cybersafety programme rolling out not only throughout Ireland, but also internationally. These initiatives developed by young people are real examples of finding local solutions to our problems here and beyond our shores.

My colleagues will talk about actions in which they are engaged that are relevant to their Departments. I warmly welcome the recent announcement by the Minister, Deputy Naughten, of his open policy debate on 8 March. This will involve a range of Departments, not just those present. Everyone wants to figure out how to get this right and wants to help. We are particularly appreciative of the committee's work. Last November I met the Ministers, Deputies Naughten and Flanagan, to discuss the cross-Government collaboration that is needed. A lot of work is being done by individual Departments and by officials at a higher level working together. However, we need to develop an action plan involving all relevant Departments in order that our actions are co-ordinated, complementary and robust. I am committed to playing my part in this regard.

How am I doing for time?

Chairman: The Minister's time is up, I am afraid.

Deputy Katherine Zappone: I had a sense of that. I can come back to a few more matters that I wanted to address in my opening statement. I look forward to our discussion today and to the open policy debate that will happen on 8 March. In order to advance matters, I think we agree that we need to develop some form of action plan as a result of these processes. I appreciate the committee's influence and input in this regard.

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I thank the Chairman and the committee members for their invitation to address this morning's meeting. To the best of my recollection, this is the first time an Oireachtas committee has had four Cabinet Ministers before it at the one time, which just shows how seriously we are all taking this issue.

I thank the committee for the work it has carried out since last September on the issue of online safety. Since my appointment as Minister for Communications, Climate Action and Environment, I have impressed upon my officials that online safety, particularly for children, is a personal priority for me. It is also a priority for me as a father of four young children. We all know that the Internet is a tool that brings enormous benefits, but there are also risks and dangers that combine anonymity and distance too easily. These types of risks vary enormously from the most serious criminal content, such as child sexual abuse material at one end of the spectrum, to legal but abusive, hurtful or defamatory comments at the other end. The perpetrators similarly vary from criminals to ordinary users, some of whom are young people themselves. Given the range of different material, no single action will "fix the Internet". There is a lot of work being done across a range of Government Departments in this area, but we need to communicate and co-ordinate our work better. We need to demonstrate a much more joined-up Government approach to online safety for every single citizen. We can never be complacent in this area.

Regarding the implementation of the Internet Content Governance Advisory Group Report, which was published in 2014, progress, as we know, has been slow. Even though it was published in May 2014, I believe the overall thrust of the report's recommendations is still valid today. A key goal of the report's recommendations was to have effective structures in place in order to ensure a joined-up approach across Government and engagement with parents, industry, voluntary groups and other agencies. This is exactly why I am holding an open policy debate forum on 8 March at the Royal Hospital Kilmainham to bring together the main players in this sphere in order to move in that one direction. This committee has highlighted and given a voice to many organisations, groups and individuals that are all working day in, day out to ensure our children, and all users, are safe and protected when online. We need to tap into this commitment and expertise on an ongoing basis.

My own Department has direct responsibility for implementing the revisions to the audiovisual media services directive. While a final text is yet to be agreed at European level, the directive will ensure that video sharing platform services such as YouTube have measures in place to protect users, especially minors, from harmful video content. We expect the revised directive to be agreed in the coming months and will then begin a public consultation on how best to implement its provisions in Ireland. It is vital we get this right. I recently met Google's vice president for public policy, Nicklas Lundblad, who told me that 500 hours of video content is uploaded to YouTube every single minute. This is a staggering fact.

My position on the need to establish an office of digital safety commissioner has been widely reported and acknowledged. Many parents, agencies and NGOs share my position. For the role to be effective and responsive to modern-day needs in the constant fast-paced world of

the Internet, we need to move together as an Oireachtas on this specific issue. As the committee knows, the Government will respond tomorrow to the Private Members' Bill on a digital safety commissioner tabled by Sinn Féin. The Government will not oppose the Bill. There are aspects of the Bill as presented, however, that will need closer examination and scrutiny in order for the role to be defined as we need it to be defined, with effective powers and responsibilities. I look forward to the debate and working with my colleagues on the committee. Online safety is complex, but some of the solutions are clear. We need to do more but we also need to ensure there is greater awareness of all the resources and supports that are available right now. We want to ensure that our children are not only tech savvy, but also safety conscious, that our parents know where they can turn to for help and that there is a joined-up approach to everything we do. These are measures that can be strengthened in the shorter term without waiting for legislation.

As I have outlined, a number of Government Departments and agencies are already involved in delivering many services which are aimed at safeguarding citizens online. Rather than being overly prescriptive in this area, I am keen to work on practical steps we can take now in the short term. This means working with parents, young people, NGOs and the tech companies to take actions that can make a real difference. I convened a meeting between my colleagues, the Minister for Justice and Equality, Deputy Charles Flanagan, and the Minister for Children and Youth Affairs, Deputy Katherine Zappone, last November on this issue. We have agreed that the most appropriate way to move online safety forward would be to hold an open policy debate to help us identify the gaps and the practical steps needed to fill them. Six Government Departments, led by my Department, are involved in organising it. The overall aim of this event is to raise awareness among the participants of the activities that are being undertaken by the Irish Government, the European Commission, industry and NGOs in this area. The ideas and feedback generated on this day will also feed into a Government action plan which will underpin future actions and policies.

Committee members have all been invited to attend on the day. I hope that we can answer the questions that this committee has raised and that we can work together as an Oireachtas to progress these issues in a responsive way that deals with the challenges ahead. The Internet is changing on a daily basis and we need to act quickly.

Chairman: I thank the Minister for his presentation. I now call on the Minister for Justice and Equality, Deputy Charles Flanagan, to make his opening remarks.

Deputy Charles Flanagan: I thank the committee for the invitation to attend. I agree with Deputy Naughten's comment that it is without precedent to have four Cabinet Ministers attending an Oireachtas committee meeting. This serves to underline the importance of the subject matter and it also acknowledges the importance of this committee, its influence and authority on this most important issue.

My Department deals with the criminal and legal aspects of Internet safety. We have strong laws to protect children and last year we introduced new offences to target child exploitation. The key criminal justice Acts in this area are the Child Trafficking and Pornography Acts 1998 to 2004. The existing law was amended by the Criminal Law (Sexual Offences) Act 2017 to enable a number of new offences to be added to combat the exploitation of children and, in particular, to address the use of modern communications technologies as a tool which may lead to child exploitation. Separately, heads of a Bill are currently being prepared in my Department to address specific criminal legislative recommendations that were set out in the Law Reform Commission's 2016 report on harmful communications and digital safety. The commission has proposed extending some existing offences and creating some new criminal offences.

