

Helen McEntee TD
Minister for Justice

cc. Members of the Oireachtas Justice Committee, via the clerk

**Re: remarks regarding independent review of the DPC
at the Oireachtas Justice Committee on 8 February**

Dear Minister,

1. We welcome your statement at the Oireachtas Justice Committee on 8 February regarding the appointment of two additional Data Protection Commissioners. We look forward to hearing detail about the process of selection and appointment, and how responsibility will be allocated between the three Commissioners. It is our hope that a transformation of leadership will go some way to addressing the problems of the Data Protection Commission (DPC).
2. However, ICCL is concerned that you have not taken steps to launch an independent review of how to strengthen and reform the DPC. Your remarks at the Committee suggest that you are assured by a private exchange with European Justice Commissioner Reynders that such a review is unnecessary. We suggest to you that this is not a sustainable position to take.
3. First, Commissioner Reynders wrote to ICCL that the Recommendations of the Oireachtas Justice Committee of July 2021 are viewed by the European Commission as evidence that the Irish Government is actively working to ensure the application of the GDPR. But it now appears that you are not acting on one of the most central of those Recommendations.
4. You will be aware from our letter of 30 September 2021 to your Department that Commissioner Reynders has endorsed the idea of such an independent review of the DPC.
5. Second, ICCL's correspondence with Commissioner Reynders revealed a deficit in the Commission's awareness of the application of the GDPR in

Ireland. Arising from this, the EU Ombudsman has found it reasonable and necessary to launch an Inquiry about the Commission's actual knowledge of the facts of Ireland's application of the GDPR. Last week, as part of that Inquiry, she requested that European Commission President Ursula von der Leyen provide a detailed and comprehensive account of the information that the European Commission has so far collected to inform itself as to whether the GDPR is applied in all respects to Ireland. I enclose that letter for your convenience.

6. Is Commissioner Reynder's private statement to you the sole basis on which you are assured that Ireland is effectively upholding its responsibilities under the GDPR? If not, we would be grateful to understand the reasons why you have not acted on the Justice Committee's recommendation for an independent review of how to strengthen and reform the DPC.
7. We have alerted you to need for an independent review of the DPC for over a year. It is essential that any such review should be independent of the body subject of that review. Without such a review, the reformed leadership of the DPC will face an impossible situation. Therefore, we regard such a review as a prerequisite to the reform of the DPC.

Sincerely,

Liam Herrick

encl. Letter from Emily O'Reilly to Ursula von der Leyen of 10 February 2022