



Mother & Baby Homes Commission

Key Issues

Information and tracing legislation

- The right to birth information is central to the wishes of many survivors. Progressing information and tracing legislation is a priority for the Government.
- Addressing the issue of access to birth certs and early life information issue is a key part of the Government's Action Plan in response to the Commission's Report.
- The Government will advance Information and Tracing Legislation to pre-legislative scrutiny in 2021 in respect of birth and early life information, including children who were adopted and boarded out. It will allow for the contact preference register to be put on a statutory basis.
- Intensive work continues between the Department of Children, Equality, Disability, Integration and Youth and the Attorney General to advance information and tracing legislation.
- It is hoped to have the Heads of the Information and Tracing Bill ready by late March/early April which will then be put out to public consultation, with the aim of having this legislation passed and operational by the end of the year. Dedicated additional resources have been allocated to drafting this law so it can be delivered quickly.
- This legislation would be centred on a person's right to access personal information about themselves, as provided for under the General Data Protection Regulation (GDPR). It would provide access to the wide range of information that adopted people have been seeking for so many years.
- The Information and Tracing legislation has been prioritised to give individuals the fullest possible access to their birth and early life information. The database and related records which were transferred recently from the Commission of Investigation to Tusla will greatly support timely access to such information in accordance with this proposed new legislation.

Access to the Mother and Baby Homes Commission archive

- Last year, Minister O'Gorman asked the Attorney General to examine whether individuals could access their personal information in the archive, using GDPR.
- The Attorney General determined that GDPR does apply to the Archive of the Commission.
- Since then, the Department has worked to put in place a mechanism whereby people who were residents of any of the Mother and Baby institutions will be able to make an application for information within the Archive (Subject Access Request) to the Department, once the Archive transfers over from 28 February 2021.



Extension of the Commission and deletion of audio tapes

- The Commission of Investigation into Mother and Baby Homes is independent of Government in its operation. They have said that each witness at the Confidentiality Committee was given a guarantee of complete anonymity, and it was for this reason that they deleted the tapes.
- The anger of some survivors regarding the deletion of the tapes is clear. For a long time, they have felt that their voices have not been heard, and this latest development compounds that.
- Other survivors may feel strongly regarding the commitment of confidentiality, which was provided to them, which included guaranteeing their right to anonymity and to erasure of their personal data.

Survivor-Centred Action Plan

- In responding to the Final Report of the Commission of Investigation, the Government has approved the development of a Strategic Action Plan.
- The response will take place with a view to developing a comprehensive Government Action Plan spanning 8 themes, as follows:
 1. A survivor-centred approach
 2. Apology
 3. Access to Personal Information
 4. Archiving and Databases
 5. Education and Research
 6. Memorialisation
 7. Restorative Recognition
 8. Dignified Burial

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