

HOUSES OF THE OIREACHTAS COMMISSION

STATEMENT TO SEANAD ÉIREANN PURSUANT TO SECTION 4(7A)(b) OF THE HOUSES OF THE OIREACHTAS COMMISSION ACTS 2003, AS AMENDED

- (a) The Houses of the Oireachtas Commission (the "Commission"), on the 4th March 2024 decided as follows:
- (i) Agreed that, in the first instance, and to avoid the initiation of unnecessary legal proceedings, to engage with the Data Protection Commission with a view to having the Enforcement Notice, dated 16th February 2024 and served on the applicants on the 19th February 2024, set aside.
- (ii) Agreed that, in circumstances where the Data Protection Commission refuses to set aside said Enforcement Notice on or by 15th March 2024, to initiate legal proceedings against the Data Protection Commission seeking annulment of the Enforcement Notice, by way of an appeal to the Circuit Court pursuant to section 150(2) of the Data Protection Act 2018, entitled: *Dáil Éireann, Seanad Éireann, An Ceann Comhairle, Dáil Éireann, An Cathaoirleach, Seanad Éireann, the Clerk of Dáil Éireann, the Clerk of Seanad Éireann, the Houses of the Oireachtas Commission and the Houses of the Oireachtas Service (appellants) v. the Data Protection Commission (respondent) Record No. 001279/2024.*
- (iii) Agreed that, if the initiation of legal proceedings is required in accordance with (a)(ii) above, to seek authorisation, by way of a motion in Seanad Éireann pursuant to section 4(2)(f)(ii)(I) of the Houses of the Oireachtas Commission Acts 2003-2021 (the 'Commission Acts'), to initiate legal proceedings on behalf of Seanad Éireann.
- (iv) Agreed that, if the initiation of legal proceedings is required in accordance with (a)(ii) above during recess, that a statement to the effect that an authorisation pursuant to section 4(2)(f)(ii)(I) be provided for the initiation of legal proceedings relating to the applicants and be laid before Seanad Éireann as soon as practicable thereafter; and
- (v) Granted approval for the Office of Parliamentary Legal Advisers to act and engage Counsel on behalf of the applicants pursuant to

sections, 4(2)(f)(i)(I), 4(2)(f)(ii)(I) and 14C(4)(b) of the Commission Acts.

- (b) At the time that the authorisation from both Houses was required, and as envisaged by section 4(7A)(a)(ii) of the Commission Acts, both Houses were in recess (11th – 15th March 2024). In this regard, the Office of Parliamentary Legal Advisers, having engaged with the Data Protection Commission in accordance with (a)(i) above, received a response from the Data Protection Commission on 14th March 2024 stating that it would not set aside the Enforcement Order. Therefore, as the Commission considered it necessary and expedient to initiate legal proceedings in question, noting specifically that the statutory appeal deadline expired during recess, the Commission did so authorise the initiation of the legal proceedings and this authorisation is deemed to have been duly authorised by both Houses in accordance with section 4(7A)(a) of the Commission Acts.
- (c) The Commission now, pursuant to section 4(7A)(b) of the Commission Acts, is laying the within statement to the effect that it did take the steps required by section 4(7A)(a)(I) of the Commission Acts.

Date: