

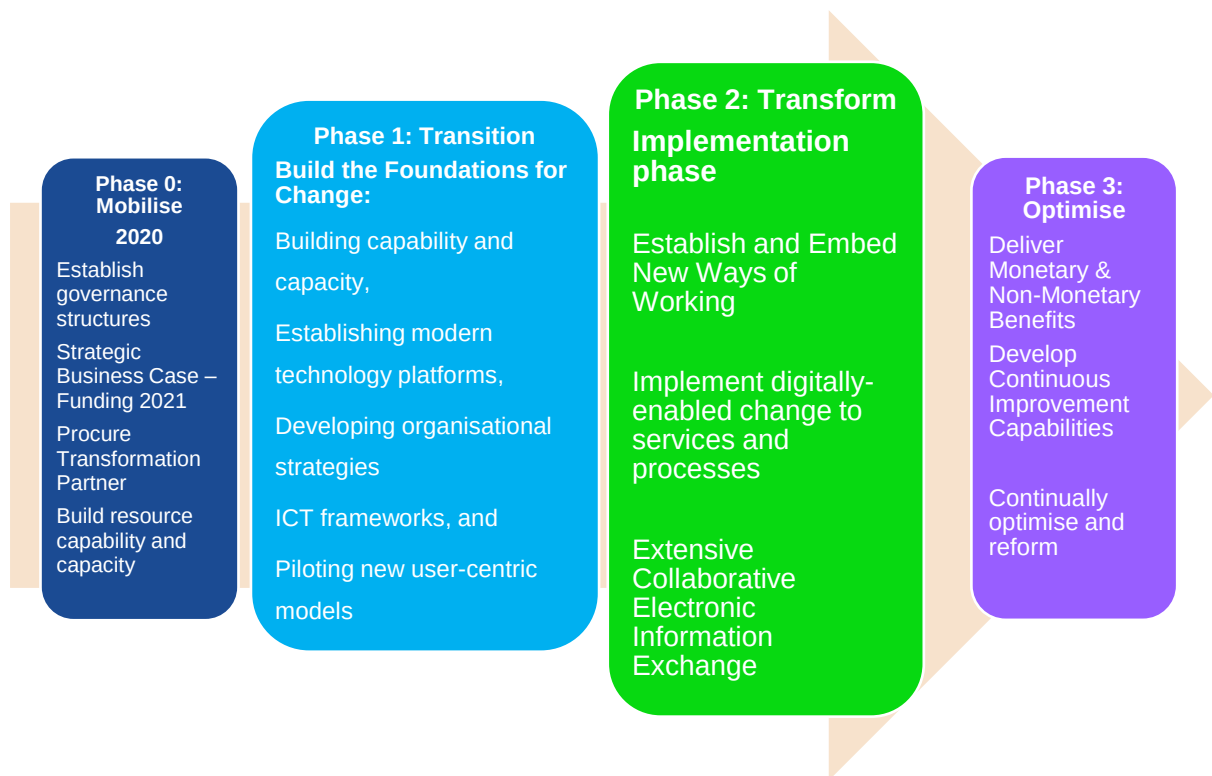
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Additional Written Responses

Department of Justice

Q3. Are there any particular aspects or developments regarding digitalisation of justice in Ireland that you would like to highlight?

Courts Modernisation Programme – Digital Projects

The Courts Service is progressing an ambitious 10-year Modernisation Programme to deliver an operating model that is digitally enabled and designed around the user. This programme commenced in 2020 with the approval of a multi-year business plan and is currently in the third of its four implementation phases, with the fourth phase scheduled to commence in 2026.



Select digital highlights progressed under the Modernisation Programme include:

- ***Continued roll-out of video-link and technologically enabled courtrooms***

The Courts Service has continued the expansion of technologically enabled courtrooms, providing remote courts and digital evidence display functionality. Video technology is now available in 165 courtrooms, increased from 46 at the start of 2020. The use of video enabled courtrooms continues to deliver benefits across the Justice Sector, including for the Irish Prison Service, An Garda Síochána (police), litigants and witnesses before the courts.

- ***Introduction of a Unified Case Management System (UCMS)***

The Courts Service is currently conducting a major modernisation and consolidation initiative for digital case management systems. This will replace over 140 individual legacy case management systems into a unified one, which will support a court user portal to file, pay and track cases online, with a similar portal for judges. This will also support improved data sharing between justice sector bodies to increase efficiencies across the sector, particularly in the area of criminal justice.

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As part of this, the Courts Service is currently developing an eProbate Project, which will deliver a facility to submit and track applications for Grants of Representation online via a public facing portal. A public facing portal on the courts.ie website was launched towards the end of 2024 and is attracting an increase in public usage. The rollout of the back-office system is scheduled throughout 2025.

- ***Other digital initiatives***

Other digital initiatives completed as part of the Modernisation Programme include:

- The development of 360-degree tours of four court buildings, allowing people to navigate and understand the environment before coming to court.
- The use of virtual reality headsets to help witnesses and vulnerable users prepare for the court experience in advance.
- Providing plain language information about family law and debt on the Courts Service website.
- The rollout of an appointment booking service allowing court users to attend a court office at a time that suits them, reducing waiting times.
- The release of a new Courts Open Data Portal - data.courts.ie
- The installation of Wi-Fi services to 53 of 54 Courts Service managed buildings.
- The introduction of a digitalised jury summons and response process – jury.courts.ie

Development of a Unique Identifier across the justice sector

The Programme for Government has included actions to “Establish an offender specific database, bringing together data from the Courts, Prison and Probation Services, the Gardaí, the DPP and the CSO, and ensure key sentencing and justice indicators are published at regular intervals” and to “Introduce a national identification number in the criminal justice system to provide for the compilation of statistics on an anonymised basis.”

The Department is considering these actions and how they might be implemented. It is important to note that such an identifier proposes a mechanism to link data that is already held legitimately by the agencies of the justice system and does not involve the collection of new data.

Implementation of the Criminal Justice Sectoral Strategy 2022-2024

The Criminal Justice Sectoral Strategy 2022-2024 included various recommendations in relation to the digitalisation of the Irish justice system. The implementation of those recommendations is progressed by the Data as a Driver sub-group, which includes representatives from various justice sector stakeholders.

- ***Common Data Registries***

The Criminal Justice Sectoral Strategy 2022-2024 calls for criminal justice organisations to ‘explore and develop options for data-sharing protocols, as and when required, particularly for specific projects, where a common data taxonomy is needed’.

In Q1 2024, work began to advance the initiative to establish common data registries in the Irish criminal justice system. A working group tasked with developing a shared set of codes was established. The working group is comprised of representatives from the Courts Service, the Department of Justice, An Garda Síochána (police), the Office of the Director of Public Prosecutions and the Central Statistics Office (CSO).

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In Q4 2024, the Department of Justice received the Common Data Registries Terms of Reference from the working group. There will be multiple registries, with the initial focus on offence codes for all summary, indictable and hybrid offences. Considerations are ongoing around the categorisation of offences, the shift towards the Irish Crime Classification System (ICCS), which codes are active/inactive and a protocol for governance. The CSO aims to be part of the ongoing management and maintenance of the statistical (aggregate) categorizations of the shared offence codes once the operational codes are agreed by the justice agencies.

- **Open Data**

The Criminal Justice Sectoral Strategy 2022-2024 calls for criminal justice organisations to ‘regularly publish research and data in a format and language that is accessible to members of the wider public in a centralised location’. This action aligns with the Open Data and Re-use of Public Sector Information Directive which was transposed into Irish law in July 2021.

The matter is being progressed as part of an inter-organisational working group which consists of representatives from across the justice sector, i.e. the Data as a Driver sub-group. Its current position on publishing open data is as follows:

- All organisations are committed to publishing open data by the end of 2024. Those who have already published open data are committed to increasing the maturity of their open data offerings.
- All organisations will host their own open datasets, on their own websites – either via their own dedicated open data portal, or a dedicated section of their own website. The Department of Justice will centrally signpost the location of the various open data sites/pages.
- Datasets may also be signposted via data.gov.ie, though this service does not host datasets directly itself.

- **Data Catalogue**

The Criminal Justice Sectoral Strategy calls for criminal justice organisations to ‘work together in order to develop an evidence base to support our work, maintaining an ongoing dialogue in areas of interest’. In advancing this Action, the Data as a Driver sub-group devised a data catalogue. This was approved by the subgroup members and published on the Department of Justice website: gov.ie - Criminal Justice System Data Catalogue (www.gov.ie). This is a living document which will be continuously monitored and updated as necessary.

Q. 5 As stated in the 2022, 2023 and 2024 Rule of Law Reports, in Ireland there is no specific system to regularly evaluate the court performance based on defined indicators. Is there any development you could share with us regarding this issue?

The report of the Judicial Planning Working Group, which was published in early 2023, has recommended that the Courts Service needs to adopt a comprehensive system to collect and analyse data on court operations. Consideration should also be given to encouraging broader Court system performance measures, including metrics.

The implementation of the report’s recommendations has commenced in summer 2023 and is monitored by an inter-organisational Steering Group, comprising representatives from the Department of Justice, the Courts Service, the Office of the Director of Public Prosecutions, An Garda Síochána, the Prison Service and a number of judicial observers.

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As part of the implementation, the Courts Service, the Judiciary and the Department of Justice have agreed a suite of data indicators, to be provided quarterly, to measure the impact of additional judges and various other efficiency measures undertaken on court operations and performance. These indicators include incoming and resolved cases, clearance rates, the number of sittings and listings, average waiting times and the median duration of proceedings.

Work is currently under way in the Department and the Courts Service to refine and build on the court performance metrics captured in this context, in particular with a view to building a model capable of assessing judicial and other court resourcing needs. The quarterly data reports are further being made available to the Court Presidents and members of the judiciary to facilitate the optimal allocation and management of judicial resources.

At the same time, it should be noted that the Courts Service is currently undertaking a 10-year Modernisation Programme, as part of which over 140 legacy digital case management systems are modernised and consolidated into a unified one. Upon completion, this shift will represent a major improvement for the collection and identification of court performance metrics, as it will minimise manual data collection making processes faster and more reliable. As such, the successful development and capturing of court performance metrics hinges on the full roll-out of the unified case management system across all court jurisdictions.

Q. 11 (This could also be answered in written form) Could you share the resource number of Garda Staff strength for the Anti-Corruption Unit (GACU) and ABCU? Do you know how many of the 5,000 new Garda members to be recruited over the next five years according to the programme of the new government will be dedicated to the GACU/ABCU?

This office is not in a position to respond to the second question and have not provided this information previously.

Garda Staff and Garda Members attached to the Anti-Corruption Unit are not recorded as such to allow for anonymity.

As of the 31st of January 2024, there are 19 Garda Staff attached to GNECB (ABCU in request above).

Q. 12 Are you facing any particular challenges with regard to the implementation of the Policing, Security and Community Safety Bill? Could you elaborate on the new agency, named Fiosrú, the Office of the Police Ombudsman, designed to enhance the independence and effectiveness of police oversight in Ireland? This reform is included in the Policing, Security and Community Safety Bill.

The Policing, Security and Community Safety Act 2024 was signed by the President on 7 February 2024 and will be commenced shortly. The Garda Síochána Act 2005 will be repealed by the 2024 Act. When the Act is commenced, it will provide for:

- a new Policing and Community Safety Authority (replacing the existing Policing Authority and Garda Síochána Inspectorate);
- the restructuring of GSOC to Fiosrú – the Office of the Police Ombudsman;
- a new Garda Board;
- a new Office of the Independent Examiner of Security Legislation; and
- a new National Office for Community Safety.

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An Implementation Unit within the Department of Justice manages the programme for the implementation of the legislation. The Programme has been running in parallel with the drafting of the legislation and its passage through the Houses of the Oireachtas (the Irish Houses of Parliament).

All required recruitment of senior executives, office holders and Board/Authority members for these new and reformed bodies required for commencement has been completed. They will stand appointed in their roles when the Act is commenced. The formal appointment of the Police Ombudsman will be made by the President on the day the Act is commenced.

Commencement also requires that a suite of secondary legislation is finalised. These draft Regulations are currently being finalised with the Office of Parliamentary Counsel in the Attorney General's Office.

The final outstanding requirement for commencement is the establishment of the required (Budget) Votes to allocate funding for the Policing and Community Safety Authority and Fiosrú. This requires a new Justice Committee to be formed following the recent general election and Seanad elections. The Minister for Justice will then bring a Further Revised Estimate to the Committee to establish the Votes. The working assumption is that this will be done in time to allow for the Act to be commenced in early March.

Could you elaborate on the new agency, named Fiosrú, the Office of the Police Ombudsman, designed to enhance the independence and effectiveness of police oversight in Ireland? This reform is included in the Policing, Security and Community Safety Bill.

The Commission on the Future of Policing in Ireland found that the existing complaints regime as a whole was clearly unsatisfactory from all perspectives – from Garda members, complainants and the Garda Síochána Ombudsman Commission (GSOC) itself and recommended an urgent overhaul.

The Policing, Security and Community Safety Act 2024 provides for comprehensive reform of the system. The reforms cover the independence, organisation and governance of GSOC. Fiosrú – the Office of the Police Ombudsman is to be formally established under Part 5 of the Act. The Act provides that, upon the commencement, GSOC will continue in operation but will now be known as Fiosrú. The current three Commissioner model will be replaced by a single head of the organisation, the Police Ombudsman, supported by a Deputy Police Ombudsman and a Chief Executive Officer¹. Fiosrú will have its own Vote (voted expenditure), and the CEO will be the accounting officer.

The reforms also expand its remit and overhaul its processes and procedures which are contained in Part 6 of the Act. The reforms ensure that all complaints other than minor service level complaints will be investigated by the reformed body itself and that there will be greater independent oversight of how allegations of wrong doing on the part of garda members that come to light other than by way of complaints from members of the public are handled. The totality of the reforms will greatly strengthen independent oversight and enhance transparency, they will improve efficiency and the time taken to resolve complaints.

¹ Following an open recruitment competition in 2024, the first Police Ombudsman, Emily Logan, will be appointed by the President on the commencement of the PSCS Act. She will be supported in her role by a new Chief Executive Officer who has also been recruited following an open competition. The Deputy Police Ombudsman competition is expected to be advertised in early March.

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The Act streamlines and simplifies the investigations process in two key respects: firstly, it replaces the current dual investigation process with a new single investigation process. Unlike the current process, this new approach allows for the launch of an investigation without having to decide at the outset whether or not that investigation is criminal or non-criminal in nature. Such a single investigation process is standard in other regulatory type bodies. Secondly the new process dispenses with the need for sequential criminal and non-criminal investigations which has the effect of prolonging the resolution of complaints for years in some cases. The streamlining of the investigation process in no way compromises the rights of those involved to fair procedures and natural justice. There is an explicit obligation to ensure those rights are protected.

Overall, the new approach will support better decision making and more expedition in the conduct of investigations and greater transparency in the interests of the reformed body, An Garda Síochána, complainants and the wider public.

Q14. In your written contribution, you indicated that the Bill provides for a set of measures against SLAPPs and more generally better protection for responsible public interest journalism. Could you please elaborate more on these two aspects and share more details on the specific measures foreseen against SLAPPs and to protect public interest journalism?

Measures against SLAPPs contained in Defamation (Amendment) Bill 2024

- The Bill provides for the following:
 - accelerated treatment of strategic lawsuits against public participation (SLAPPs) both for early dismissal and security for costs applications (both of which are already provided for in Irish law);
 - an ability for defendants to seek a declaration recognising that the proceedings are a SLAPP either before, during or at the conclusion of the action;
 - the ability for costs to be awarded on a more advantageous basis to a defendant in SLAPP proceedings.
- The Bill deals with defamation proceedings only. In Ireland defamation proceedings are the primary procedure used for SLAPPs. It goes further than the Directive by providing protections for domestic defamation proceedings as well as proceedings with a cross-border element.
- A separate exercise is being undertaken to transpose the Directive for civil proceedings other than defamation proceedings and further legislative measures will be introduced, as necessary, in due course.

Measures to protect public interest journalism in Defamation (Amendment) Bill 2024

- The Bill provides for a number of measures to reduce legal costs and delays and to mitigate against disproportionate awards to claimants in defamation proceedings. This includes the abolition of juries in defamation proceedings and the introduction of provisions to promote the use of alternative dispute mechanisms.
- It introduces protections against SLAPPs as discussed above.

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- It also strengthens the defences available to journalists in defamation proceedings. It introduces a live broadcasting defence where broadcasters take reasonable and prudent precautions in advance of the broadcast, and reasonable care during the broadcast, to prevent defamatory statements being made. In those circumstances, broadcasters will not be liable for defamatory statements made by guests or contributors during a live broadcast.

Department of Public Expenditure, NDP Delivery and Reform

Q3. The Regulation of Lobbying (Amendment) Bill 2022 was adopted in June 2023 and the Transparency registry entered into force in January 2024 while the new sanctions started applying on 1 June 2024:

- a. What are your views on the implementation of this new Regulation and especially the sanctions? Is the Register fully operational? Do you have any plans to extend the cooling-off provisions to other public officials?**

The implementation of the new administrative sanctions took place on 1 June 2024. As of yet, there has not been the requirement to apply the sanctions to any individual or organisation. All organisations within scope, were informed of the implementations of the new sanctions system. The Register is fully operational, as it has been since 2016.

- b. In your written contribution, you mention that SIPO “made lobbyists aware of the upcoming changes”: could you give us more information on this?**

In respect to **administrative sanctions**, all public bodies with Designated Public Officials (DPOs) were notified of the Amendment Act provisions in advance of the commencement of administrative sanctions system which commenced on 1 June 2024.

All registrants, (both administrators and users, a total of 3288) were emailed with details of the Amendment Act provisions. A Press Release was also circulated by SIPO re the Administrative sanction provisions on 1 June 2024.

Cooling off provisions have been extended to 190 new DPOs in the 62 additional public bodies which were added under S.I. 424.

Q4. Do you know whether the Electoral Commission will finally take over some of the current functions attributed to SIPO with regard to political party financing?

We understand that the Electoral Commission will undertake a research programme to include review of functions in the Electoral Act 1997 that may be transferred from SIPO to the Electoral Commission. This element of the review will be completed by end-Q2, so that the Department of Department of Housing, Local Government and Heritage should be in a position to bring any proposals for transfer to the Minister at that point. Implementation of such recommendations for transfer, would then require legislation and it is not possible at this point to put a timescale on this.

Q6. Could you give us some insights/updates on the cooperation with Transparency International through the “Speak Up” helpline for whistleblowers? Do you face any issues in the implementation of the Protected Disclosures (Amendment) Act 2022, transposing the

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Whistleblower's Protection Directive?

Transparency International Ireland is an independent non-governmental organisation that is given grant funding to provide free, independent and comprehensive advice (including legal advice) for workers. This grant is agreed each year and supports staffing costs and ongoing expenses including equipment, training, insurance etc. This structure allows for independent advice for workers outside of the Department and also allows specifically for legal advice through the Transparency Legal Advice Centre (TLAC).

Demand for the service is steady, with a sharp increase in 2020. It is welcome that there is a level of distance between our Department and workers seeking advice. TII has also piloted a psychological support service to support workers on a demand basis. Transparency International also provide external training to public bodies and have worked on developing eLearning software.

Q7. Based on the information you provided in your written contribution, the ongoing review of the Freedom of Information Act is almost complete and there is a plan to present a final review report to the Government in 2025. In this respect, could you share more details on the expected timeline for the final review report? Could you also clarify what would be the possible follow-up after the final review report is available? Could you also share already some information on the key points and possible recommendations that will be included in the report?

The final review report is subject to the approval of Government. As such, we are not in a position to confirm a precise timeframe as this is a matter for the Government, although we would note that publication of the report forms part of the recently agreed Programme for Government.

The form of any implementation actions will follow from approval of the report by Government and, again, we cannot pre-empt this decision. However, in general terms, this might involve an amendment to legislation as well as policy documents, guidelines and other materials relevant to FOI practices. We are not in a position to offer further information on any specific proposals pending final consideration and publication of the review report.

Department of Enterprise, Trade and Employment

Q5. Does the Irish government have special plans to tackle the (risks of) corruption in specifically vulnerable sectors such as in public procurement? If yes, could you share those with us, if not, could you elaborate why you do not believe this is necessary?

One of the recommendations of The Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption (known as the Hamilton Report) is that 'specific legislation be introduced to enable the collection, collation and analysis of all public procurement data to detect and deter bid-rigging'.

In Ireland, The Competition and Consumer Protection Commission has been engaging with the Office of Government Procurement to determine how this action could be carried out. The Department of Enterprise Trade and Employment has also had initial engagement with both organisations. The Department has sought information on the practical implications of this regime and will consider same.