

## Dáil Motion re Commission of Investigation into Mother and Baby Homes

### Dáil Éireann notes:

- the shocking revelation that all 550 recorded audio testimonies of survivors have been deleted by the Commission of Investigation into Mother and Baby Homes - the vast majority of survivor testimonies provided to the Commission;
- that many survivors have refuted the Commission's claim that permission was sought from witnesses regarding the destruction of their testimonies, however the Commission has not provided evidence that consent was granted by those survivors who contributed. Furthermore, survivors claim they were not made aware that transcripts of their audio recordings would not be made;
- that without access to these testimonies, it removes the ability of survivors to refute various conclusions as set out in the Commission's Report;
- several witnesses have made complaints to the Data Protection Commission pursuant to the General Data Protection Regulation and Data Protection Act 2018 and to the gardaí;
- unless legislation is amended, the term of the Commission of Investigation into Mother and Baby Homes is due to expire on the 28th of February.

### Dáil Éireann acknowledges that:

- questions remain as to the legality surrounding the Commission's destruction of testimonies particularly under section 31 and section 43 of the Commissions of Investigation Act 2004, which requires the Commission to deposit with the Minister 'all evidence received by and all documents created by or for the commission' including 'records of interviews', and legality of such destruction under Article 6 and 9 of the GDPR legislation;
- the Commission of Investigation has refused requests to attend the Oireachtas Committee on Children to answer questions from its members in relation to this matter;
- the Minister for Children has indicated his Government is currently seeking legal advice from the Attorney General in relation to the destruction of these audio recordings;
- it is understood that the Office of the Data Protection Commission has raised concerns with the Commission and has asked it to provide the justification and legal basis for the deletion of the records;
- survivors need more time to seek answers to their questions and accountability over this action;
- extending the timeframe of the Commission of Investigation by one year would give 550 survivors an opportunity to query why their voice recordings were destroyed by the Commission and what if any, remains are salvageable;
- other Commissions of Investigation have had their timeline extended including the Commission to Inquire into Child Abuse which still exists as an entity.

### Dáil Éireann calls on the Government to:

- extend the term of the Mother and Baby Home Commission for another 12 months to 28 February 2022, in order to facilitate a review from the Data Protection Commission and other relevant authorities' investigations into the destruction of the recordings and allow for any potential salvage of remaining testimony;
- maintain the existing legislative requirement regarding the transfer of the remaining Commission archive to the Minister by the end of this month as planned;
- carry out a full review of legislation regarding Commission of Investigations including the operation and oversight of Commissions, their terms and conditions, scope and jurisdiction.

Deputies Jennifer Whitmore, Holly Cairns, Gary Gannon, Cian O'Callaghan, Roisin Shortall, Catherine Murphy