



STATUTORY INSTRUMENTS.

S.I. No. 13 of 2024



DISTRICT COURT (DATA PROTECTION) RULES 2024

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The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961, section 24 of the Interpretation Act 2005, the European Communities (Rules of Court) Regulations 1972 (S.I. No. 320 of 1972), and of all other powers enabling them in this behalf, do hereby, with the concurrence of the Minister for Justice, make the following rules of court.

Dated this 12th day of January 2024.

Paul Kelly Chairperson

Alan Mitchell

Marie Quirke

Eoin Martin

Ciara McMahon

James Finn

I concur in the making of the following rules of court.

Dated this 17th day of January 2024.

Helen McEntee

Minister for Justice.

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DISTRICT COURT (DATA PROTECTION) RULES 2024

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961, section 24 of the Interpretation Act 2005, the European Communities (Rules of Court) Regulations 1972 (S.I. No. 320 of 1972), and of all other powers enabling them in this behalf, do hereby, with the concurrence of the Minister for Justice, make the following rules of court:-

1. (1) These rules may be cited as the District Court (Data Protection) Rules 2024.

(2) These rules shall come into operation on the 20th day of January 2024 and shall be read together with all other District Court Rules for the time being in force.

(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2024.

2. The District Court Rules 1997 (S.I. No. 93 of 1997) are amended by the insertion immediately following rule 10 of Order 40 of the following caption and rule:

“11 Data Protection Actions

11. (1) In this rule:

the “2018 Act” means the Data Protection Act 2018 (No. 7 of 2018);

“data protection action” has the meaning assigned to it by section 117 of the 2018 Act;

“GDPR” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

each of the expressions “controller”, “data subject” and “processor” has the same meaning as in the GDPR or the 2018 Act as the context requires.

(2) A data protection action must be brought in the court area in which—

(a) the controller or processor against whom the data protection action is taken has an establishment, or

(b) the data subject has his or her habitual residence.

(3) Where a data protection action is brought on behalf of a data subject by a not-for-profit body, organisation or association to which section 117(7) of the

2018 Act applies that has been mandated by the data subject to do so, the claim notice must:

- (i) include a statement to that effect, and
- (ii) confirm that the claimant satisfies each relevant requirement of Article 80 of the GDPR, and must otherwise be in the Form 40.01, Schedule C with such further modifications as are appropriate.

(4) The Court may, of its own motion or on the application of another party to a data protection action, direct the provision to it of such additional information as is necessary in order to confirm that the claimant is such a body, organisation or association.”

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These rules amend Order 40 of the District Court Rules to facilitate amendment of the Data Protection Act 2018 by Part 12 of the Courts and Civil Law (Miscellaneous Provisions) Act 2023 conferring jurisdiction on the District Court.

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