My Department is responsible for criminal justice legislation while An Garda Síochána is responsible for ensuring the law is upheld. As part of the Garda modernisation and renewal programme there is significant focus on emerging threats, one of which is online child sexual exploitation. An Garda Síochána is responding to this challenge in a variety of ways including through the online child exploitation unit at the Garda national protection services bureau. Within the child protection unit at the Garda national protection services bureau, a new unit staffed by specialist personnel has been created which is tasked with the identification of online victims of exploitation.

Last October, Assistant Commissioner John O’Driscoll and his colleagues had a lengthy discussion with this committee on these issues. In recent weeks we have seen some of the successes of Operation Ketch which is targeting those possessing and distributing child exploitation material. In early February, Operation Ketch led to searches of 31 homes in 12 counties across the State and the seizure of computers, phones, laptops and other equipment with tens of thousands of images of child pornography. During this phase of the investigation, searches were carried out under warrant pursuant to the Child Trafficking and Pornography Act 1998 across a number of Garda divisions. The searches were carried out by newly-established divisional protection service units and local detective units. I want to acknowledge the work of An Garda Síochána in this regard. I must also point out that this is not just a national endeavour. There is a high level of co-operation between An Garda Síochána, other international police services, Interpol and Europol.

Alongside these criminal justice aspects my Department, in common with a number of other Departments, has a role in promoting Internet safety. The office for Internet safety in my Department co-ordinates the EU safer Internet programme for Ireland and channels EU funding to four partner bodies who in turn provide relevant Internet safety awareness raising, helpline and take down services. That office oversees the work of *Hotline.ie* and the Garda blocking initiative in the context of an EU directive on combatting the sexual abuse and sexual exploitation of children and child pornography. It has also developed Internet safety awareness material by working with its advisory body. Many committee members will have received copies of those information booklets in recent months.

My colleague, the Minister, Deputy Denis Naughten, has an important role to play in this area and together with the Ministers for Children and Youth Affairs and Education and Skills, Deputies Zappone and Bruton, we are working to ensure that the various initiatives in Government have as much impact as possible. Part of this work involves the open policy debate which is scheduled to take place on 8 March 2018 to which the Minister, Deputy Naughten, already referred. The key objectives of that debate will be to raise awareness of cross-departmental actions already taking place to deal with harmful online content, to identify any possible gaps in the Government’s approach and the steps needed to address these. I acknowledge the importance of this committee in this area and assure members that any reports, observations or submissions made by the committee will be taken very seriously by my Department. I know that I speak for my Cabinet colleagues in that regard. The emphasis in the open policy debate will be on children and young people. Arising from that event it is anticipated that a whole-of-Government approach to this issue can be formulated and advanced.

Committee members will have noted from the wide range of contributions made to date that the issue of cybersecurity for all and, in particular, for children and young people is a difficult one in the fast moving and vast arena that is modern communications. My colleagues and I are anxious to make progress while harnessing the best available information, expertise and experi-

ence. In that regard, I look forward to working closely with this committee and to receiving its report on this matter. I have no doubt that we will have an opportunity to meet again later in the year to monitor progress.

Chairman: I thank the Minister for his contribution and now call on the Minister for Education and Skills, Deputy Richard Bruton, to make his opening remarks.

Minister for Education and Skills (Deputy Richard Bruton): I thank the Chairman and committee members for their invitation to attend. I will not make any quips about waiting all day for a bus because in this case it is absolutely justified to have four buses come along at once. In the submission that has been circulated I point out that one of the things my Department is increasingly emphasising is well-being within the whole education system. In the policy being rolled out in schools well-being is defined in the context of young citizens as discerning, respectful, resilient, connected, confident, positive and imaginative, which are all things that we want for our children. The normal concerns that any parent would have about their children meeting strangers, being bullied, getting in with the wrong crowd or getting involved in harmful activities are all turbo charged by the power of new technologies and the Internet. While digital technology brings phenomenal benefits in education it also gives rise to risks, to which we must be very alert. It is a very fast-moving area, as Deputy Flanagan has said, and we must always be vigilant and review our policies regularly.

In general terms, schools have independent boards which are responsible for ensuring the safe use of digital technology in schools. It is up to school boards and management to have the appropriate policies in place. That said, we do not leave them adrift on an ocean but provide them with a lot of support. As is outlined in my written submission, support is provided in the areas of formal curriculum content and the continuous professional development of teachers. Very innovative material is provided by *webwise.ie*, representatives of which are here today. This material is delivered to students, parents and teachers. Network services are provided to support security and filtering. We also provide strong policy content and guidance in areas like well-being, digital technologies and anti-bullying strategies.

Members will be familiar with recent curriculum changes, including the new well-being programme, which is being rolled out at junior cycle level. This programme integrates the social, personal and health education, SPHE, curriculum with the political and civil education curriculum. It is designed to ensure people are strong in themselves but also respectful of others. Much of the context of that is to give people the tools to manage their own interaction either with technology or with others. The junior cycle now provides for short courses allowing young people to dip into things like digital media literacy which gives them an exposure if they choose. The NCCA continually reviews the curriculum with a view to improving it and making it more relevant. There is considerable activity in ensuring the curriculum is attuned to students' needs.

We have support for teachers in technology in well-being and specific support through Webwise. I have listed some of the instruments they have in the field. One of them, Be in Ctrl, was launched relatively recently. It is a good example. The Garda supported the programme and was involved in putting it together. We had 80 student ambassadors who went back to the schools to popularise it and reinterpret the advice into ways that would be better absorbed and acted upon in their schools and into taking initiatives in schools. They are all in relevant areas. They include Be in Ctrl, acceptable usage policy, Think B4U Click, advice for parents about sexting and so on. They are all very relevant to the topic we are discussing.

Obviously we have an action plan for bullying. Schools must have an anti-bullying policy. There has to be an acceptable usage policy in schools setting out the dos and don'ts of how technology should be used and the consequences of abuses of that.

I am not saying we are perfect by any means, but I think we have the ingredients to react in an evolving way to the changes that are sought by the committee or by colleagues. I welcome the bringing together of the various strands because we cannot work in a silo without knowledge of the source of the criminal threats and where the technology is heading. We are very keen to be part of this cross-Government approach.

Vice Chairman: As everybody needs the opportunity to ask questions, I ask that members stick to the five-minute rule and use those five minutes for questions rather than statements. Is that agreed? Agreed.

I welcome members from other committees who are in attendance today, including Deputy Dooley. The procedure here is that the members have the right to ask questions first and then I would be delighted to call Deputy Dooley.

Deputy Sean Sherlock: I sincerely thank the Ministers for appearing before the committee today. Which of the Ministers present will have responsibility for the digital safety commissioner when that office is established? We need a clear unambiguous answer to that question. The Internet content governance advisory group was constituted in 2013. One of its recommendations was that there would be a specific senior or junior Minister responsible. We need to find out who has political responsibility for online safety.

My second question is for the Minister for Justice and Equality. Assistant Garda Commissioner O'Driscoll, and Mr. Declan Daly appeared before the committee in October. They told us that fewer than 100 Garda personnel were involved in the Garda national protective services bureau and under that the online child exploitation unit. They give us clear figures on the number of personnel, but it amounts to fewer than 100 people, if civilians are included. If we are talking about cybercrime and the protection of children and minors, we need to better resource the Garda national protective services bureau. Having additional numbers there would go a long way to the cause of protecting children effectively.

We were all disgusted by the Horan case. The initial inquiry on that case came from an American intervention on a Gmail account. That set off a chain of events in the investigation. Had that email not come from the authorities in America or had there not been an intervention on that, the Horan case might not have come to light. I speak about resources specifically in that case.

I know the Minister for Education and Skills, Deputy Bruton, is a very strong advocate of science, technology, engineering and mathematics. We are all very supportive of the STEM initiatives in the junior and senior cycles and the short courses in the junior cycle. Some parents argue that it is the responsibility of the schools to look after online safety - to teach the children or young adults well so to speak. Insufficient resources are allocated to the professional development service for teachers, PDST. We need more resources for PDST because the translational effect is not happening in every school and we need to reach beyond post primary and right down into primary level. We need to educate teachers and make them online safety advocates. We should appoint an online safety advocate in every school or region so that they can deploy a lot of these resources in teaching across regions.

Vice Chairman: To whom is the Deputy's first question on responsibility directed?

Deputy Sean Sherlock: As it is a technological issue, I would start with the Minister for Communications, Climate Action and Environment, Deputy Naughten.

Vice Chairman: I ask the Minister, Deputy Naughten, to answer the first part.

Deputy Denis Naughten: In answer to the question as to who has responsibility for online safety, at the moment it crosses six Departments. Four of the Ministers are represented here. There is agreement that issues relating to the criminal justice area should and must remain with the Department of Justice and Equality and An Garda Síochána. I do not think there is any dispute in that regard.

As the Deputy knows, I have been progressing the issue of the digital safety commissioner. We had an open forum on foot of which a Government action plan will be developed. That will be presented and approved by Government. I am sure it will be discussed here at the committee. As part of that a lead Department will have to be appointed to that. That has not been appointed yet. Our Department has taken the lead on the open policy debate and we have facilitated the engagement up to now. That comes back to the Internet content governance advisory group report.

Deputy Sean Sherlock: Is that still a live report?

Deputy Denis Naughten: As far as I am concerned it is very much a live report. The proposers had recommended a transfer of functions from the Department of Justice and Equality to the Department of Children and Youth Affairs. Historically Departments clearly outline their own roles and responsibilities, but regarding the Internet, this is an overarching issue and covers several Departments and agencies. The open policy debate is very much about setting the benchmark for where everyone is at now and what work is going on. A tremendous amount of work is going on in-----

Deputy Sean Sherlock: Is the Minister saying the digital safety commissioner will not come under his Department's remit?

Deputy Denis Naughten: I have not said that at all.

Deputy Sean Sherlock: We need guidance as to where that will sit.

Deputy Denis Naughten: The Government has not come to a decision on that matter. The open policy debate will take place on 8 March 2018. On foot of that debate, an action plan will be presented to Government which will set out a future direction in this area. I will not preempt the action plan. We are moving this issue forward in a proactive and constructive manner.

Chairman: I thank the Minister. I ask the Minister for Justice and Equality, Deputy Charles Flanagan, to respond to members' questions.

Deputy Charles Flanagan: Before I deal with the issue of resources, the Office for Internet Safety, which is under my Department, has an important role, one which may well change in the event that a digital safety office is established with a digital safety officer. This is the type of discussion taking place across a range of Departments and it is one that will be very much informed by the open policy debate that will take place in March and the report of the joint committee once it has been completed.

On Garda resources, Deputy Sherlock is correct that the success of any initiative can be measured and gauged by the resources available for its work. I will not discuss again any issue that has been raised in the joint committee during its meeting with Assistant Commissioner John O'Driscoll. There are new and exciting developments in An Garda Síochána, which keep pace with international technological advances in this area. I refer to the sex crime management unit, the online child exploitation unit, the national child protection unit, the sex offender management and intelligence unit and the human trafficking investigation and co-ordination unit. I assure Deputy Sherlock and other members that the Garda is very much engaged with international police forces and other actors in this area. I cite in particular the relationship with Canada and across Europe through Interpol.

In terms of resources, unprecedented levels of resources were made available to An Garda Síochána under the most recent budget when a facilitation was made for an additional 800 recruits to the force. I visited Templemore before Christmas to witness the attestation of more than 200 gardaí. The aim of the Government is to ensure we have a Garda service of 21,000 members by 2021. I do not decide on the distribution of personnel in An Garda Síochána, as I am sure Assistant Commissioner O'Driscoll will have informed the joint committee. I provide resources and legislative back-up, both of which roles are important in the context of the committee's engagement this morning. Members can be assured that, as further resources are rolled out to An Garda Síochána, they will be allocated towards these important units and offices.

There is also the issue of training. I am pleased the Garda College at Templemore, which was closed for a number of years, is firmly reopened and developing new courses and expanding others, many in conjunction with the University of Limerick at the highest level of technological advancement. I will be happy to continue to engage with the Garda Commissioner on the issue of the distribution of personnel. I fully agree with Deputy Sherlock on the need to ensure these new units are properly and adequately resourced.

Chairman: I thank the Minister and invite the Minister for Education and Skills, Deputy Richard Bruton, to respond.

Deputy Richard Bruton: I will try to be brief. While I do not contest the case made and I accept that teachers are important, students and parents are also very important. We have this built into the webwise.ie activity targeting parents. As I described, the student ambassadors probably have as much leverage as teachers in the school community - it is certainly significant.

On the issue of providing more resources for training teachers, I will conduct a review this year to ascertain how well we execute the upskilling of teachers after they qualify, the resources invested, the way in which they are deployed and whether they are strategically deployed. I will work on the review during 2018.

We have 20 people working in support and well-being and a further 20 people working in Internet technology. These staff have approximately 45,000 teacher contacts in terms of training units delivered across well-being and Internet safety. There is, therefore, a reasonable level of activity in this area, although I would not argue against increasing it following our review.

We need to have digital leaders in every school. We are piloting clusters and these have generated significant interest. Online safety is probably part of the overall use of digital in the school rather than a segmented role that is different from digital in the school. It is digital citizenship, if one likes.

A digital framework is being piloted in 50 schools. We will learn from the execution of the pilot how we should address some of the issues members have described. We have an open mind on the direction we will go once we have the learnings from these initiatives.

Chairman: I thank the Minister.

Senator Catherine Noone: I thank the Ministers for appearing before the joint committee. Their presence is a positive signal of the Government's approach to children and their safety online. The Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, set out his position on the matter of a digital safety commissioner. Speaking at a previous meeting of the joint committee, Mr. Ronan Lupton, a member of the Internet Content Governance Advisory Group, outlined some interesting ideas to which I had not given much thought, although they were set out in the report. For example, he suggested that the digital safety commissioner come within the remit of the Department of the Taoiseach. This would mean the Taoiseach would appoint a Minister of State with responsibility for the digital age, the Internet or whichever title one wished to give the Minister. Given the prevalence of the Internet in society, the way in which adults and children conduct themselves online and the safety issues that arise, is it not necessary to implement this proposal? As far as I am concerned, it is the only show in town. We could spend a full day discussing the age of consent, banning telephones and so forth but the issue is one of developing a framework. According to certain people, I am the queen of nannies and I am apparently all for introducing bans. While I respect the great work being done in this area, we are a little rudderless. Would the appointment of a digital safety commissioner not be a great step forward?

Deputy Denis Naughten: It is interesting that I am the Minister with responsibility for digital matters when I sit on the Council of Ministers. My Council colleague from Luxembourg is the country's Prime Minister and he has taken the decision to assume responsibility for the whole digital sector. A number of Prime Ministers have this role in their offices. We are not being definitive on this matter. The action plan will set out a roadmap and plan. The Office of Internet Safety does much good work and we need to build on its strengths. Members know me and they know I will not get up hung up on titles.

Senator Catherine Noone: Nor will I, but I expect the job to be done.

Deputy Denis Naughten: This morning, the Minister of State in my Department, Deputy Seán Kyne, and I attended a meeting of the broadband task force which focused on practical actions to deliver broadband and mobile coverage nationwide. I intend to deal with this matter in a practical and realistic manner. If the action plan concludes that this role should come within the Department of the Taoiseach, so be it. None of us would have any difficulty with such a proposal. We will work through that and the forum on 8 March is very much part of that process.

Senator Catherine Noone: I congratulate the Minister on the seminar he has arranged. It is a constructive development on which there has been positive feedback.

On education, I never cease to be impressed by the Minister for Education and Skills. As a member of the same party as the Minister, I may be biased but his ability to take on issues, listen and act is highly impressive. Should the well-being cycle to which he referred also be provided in primary schools? Is that the next step?

Much has been said about banning mobile phones. I refer to my previous comments on that. Without calling it a ban, do we need to look at a policy where phones are just not allowed in

schools? Children would play and do the things that this dinosaur used to do back in the day, develop social skills, reach their developmental goals and so on. Is this something we need to look at? Reference was made to digital leaders. Would this also apply to primary schools? While we are not encouraging the pupils to be online and doing unsuitable things too early, if they are going to be online, then it is a fine line to balance. I welcome the Minister's comments on this.

Deputy Richard Bruton: The one thing we can be sure about is that change is proceeding slower now than it will in the future. I do not believe that we can close out technology and not come to terms with it. The jury is out on whether or not a ban is the way to come to terms with the issue. Technically it is up to each school and this is not a bad approach. There would be issues around banning phones. The teachers' unions raised a concern about enforcement. If a ban is introduced, how will schools enforce it? What does this do for the other relationships they are trying to foster within the schools? While I do not have a closed mind on this, I believe that the current way of a school looking and deciding what is right for its community, its time and the way it runs its appropriate use policies and so on is the appropriate way for the time being. We are, however, open to discussion.

Well-being comes under the social, personal and health education module which goes right up through primary school level, and the National Council for Curriculum and Assessment, NCCA, is reviewing the primary curriculum from top to bottom. In particular it is looking at the transition from preschool to primary school and from primary school to second level school, and at how the content should be structured, bearing in mind the journey a child is taking. They will look at the adequacy of the well-being supports for primary school children with regard to that journey in their present situation.

On the issue of banning phones, I am aware that the French education minister has taken this measure. I am not sure how successful it has been. I believe the jury is still out on that. Some people say that bringing one's own technology into the classroom is not a bad element. How much of a child's daily online activity is spent in school versus outside of school? In school time we must give people the resilience, the tools and the respect to use this tool properly.

Senator Catherine Noone: I have one final question for the Minister, Deputy Naughten, and perhaps also for the Minister, Deputy Bruton. I should have asked this question when I addressed my first question to the former. Germany has implemented Internet filtering in schools. It can be done for free through technology companies in schools. The default position becomes one where some people are not allowed access to everything but some people can opt in to other access options. I believe that a measure like this would work very well in schools and in homes. Many parents are knowledgeable about Internet safety but many others would need a bit of a hand. Internet providers could provide a modem or server to schools and homes that blocks everything as a default and then the customer could opt in, to everything if he or she wanted. This could be done for no cost. Would this be an idea?

Deputy Denis Naughten: This is an important point and it is key to all the discussion we are having here. There is a lot of very good work going on in Education and Skills. It is one of the most innovative Departments in this area, not just in Ireland but also across Europe. We can learn a lot from what is going on in our schools and we need to bring this out to the community. I spoke to a parent this morning who gave me an example of the transition year students in St. Colmcille's community school in Knocklyon. They have taken what is going on in the classroom and in the school and they have educated the parents of the pupils around what is available for blocking and so on. I took this issue up with Google management when they were in Dublin

recently. They have developed the family link project within Google that does this very thing. It provides the facility to give control to parents around what they will and will not allow their children to access online. We have to use technology. The tools are there. The open policy forum is about seeing what works well and how it can be applied across society.

Senator Catherine Noone: We must be open to it.

Deputy Denis Naughten: Absolutely.

Senator Catherine Noone: That is a great idea.

Deputy Katherine Zappone: On the issue of phones and on the matter of the digital safety commissioner, whatever decisions we come to with regard to draft recommendations as a basis of the open policy debate, influenced by what the Ministers have presented to us, most of the deliberations are the deliberations of adults. Yes, we listen to children in different circumstances, and there are case studies and events, but I suggest that we need a more systematic approach to listening very clearly to the voices of children and young people. As a result of the open policy debate and some of the outcomes from that, I intend to present to children and young people in an open event, possibly in the early summer and that would be geographically represented, the structures our Department has developed, what the adults have deliberated on, and ask the children and young people what they think of it. We would then have a circle completed before we bring our recommendations to Government.

Deputy Richard Bruton: HEAnet provides a content screening service for schools. I will ask if we have something to learn from what Germany does in this regard.

Senator Catherine Noone: This type of measure can be done for free. It is extremely interesting.

Chairman: We can come back this matter again. Let us plough through the rest of the members.

Senator Catherine Noone: I thank the Chairman.

Senator Máire Devine: I think it is very important to note that child protection comes under the Department of Children and Youth Affairs and the Department of Education and Skills, but if we include well-being in the first place, then children can often protect themselves. We can let them lead the way, as well as the parents and legislators protecting them.

The Minister, Deputy Bruton, spoke of expanding the well-being element in primary schools. I am aware that the Mission Possible programme is being rolled out based on demographic needs in a couple of schools in Dublin, with St. James's primary school in Dublin 8 being one. Will the Minister consider rolling out this programme in its entirety when he reviews it? This programme has a lot of good and proven points, and the research has pointed to how it has impacted and created well-being and resilience in very young children.

The precedent of getting four Ministers to this committee table really speaks volumes about the need for a Minister for digital safety. This sort of meeting cannot keep happening. The Ministers currently present may not be available. Perhaps we could discuss this further at the open dialogue forum on International Women's Day. I thank the Minister for the invite. It is a great idea to cross reference it with our children who are the subject of all of this. It is to be hoped we can meet together and come to a consensus, because if children feel their views are

being included, as opposed to being dictated to by oldies, they will feel a lot more ownership of any measures.

It is nice to hear that the Minister, Deputy Naughten, will be generally supportive of Sinn Féin's Digital Safety Commissioner Bill 2017. That is rare enough but it is good to see it will occur. We do not drop the ball, we just keep it going. It was discussed by witnesses who were in before the committee just before the Ministers. A report was lying on the shelf but so much has fundamentally changed in the Internet arena that we will constantly have to catch up. We cannot drop the ball again. We must keep on it.

With regard to Comhairle na nÓg and the children who represented to this committee, I will host a presentation in the audiovisual room today at 4 p.m. to give a wider impression to the Members.

Deputy Anne Rabbitte: I thank the witnesses for coming here this morning. In the last session, Mr. Lupton made a very good statement but I pushed him on how many of the key recommendations from the Internet content governance advisory group, ICGA, produced in 2014 had come to pass. The answer was not one.

When Mr. Lupton says he wants this to go to a particular Department or Minister, am I to read between the lines that there has been a lack of co-operation since 2014 within Departments, or is this a positive way forward to focus on the Internet, having one person completely responsible for spearheading this? I appreciate that some Ministers may not have been in office in 2014 but why has it not happened since then? I acknowledge the good work of the Internet safety office and in education but three strong recommendations out of 30 came out of that process and not one was followed through. Maybe the Minister for Communications, Climate Action and Environment, Deputy Naughten, will answer me.

Deputy Denis Naughten: To come back to Senator Devine's comments, when I spoke at a child safety online forum at Facebook last year I said we are trying to use 17th century tools to regulate a 21st century technology. It is a question of education in the widest possible sense and exploiting the technological tools we have. We need always to be very conscious of that. We need a legislative framework as well.

To respond to Deputy Rabbitte, approximately 50% of those recommendations are being progressed. There are a wide range of recommendations, for example, regulation of online platforms, which will be dealt with through the audiovisual media services directive, AVMS, and those discussions are going on at EU level. That directive will bring in regulation for video sharing platforms such as YouTube, RTÉ Player and so forth, and for on-demand services. At the moment the timeline is that they will be finalised by May, then we will go to public consultation. We have a good idea of how we will structure that but we want to consult on it first.

Approximately 50 of the recommendations concern the transfer of functions, mainly from the Department of Justice and Equality to the Department of Children and Youth Affairs. Many of the recommendations are valid today. It is natural for a Department to draw a line between its role and that of another Department. We must overcome these issues given the seriousness of the subject. That is why four of the six relevant Ministers are here today and why the six Departments are working together on this open policy forum to come forward with an action plan. When the Minister for Education and Science, Deputy Bruton, was Minister for Jobs, Enterprise and Innovation, he brought forward an action plan that went right across Government to drive the economy forward. We are now virtually at full employment on foot of that work. We

need a similar mechanism to deliver on the objectives which we all have and on which we all agree. The report of this committee will be crucial in developing that action plan and ensuring that all aspects are covered.

Deputy Anne Rabbitte: Does the Department of Children and Youth Affairs have the capacity to take over the next step after the switch from the Department of Justice and Equality?

Deputy Katherine Zappone: If ultimately that was the decision of Government, yes. It is important to ask if that is the decision of Government. The Deputy is asking about a recommendation in a report of 2014. We are here today to talk about a process we are identifying in 2018 where, in light of the various things that have changed and are going on in different Departments, we are coming into the context of an open policy debate and listening from that perspective. The Deputy asked if there has been a co-operative, collaborative approach to move towards the future. Certainly we can say now there is.

Deputy Sherlock asked if there is someone who takes political responsibility for that. I think there should be. We need to go through the process we have identified now, and when we come to the end of it, we will be clearer about where it should land. Many members have spoken about the recommendation in that report, and in the Law Reform Commission's 2016 report, to have an office of a digital safety commissioner. Who is responsible for that? It is crucial to decide that. What will it do and will it work? The Law Reform Commission defined the role as being an independent judge of whether Internet content should be taken down. That is one aspect. It could have an educational role as well-----

Deputy Anne Rabbitte: I do not mean to cut in on the Minister-----

Deputy Katherine Zappone: May I finish or does the Deputy want to interrupt me?

Deputy Anne Rabbitte: The Chairman will pull me up on time very quickly. What does the Minister mean by "Certainly ... now there is"? Does she mean certainly now there is co-operation two years into this Government? Reading the newspapers over Christmas, one would have been led to believe a recommendation was put to Cabinet and the Taoiseach before Christmas to have a digital safety commissioner. Did that happen or are the newspapers misinforming us?

Deputy Katherine Zappone: No, it did not.

Chairman: Is this question addressed to the Minister for Children and Youth Affairs?

Deputy Anne Rabbitte: I think I am pulling the Minister up on there certainly now being co-operation. That is where I am coming from. Does that mean across all six Departments, certainly now there is? Does that mean that the first time the four or six Ministers met was last November? Is that correct?

Deputy Katherine Zappone: In this Government. Does the Deputy mean formally? Yes.

Deputy Anne Rabbitte: Formally. Any of the Ministers can answer the question.

Deputy Denis Naughten: The Law Reform Commission's report came before Cabinet around this time last year, but I am open to correction on the actual date. I have been informed it was in December 2016. There were two aspects to that. One is the criminal aspect, and the then Tánaiste and Minister for Justice and Equality, Deputy Fitzgerald, outlined to Cabinet that she was proceeding with legislation. The present Minister, Deputy Flanagan, spoke about that

here earlier. The other aspect was the digital safety commissioner. The agreement of Cabinet at the time was to have a Cabinet sub-committee and senior officials group work on that. The Ministers for Children and Youth Affairs and for Justice and Equality and I met last November to see how we could progress and move this agenda forward, not just in respect of the Law Reform Commission report but also in respect of the previous report, the ICGA report. On foot of that we agreed to establish this forum to take place on 8 March to bring all the players together because there are many aspects to this. Some of what is in that ICGA report is being acted upon at a European level and the implementation will come from EU directives. It makes more sense for us if it happens at European level because then it is applied uniformly across the whole European Union. My colleagues and I engage with this issue.

To clarify something I said to Senator Noone about Minister of State with responsibility for EU digital Single Market, Deputy Breen, the digital Single Market comes under the remit of the Department of the Taoiseach and crosses four Departments. We want to see what is happening at the Commission. We also want to see how we can implement the very good work that is being done in our schools more broadly across the community. The office for Internet safety is currently doing a tremendous job and I acknowledge that Deputy Rabbitte has circulated material on foot of what has been produced by that office, which is excellent. All members have a responsibility to begin communicating such information.

Chairman: I thank the Minister, Deputy Naughten. The Minister, Deputy Zappone, was interrupted.

Deputy Katherine Zappone: I was.

Chairman: My apologies for that. Does she wish to make further comment?

Deputy Katherine Zappone: The role of the digital safety commissioner will be integral to political responsibility. It will determine much in terms of who will be politically responsible. That is why I began to identify what is being done in other jurisdictions in that regard, as recommended by the Law Reform Commission. Australia is one of the models of good practice to which reference has been made. The office in Australia has only been up and running for a couple of years and, in terms of its analysis and monitoring, some of it may be working well. The Minister, Deputy Naughten, made the point that if we are to appoint a digital safety commissioner, of which I am also in favour, we would need to do so having regard to the EU context in which we operate in terms of the decisions that have been made and the directives that have been put forward.

Chairman: I thank Deputy Zappone. We will have time for a second round of questions and I will allow Deputy Rabbitte in again. I call Deputy Mitchell.

Deputy Denise Mitchell: I thank the four Ministers for attending the meeting. It shows how serious the Government is on this topic.

In terms of education, it is important that we acknowledge the work being done by teachers in our schools and by the Minister, Deputy Bruton. The figures provided by the Minister indicate that there have been 921,000 page views on *webwise.ie*, which demonstrates its effectiveness. Children are being educated on this issue in schools but there is a void whereby parents are not being educated and there is a lack of awareness in respect of some parents. Senator Noone mentioned filtering products which can be bought for home use. The relevant Departments should collectively run a campaign to make parents aware of what they can do on this

issue within the home. We may need to increase the number of booklets sent home by schools and ensure every child has one in his or her schoolbag.

As regards the Department of Justice and Equality, it is very important for parents and children to be aware of their responsibilities while online. Campaigns, such as the anti-smoking campaign, have been run on a collective basis in the past and the relevant Departments should consider doing likewise on this issue. I ask the witnesses for their views in that regard.

What role does the Minister, Deputy Zappone, believe her Department has in this area? Should Tusla, the Child and Family Agency, be involved?

There is much concern about the marketing to and targeting of young people online by companies which push various products on them. Do the Ministers think it would be possible to bring in legislation to protect young children from being targeted by those large companies?

Deputy Denis Naughten: I acknowledge the points made by Deputy Mitchell. We are taking the issue seriously, as evidenced by the four Ministers being present. She is correct in what she said and articulated very well the aim of the forum to be held on 8 March. It aims to identify best practice on this issue in Ireland - we do not need to refer to other countries - and examine how we can apply that across communities. It will consider the option of allocating more resources to the office for Internet safety in order to facilitate a far more co-ordinated approach and how that can be presented and exploited. The Deputy is perfectly correct in that regard.

The issue of marketing is related to the digital age of consent. Deputy Flanagan is specifically dealing with that issue and I am sure he will address it on his return to the meeting but it is something of which all members of the Government are very conscious.

Deputy Katherine Zappone: Deputy Mitchell specifically mentioned Tusla, to which I referred in my opening remarks. From our perspective, children need to be protected online and offline, both of which are real worlds for them. Issues in terms of Internet and cyberbullying and so on emerge in the context of much of the work currently being carried out by Tusla. It is part of the work carried out with families by the staff of Tusla.

As I also referenced in my opening remarks, oversight of the implementation of recent legislation such as the Children First Act 2015, and mandatory reporting in particular, continues to be supported across Government through an interdepartmental implementation group. In that context, I anticipate that the issue of Internet safety, which has a child protection dimension and requires cross-Government collaboration, will be raised and dealt with in the coming months through those discussions. Much of the work will be done and sent to the Department so that we can consider it as part of the overall consultation.

Deputy Richard Bruton: I should have dealt with the point raised by Senator Devine on the extension of MissionPossible. I will revert to her in that regard. Several resources such as the Incredible Years programme are being rolled out, beginning with DEIS schools. Well-being guidelines for primary schools are available and a well-being policy through which concerns or suggestions raised can be considered will be published later in the year by the Department.

I agree with the points made by Deputy Mitchell regarding parental awareness and responsibility. We have established a parents' online hub and distribute parents' guides on cyberbullying, screen time, sexting and social media. Approximately 30,000 of the guides have been issued and there seems to be a good demand for them. Educational videos for parents are also available. If members think these need to have a higher profile with parents, I will consider that.

Chairman: I thank the Minister, Deputy Bruton. We will shortly move to the second round of questions but before we do so, I wish to pose a question to the Minister, Deputy Naughten. We have spoken at length about what age between 13 and 16 is the appropriate digital age of consent. Aspects of the topic are very distressing for members and others. Some parents will be vigilant and others will not. Some children are more clever than all of us and will be able to get online and do whatever they want. Can social media companies be made responsible in terms of the digital age of consent? Can we put forward legislation to make it illegal for them to take data belonging to children under the age of 16 and put the onus on them in that regard? That might be the simplest method to resolve this question.

Deputy Denis Naughten: The issue of the digital age of consent has been covered by the Minister, Deputy Flanagan, and it might be better for him to address that aspect of it, explain the background and where we are coming from in that regard.

Deputy Charles Flanagan: I thank the Chair. My apologies for-----

Deputy Sean Sherlock: I also asked a supplementary question on that issue. Perhaps the Minister may-----

Chairman: I ask the Minister, Deputy Flanagan, to allow Deputy Sherlock to outline his supplementary question on this area.

Deputy Sean Sherlock: I thank the Chair. In terms of the EU general data protection regulation, GDPR, on the age of consent, section 29 of the Data Protection Bill 2018 provides that, "The age of a child specified for the purposes of Article 8 is 13 years of age." Article 8 itself says that, in relation to the offer of information society services directly to a child, the processing of the personal data of a child shall be lawful where the child is at least 16 years old. It also states that member states by law can provide for a lower age, not below 13. Processing the data of a child below that age is lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the child.

