



STATUTORY INSTRUMENTS.

S.I. No. 223 of 2019



RULES OF THE SUPERIOR COURTS (DATA PROTECTION ACTIONS)
2019

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Rules of the Superior Courts (Data Protection Actions) 2019

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 Courts of Justice Act 1924, section 36, the Courts of Justice Act, 1936, section 68 (as applied by the Courts (Supplemental Provisions) Act 1961, section 48), the Courts (Supplemental Provisions) Act 1961, and the European Communities (Rules of Court) Regulations 1972 (S.I. No. 320 of 1972) and of all other powers enabling us in this behalf, do hereby make the following Rules of Court.

Dated this 13th day of December, 2018.

Frank Clarke

George Birmingham

Peter Kelly

Elizabeth Dunne

Michael Peart

Anthony Barr

Stuart Gilhooly

Liam Kennedy

Mary Cummins

Noel Rubotham

John Mahon.

I concur in the making of the following Rules of Court.

Dated this 17th day of May 2019.

CHARLES FLANAGAN

Minister for Justice and Equality

S.I. No. 223 of 2019

Rules of the Superior Courts (Data Protection Actions) 2019

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Data Protection Actions) 2019, shall come into operation on the 19th day of June 2019.

(2) These Rules shall be construed together with the Rules of the Superior Courts.

(3) The Rules of the Superior Courts as amended by these Rules may be cited as the Rules of the Superior Courts 1986 to 2019.

2. The Rules of the Superior Courts are amended:

(i) by the insertion, immediately following rule 12 of Order 20, of the following rule:

“13.(1) The statement of claim of a plaintiff which is a body, organisation or association to which section 117(7) of the Data Protection Act 2018 applies shall

(i) include a statement to that effect, and

(ii) confirm that the plaintiff satisfies each relevant requirement of Article 80 of the Data Protection Regulation.

(2) The statement of claim of a plaintiff which is a body, organisation or association to which section 120(2) of the Data Protection Act 2018 applies shall confirm that each paragraph of section 120(2) of the Data Protection Act 2018 applies to that plaintiff.

(3) The Court may, of its own motion or on the application of another party to a data protection action to which section 117 or 120 of the Data Protection Act 2018 relates, direct the provision to it of such additional information as is necessary in order to confirm that the plaintiff is such a body, organisation or association by way of further particulars or an affidavit.”;

(ii) by the substitution for sub-rule (2) of rule 1 of Order 84C, of the following sub-rule:

“(2) Where any enactment provides for an appeal to be made to the High Court or to a judge of the High Court from:

(i) a decision or determination made, or

(ii) a direction given, or

(iii) a requirement specified in a notice issued,

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” 24th of May, 2019.*

by a person or body, other than a court, which person or body is authorised by any enactment to make such decision or determination, to give such direction or, as the case may be, to impose or notify such requirement (in this Order referred to as “the deciding body”), and provision for the procedure applicable is not made either by the enactment concerned or by another Order of these Rules, the procedure set out in the following rules of this Order shall apply, subject to any requirement of the relevant enactment.”;

(iii) by the insertion, immediately after paragraph (g) of sub-rule (1) of rule 3 of Order 84C, of the following paragraph:

“(h) where an appeal under section 150 of the Act is brought on behalf of a data subject by a not-for-profit body, organisation or association to which section 120(2) of the 2018 Act applies that has been mandated by the data subject to do so,

- (i) include a statement to that effect, and
- (ii) confirm that the plaintiff satisfies each relevant requirement of Article 80 of the Data Protection Regulation.”;

(iv) by the insertion, immediately after rule 10 of Order 84C. of the following rule: “11. The Court may, of its own motion or on the application of another party to an appeal under section 150 of the Data Protection Act 2018, direct the provision to it of such additional information as is necessary in order to confirm that the plaintiff is such a body, organisation or association to which section 120(2) of that Act applies, by way of further particulars or an affidavit.”; and

(v) by the substitution for Appendix B, Part I, of the Part set out in the Schedule.

Schedule

“PART I.

INDORSEMENT OF CHARACTER OF PARTIES.

O. 4, r. 9

Executors.

The plaintiff's claim is as executor [or administrator] of C.D., deceased, for, &c.

The plaintiff's claim is against the defendant A.B., as executor [or, &c.] of C.D., deceased, for &c.

The plaintiff's claim is against the defendant A.B., as executor of X.Y., deceased, for &c., and against the defendant C.D., in his personal capacity, for, &c.

Assignee in bankruptcy.

The plaintiff's claim is as assignee under the bankruptcy of A.B., for

Trustee.

The plaintiff's claim is as [or the plaintiff's claim is against the defendant as] trustee under the will of A.B. [or under the settlement upon the marriage of A.B. and X.Y. his wife].

Heir and devisee.

The plaintiff's claim is against the defendant as heir-at-law of A.B., deceased.

The plaintiff's claim is against the defendant C.D., as heir-at-law, and against the defendant E.F. as devisee of lands under the will of A.B.

Data protection action by body mandated by data subject: section 117(7) or 120(2), Data Protection Act 2018.

The plaintiff's claim is a data protection action on behalf of a data subject, A.B, by a not-for-profit body, organisation or association to which section [117(7)] [120(2)] of the Data Protection Act 2018 applies that has been mandated by the data subject to do so."

EXPLANATORY NOTE

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

These Rules amend Orders 20 and 84C of the Rules of the Superior Courts and Appendix B to those Rules to facilitate the operation of the Data Protection Act 2018.

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