



STATUTORY INSTRUMENTS.

S.I. No. 660 of 2018



DATA PROTECTION ACT 2018 (SECTION 159(7): SUPERIOR COURTS)
RULES 2018

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Data Protection Act 2018 (Section 159(7): Superior Courts) Rules 2018

We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, and reconstituted pursuant to the provisions of the Courts of Justice Act 1953, section 15, by virtue of the powers conferred upon us by the Data Protection Act 2018, section 159(7), and of all other powers enabling us in this behalf, do hereby make the following Rules.

Dated this 11th day of June 2018.

Frank Clarke
George Birmingham
Peter Kelly
Elizabeth Dunne
Michael Peart
Anthony Barr
Stuart Gilhooly
Liam Kennedy
Noel Rubotham
Mary Cummins
John Mahon

.SI. No. 660 of 2018

Data Protection Act 2018 (Section 159(7): Superior Courts) Rules 2018

Citation and entry into force

1. (1) These Rules, which may be cited as the Data Protection Act 2018 (Section 159(7): Superior Courts) Rules 2018, shall come into operation on the 1st day of August 2018.

(2) These rules shall apply to proceedings commenced on or after the 1st day of August 2018.

Interpretation

2. In these Rules:

“2018 Act” means the Data Protection Act 2018;

“court record” means a record of proceedings before a superior court of record;

“Data Protection Regulation” 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);

“Directive” means Directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.

Disclosure requests

3. (1) Subject to section 159(8)(a) of the 2018 Act, to any order made or direction given by the court in the proceedings concerned and to rule 4:

(a) at the request of a *bona fide* member of the Press or broadcast media (in this rule and rule 4, “the requester”) made to a person mentioned in sub-rule (2) (in this rule, “the person requested”), a disclosure of information, including personal data within the meaning of the Data Protection Regulation and the Directive, contained in a court record may be made to the requester by the person requested, for the purpose of facilitating the fair and accurate reporting of a hearing in the proceedings to which it relates;

(b) the disclosure may be made in a manner mentioned in sub-rule (3) and subject to the conditions mentioned in sub-rule (4).

(2) The persons who may make a disclosure authorised by sub-rule (1) are:

- (i) an officer of the court concerned;
 - (ii) a member of the staff of the Courts Service employed in an office of, or attached to, the court concerned;
 - (iii) a contractor of the Courts Service who has been designated by the Courts Service with the consent of the president of the court concerned as authorised for the purposes of these Rules to make a disclosure (including any employee or person working under the direction of such contractor).
- (3) A person requested may make a disclosure authorised by these Rules by:
- (i) allowing inspection by the requester of the court record in the proceedings concerned under the supervision of the person requested or another person referred to in sub-rule (2);
 - (ii) providing, or allowing the making by the requester of, a copy of a document forming part of the court record which relates to the request, on the undertaking of the requester to return any such copy provided or made following the completion of the reporting of the hearing by the requester;
 - (iii) by the provision of a press release or the provision in oral or written form of other information concerning the proceedings prepared by that person.
- (4) The conditions for granting a request are:
- (i) that the requester has sufficiently verified to the satisfaction of the person requested his or her identity and his or her status as a *bona fide* member of the Press or broadcast media;
 - (ii) that the person requested is satisfied that the requester will comply with any undertaking given under sub-rule (3)(ii).

Other obligations of requester under data protection law not affected

4. (1) Nothing in these Rules authorises the use of any information in any document included in a court record which has not been opened or is not deemed to have been opened at a hearing before the court concerned.

(2) These Rules do not affect any obligation of a processor under or arising from any provision of the Data Protection Regulation, the Directive or the 2018 Act to which a requester is subject or will become subject if a request is granted.

EXPLANATORY NOTE

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

These rules, made under section 159(7) of the Data Protection Act 2018, authorise the disclosure to a *bona fide* member of the Press or broadcast media at that member's request of information contained in a record of a superior court of record for the purpose of facilitating the fair and accurate reporting of a hearing in proceedings before that court, and prescribe conditions subject to which such disclosure is to be made.

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