Following on from Senator Freeman's question, how does the common law of contracts apply to the Minister's proposed legislation? In other words, as I understand it, under Irish common law, which has not been updated for a long time, a minor does not have full capacity to contract. That is my understanding. In the circumstances in which the Minister is devising legislation, it seems, on the face of it, to give consent for the minor to enter into a contract to yield onto the relevant service provider whatever service it happens to be, personal details and enter into a contract.

Is there a distinction to be made here between where a transaction takes place or does not take place? Does the law supersede the new legislation, or does the new legislation supersede the law of the land as it relates to contract? I hope that makes sense.

Deputy Charles Flanagan: As Members will be aware, EU law takes precedence in these issues. If the Chair will allow, I will briefly give a little background on the processing involved in arriving at a digital age of consent. The issue is more than just age. It is the manner in which social media are being addressed by service providers themselves. There is also the role of parents and, of course, the rights, or otherwise, of the user.

Currently, there is no digital age of consent in Ireland. This is a new legal concept. To prepare for our European framework, the general data protection regulation, GDPR, a consultation process was undertaken by the Government in November 2016. My Department launched

that process. Submissions were invited from interested parties on the issue of the digital age of consent. There was a comprehensive process of consultation which also fed into the Joint Committee on Justice and Equality. A clear majority of those who responded, including the Ombudsman for Children, the Internet safety advisory committee and the Children's Rights Alliance, recommended to us that a digital age of consent be set at 13.

Based on that, the Government formed the view that 13 years of age represented an appropriate balancing of children's rights, children's right to participate online and the right to accord with international instruments such as the UN Convention on the Rights of the Child. The Government felt that if the age was to be higher than that, there would be real difficulties with enforcement. They would not be dissimilar to issues raised with the Minister of Education and Skills, Deputy Bruton, in respect of the enforceability of restriction on the use of mobile phones in schools. There are technologically savvy 13, 14 and 15 year olds. IT literacy is particularly high.

We listened to groups such as the Irish Society for the Prevention of Cruelty to Children, ISPCC, Spunout, the Digital Youth Council and CyberSafeIreland. In addition, I acknowledge the contribution of the Special Rapporteur for Child Protection, Dr. Geoffrey Shannon. He appeared before the Oireachtas Joint Committee on Justice and Equality when the Bill was under pre-legislative scrutiny. It was on that basis, having regard to the entirety of the issues, that the age was set at 13. We also looked at international practice. It is noteworthy that our neighbours in the UK, Spain, Sweden, Poland and the Czech Republic all have 13. Austria has 14. It was on that basis, and having regard to the outcome of the pre-legislative scrutiny of the Data Protection Bill, that the Government took that view.

I refer to setting the age of consent at 13. I believe it is important that we consider what more Government and the service providers can do to ensure there is an appropriate level of protection and that people, and parents in particular, can feel confident the State is playing its part and doing its best. I refer to the deliberations and relationship with the service providers to ensure there are protections and safety. That too will form part of the consultative process taking place later on in the year. There is a lot more involved here than just setting the age. We are also setting parameters. It is important appropriate consideration be given, in the context of any legislative initiative, to ensure the safety and protection of children.

Chairman: Will the Minister answer my question about the onus? I refer to the onus being on the parent and the child, which is what we are talking about when we are talking about the age. Can we introduce legislation to put the onus on the social media companies taking information when they should not? They harvest it and pass it on. Can we introduce legislation that will make it illegal for them to use data from children under the age of 16? Is there a "Yes" or "No" to that?

Deputy Charles Flanagan: Yes, I think we can do more and I believe we should explore it.

Chairman: I thank the Minister for that answer.

Deputy Sean Sherlock: I would like to contribute on the same point?

Chairman: We will come back to the Deputy. I call Senator Devine.

Senator Máire Devine: I do not know if there is a general consensus. We do not have one in the committee. We are certainly going against the flow when we hear all the organisations and individuals supporting the digital age of consent at 13. This is a discussion we will have to

continue ourselves. We seem to be disrupting that consensus. I think that is healthy. It is done, as all opinions are done, in the complete interests of childhood and parental responsibility.

I want to raise the issue of gambling. The UK has brought in legislation regarding gambling, digital games and the targeting of children. I know psychiatry, and the diagnostic and statistical manual of mental disorders, DSM, has now introduced new terms for mental ill-health in respect of diagnosing addiction. I refer to addiction to these games. Certainly, child and adolescent mental health services, CAMHS, in our country has seen many more referrals where kids are completely addicted. It is not just the addiction but also the money children of four years of age are being asked to pay for an extra life in this game. It might be a game about bunny rabbits or something attractive to children. Are there plans to tackle that, as it produces from very early on a culture of gambling and addiction to it? We are seeing more of these cases being directed to the child and adolescent mental health services.

Deputy Charles Flanagan: My Department is dealing with that through the Minister of State, Deputy Stanton. I agree there must be some urgency in this regard and work is being progressed on the matter. I expect there will be legislation in the not-too-distant future. It is a complex area that is rapidly evolving and developing. I agree that our laws must be updated and there is work ongoing in that regard to address the particular point raised by the Senator.

Chairman: Before we go to the next round of questioning, Senator Noone has some additional comments.

Senator Catherine Noone: On the digital age of consent, I have been involved in a consultative process recently and we will be speaking about it until the end of May at least. Far be it for me to come here and say that I disagree with experts who have examined it. I am very conscious of that. We have a briefing today with Dr. Geoffrey Shannon to which I am very much looking forward to listening. I am missing something on why the decision was made. I am not one for going against Government policy and it would never be my intention. Our review is ongoing and we have a place in this debate, as we are the committee dealing with children's matters. I appreciate the logistics and the respect we must have for the justice committee. Our discussion is relevant, however, and I note the comments of the Minister, Deputy Flanagan, in that regard.

Deputy Mitchell covered another matter, the education of parents in what can be done to assist the situation with their children etc. I do not mean to flog the point but I mentioned Internet protocol, IP, filtering and inverting the process. If parents wanted to get their children connected to something, they would have to educate themselves as to how to opt in. It would create an awareness in itself. I take Deputy Mitchell's point and perhaps both approaches would work. However, although an expensive marketing campaign is well and good, if we essentially have a tool to empower a parent by default, it would be a sensible way forward. I am very interested in the addiction point made by Senator Devine. Whatever about an addiction to gambling, we are all somewhat addicted to our phones. We cannot expect children not to be on phones when adults are on them the whole time.

There must be an attitude of growing up about this. I do not allow myself to use my phone at times - mainly because I am being trolled all the time - and were one to look at that, one would need to be concerned about one's mental health. I must decide not to use the phone after a certain time of the day and that is it. It is for my own sanity. We need to mature when it comes to our use of the Internet, and adults need to do it first and foremost. We cannot expect children to not go on the Internet if we do not curtail our use. Last week, Dr. Aiken stated that every mo-

ment a parent is looking at a phone is a moment when he or she is not interacting with a child. I could speak about it all day as it is very interesting. Do the Ministers have any comments on IP filtering in particular?

Deputy Richard Bruton: I am not in any way an expert in this field but HEAnet provide filtering services to schools. I presume that were it to be extended to parents, it would be the responsibility of the equipment provider and not HEAnet; HEAnet does not provide a central service to every household in the country. The filtering capacity would have to be in the equipment procured rather than an education or schools network.

Senator Catherine Noone: It would not come from the education sector or schools but the Internet service providers. I do not wish to mention names but Cisco has a product that is free in schools and households in Germany.

Chairman: Is the Minister able to elaborate on that?

Deputy Richard Bruton: No, I will have to revert to the committee.

Chairman: That is fine. We will send a letter requesting that information at a later stage.

Deputy Richard Bruton: Is the Senator saying the Department could provide this product as an add-on to the services of an Internet provider?

Senator Catherine Noone: No, but I can clarify it.

Deputy Richard Bruton: If the committee sends a letter I will revert to the committee.

Deputy Charles Flanagan: I very much value any submission that the committee might make on any matter. I see reference to this committee on the particular issue of age of consent. There is much expert view on the matter but I would not like Senator Noone to think one body of experts is right and another is wrong. Deciding whether to have a cut-off of 16, 15 or 14 is difficult. We are anxious to achieve a balance. It is not so much about having a cut-off point on somebody's birthday but of acknowledging the different levels of maturity among teenagers. Teenagers, including those right up to the end of their teens, have different sets of attributes and levels of maturity. One should not get completely hung up on the matter of arbitrary age. Instead, we should look at the protection available, acknowledging of course the threats associated with cyberbullying, sexual exploitation and grooming. We should take into account international studies and our national experience to ensure our legislative framework can have protections and safety measures.

It is something we need to do and I would, of course, be very happy to hear submissions and observations from this committee, having regard to its expertise. Nevertheless, I would not like the debate to be that one group of experts is right and another group is wrong. The Government was informed by the entire gamut of expertise available and, on balance, it arrived at the age of 13. It did so in the knowledge that there is a clear need to build in protections and safety measures of the type we have considered this morning.

Chairman: We have five minutes before the Ministers must leave. There are still some questions to be answered-----

Deputy Sean Sherlock: With the Ministers' forbearance, may I ask a final question for clarification purposes?

Chairman: I ask the Deputy to stop. We will put his question to-----

Deputy Sean Sherlock: I am sure the Ministers will not mind.

Chairman: It will be put in a final letter to be given to the Ministers.

Deputy Sean Sherlock: Could you give me ten seconds?

Chairman: I ask each Minister to give a final few words.

Deputy Sean Sherlock: It is just ten seconds. I beg your indulgence.

Senator Catherine Noone: It is just a few seconds.

Chairman: It is never ten seconds.

Deputy Denis Naughten: The Chairman knows him better than we do.

Deputy Sean Sherlock: Initially, I asked about the age of consent and the issuing of entering a contract. The new article is not about a child's general capacity to enter into a contract but it is about a child's capacity to consent to the processing of personal data. The Minister has answered that but I want full and final clarification because it speaks to the issue of the digital age of consent being either 13 or 16. I am scared that if the age is 13, one might be entering into a contract to give up all one's data to an entity. That is why I remain to be convinced, along with this committee, on the matter. It is a general point.

Chairman: I do not know if that was a question. Do the Ministers have a final statement? We have five minutes to get them out of here.

Deputy Katherine Zappone: As Minister for Children and Youth Affairs, I want to acknowledge how important and how significant the Internet and the online world is for children in a really positive way, socially, educationally and developmentally, because I do not think we have mentioned that as much in this session as we are so concerned, and it is right that we are, to ensure that we provide the appropriate protections, whether in the context of the age we settle for and so on. At age 13, it is very significant for children, that is, the online world, the ways in which they can learn, having the right to access information and services and to freely express themselves. We need more protections and regulations. I was interested in the question in relation to companies which I think I referenced in my opening remarks. Above all, we need to get this right. We are determined to and are very appreciative of the engagement in that regard because of the positive importance and significance of the online world for our children and young people.

Vice Chairman: Thank you, Minister. I call the Minister, Deputy Naughten.

Deputy Denis Naughten: I will be brief. The reality is that we all accept we have a lot more to do. There are problems that we all need to overcome through the use of technology, through societal measures and through legislative solutions. We can only do this by all of us in this field working together. That is why the forum on 8 March is vitally important and I would encourage every member of this committee and anyone who has an interest in this area to participate and get involved in this forum. Let us all put a plan in place and let us all work together towards achieving our ultimate goal of ensuring that children when they go online are safe and we are all assured that they are safe.

Vice Chairman: I call the Minister, Deputy Flanagan.

Deputy Charles Flanagan: I acknowledge the importance of the Department of Justice and Equality as a key partner on this issue, with particular reference to ensuring that the criminal law is in a position to respond to the ever-evolving landscape or cyberscape, and ensuring that I liaise on a regular basis with the Garda Síochána. I want to thank the committee for this opportunity and look forward to my Department continuing to play its role. We will be happy to liaise at any time with the members on any issue of importance. What one sees here is a whole-of-Government approach to an issue that requires that.

Vice Chairman: Thank you. I call the Minister, Deputy Bruton.

Deputy Richard Bruton: I am very encouraged by the enthusiasm of the committee for some of the things we are doing in education but we wish to assure the committee that there is no complacency in our Department as to whether we are up to speed. I used to have responsibility for health and safety and it is not unlike that. One can set out laws and require public policy statements but it is also about how citizens take on their responsibilities and inform themselves and do this in their daily lives. That is where the tricky thing is. We can promulgate criminal law and guidance but we have to bring everyone with us to be successful here.

Vice Chairman: I thank you all. I am heartened by the meeting this morning. It is wonderful to see four Ministers, who are extraordinarily busy, making the time to come here and reassure the members. I want to thank the members for their vigorous questioning, regardless of the length of time they took. I propose that we suspend for a few minutes to allow the witnesses to leave.

Sitting suspended at 11.43 a.m. and resumed at 11.44 a.m.

Vice Chairman: We are resuming in public session. The meeting of the joint committee is adjourned until 9.30 a.m. on Wednesday, 21 March 2018.

The joint committee adjourned at 11.46 a.m. until 9.30 a.m. on Wednesday, 21 March 2018.