**Commencement Matter 1**

**1st December 2020**

***Senators Fitzpatrick and McGreehan:*** *Some members of the Oireachtas voted recently to protect the database and records from the Commission of Investigation into the Mother and Babies Homes so that survivors will have access to their personal unredacted records.  This underlines the need for the Minister for Children to update the house on the process by which survivors of Mother and Babies Homes will apply for and receive unredacted copies of their personal records and documents in advance of the publication of the report from the Commission of Investigation into Mother and Baby Homes and for the Minister to ensure adequate  support emotional, psychological and economic support services  be made available considering the trauma that will be caused by the commission’s report.*

**Minister for Children, Equality, Disability, Integration and Youth:**

I would like to thank the senators for raising this important issue and giving me the opportunity to set out the position here today.

As you know, I received the Report of the Commission of Investigation into Mother and Baby Homes on 30th October. This report has been years in the making, and survivors are keen to see it published soon.

I share that wish: it is important that this report is published, so that all of us may collectively better understand the experiences of the women who went to mother and baby homes, and the experiences of the children born there.

Once Government has given approval for publication, I will engage directly with former residents as key stakeholders who are central to these issues, to provide them with details on the report and proposed next steps in the first instance.

I am acutely conscious of the anticipation experienced by former residents and their families awaiting the publication of this report, and I want to re-assure Senators that there will be no undue delay in bringing the report forward for publication.

I have already been in direct contact with a number of former residents by telephone, and, in line with commitments already in place in this regard, my Department will make contact directly with former residents through existing communication channels, to inform them of these matters before they are brought into the public domain.

There is a dedicated telephone information line within my Department already available.

These details are available on the Department’s website for people seeking further information on related matters.

Once the publication is announced these details will be widely advertised on various platforms to inform key stakeholders again of the details.

There is also a telephone line already available for people seeking details of counselling support available to those affected by these issues. All of these numbers have been provided previously to former residents and their supporters, and will be publicised on my Department's website, and the HSE website.

My officials have liaised with the National Counselling Service to ensure that capacity is primed to respond to any increased demand for the service which may arise on foot of publication of the Report, both during office hours and in respect of an out of hours service.

Need for Information and Tracing Legislation

I want to be as clear as possible on the matter of records. The Archive of the Commission of Investigation is still in the Commission’s possession.

The Government’s intention is to publish the Commission’s report as soon as possible. As such, the archive will not be transferred to my Department prior to publication of the report.

This means that I will not be able to provide copies of personal data to survivors in advance of receiving the archive.

The Archive will be transferred to my Department by 28 February next.

Thereafter, my Department will be able to process subject access requests from people who want access to their records. My Department is working intensively to ensure that it is properly resourced to handle subject access requests and can provide people with as much personal data as possible.

I cannot, however, make an absolute commitment that the Department will be able to provide unredacted records in all cases. The right to personal data under Article 15 of the General Data Protection Regulation is not absolute. Release of personal data must not adversely affect the rights and freedoms of others, and this test must always be applied when considering whether to release personal data.

It is a legal requirement to apply this test in each case – in some circumstances, this is likely to mean that certain records may be redacted or partly redacted.

In all my engagements on the Commission’s records, I have always been clear that applying GDPR will not resolve all issues around access to information.

This issue underlines the importance of enacting a robust information and tracing legislation. I have given a commitment in this regard, that I will bring forward fresh proposals on information and tracing next year.

The intention is that the legislation will support individuals to access more information than is currently accessible to them under GDPR or FOI.

I am committed to this legislation, to ensure that we can provide people with the identity information they need, with the necessary wrap around supports for all involved.

I look forward to working with members of this House to deliver this legislation.

//ends//

**Wrap up**

Thank you Senators.

The Commission’s report is keenly awaited, and I will publish it in the near future. I will ensure that survivors are given advance notice of when the Report is being published.

It will not be an easy read for anyone, and most particularly for the mothers and the children who were born in those institutions.

I recognise the vital importance to people of receiving their early life information. This is why I am committed to advancing information and tracing legislation.

GDPR is not an adequate substitute – while some people may receive full unredacted records, there is no guarantee that everybody will. It’s also important that everyone can access the expert professional support they need.