



STATUTORY INSTRUMENTS.

S.I. No. 146 of 2026



DATA PROTECTION ACT 2018 (SECTION 51(3)) (SCOPING EXERCISE
IN RESPONSE TO REQUESTS FROM DIGNITY4PATIENTS)
REGULATIONS 2026

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I, JENNIFER CARROLL MACNEILL, Minister for Health, in exercise of the powers conferred on me by subsection (3) of section 51 of the Data Protection Act 2018 (No. 7 of 2018), having had regard to the matters referred to in subsection (8) of section 36 and subsection (7) of section 51 of that Act and having duly complied with subsections (5)(b) and (6) of section 36 and subsection (6)(b) of section 51 of that Act, hereby make the following regulations with respect to which, pursuant to section 6 of that Act, a draft has been laid before each House of the Oireachtas and a resolution approving the draft has been passed by each such House.

Citation

1. These Regulations may be cited as the Data Protection Act 2018 (Section 51(3)) (Scoping Exercise in Response to Requests from Dignity4Patients) Regulations 2026.

Definitions

2. In these Regulations –

“Act of 2018” means the Data Protection Act 2018 (No. 7 of 2018);

“Article 10 data” has the meaning assigned to it by section 55 of the Act of 2018;

“Facilitator” means the person appointed by the Minister to facilitate the scoping exercise and provide a final report to the Minister;

“Minister” means the Minister for Health;

“relevant person” means –

- (a) the Facilitator,
- (b) the administrator to the Facilitator,
- (c) the Minister, or
- (d) any other person acting for, appointed by or working under the direction of the Facilitator or the Minister in connection with the scoping exercise;

“scoping exercise” means the Scoping Exercise in Response to Requests from Dignity4Patients on Behalf of Victims and Survivors of Michael Shine approved by decision of the Government on 26 November 2025;

“special categories of personal data” has the meaning assigned to it by section 2 of the Act of 2018;

“terms of reference” means the terms of reference of the scoping exercise, which terms are set out in the Schedule.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 14th April, 2026.*

Processing of special categories of personal data and Article 10 data for reasons of substantial public interest

3. Subject to the Data Protection Regulation and the Act of 2018, the processing by a relevant person of special categories of personal data and Article 10 data is authorised only in so far as is necessary for, and proportionate to, the substantial public interest referred to in Regulation 4.

Substantial public interest

4. For the purposes of Regulation 3, “substantial public interest” means the performance by the Facilitator of the functions for which the Facilitator was appointed to conduct the scoping exercise under the terms of reference.

Controllers of special categories of personal data and Article 10 data

5. For the purposes of these Regulations, and within the meaning of the Data Protection Regulation and the Act of 2018, the Minister and the Facilitator are each controllers of special categories of personal data and Article 10 data provided to the scoping exercise.

Persons to whom special categories of personal data and Article 10 data may be disclosed

6. Special categories of personal data and Article 10 data may be disclosed to a relevant person in accordance with such policies and procedures as may be provided for under Regulation 7.

Suitable and specific measures to be taken to safeguard fundamental rights and freedoms of data subject in processing special categories of personal data and Article 10 data authorised by these Regulations

7. The Facilitator shall, for the purposes of safeguarding the fundamental rights and freedoms of a data subject in processing special categories of personal data and Article 10 data in accordance with these Regulations, take the following suitable and specific measures:

- (a) prepare and implement policies and procedures for the processing of special categories of personal data and Article 10 data under these Regulations, having particular regard to the involvement of vulnerable persons, including in relation to the following:
 - (i) the use of secure storage, passwords, encryption, logging mechanisms and other methods to ensure that the special categories of personal data and Article 10 data can only be accessed by a relevant person authorised by the Facilitator to access that data;
 - (ii) the use of controls to ensure that special categories of personal data and Article 10 data are only disclosed to a

- relevant person authorised by the Facilitator, or who are entitled or permitted by law, to receive that data;
- (iii) the determination of appropriate storage periods for special categories of personal data and Article 10 data or classes of special categories of personal data and Article 10 data;
 - (iv) the treatment of special categories of personal data and Article 10 data or classes of special categories of personal data and Article 10 data at the expiry of the storage periods referred to in subparagraph (iii);
 - (v) the erasure of special categories of personal data and Article 10 data;
 - (vi) to ensure that relevant persons have undertaken to maintain the integrity and confidentiality of the special categories of personal data and Article 10 data or are under an appropriate statutory obligation to do so;
 - (vii) the use of data minimisation, including the use of anonymisation and pseudonymisation, where appropriate;
 - (viii) the treatment of personal data disclosed, orally or otherwise, during meetings or private sessions, including circumstances in which such treatment constitutes processing for the purposes of the Act of 2018.
- (b) without prejudice to the generality of paragraph (a), take such other measures as the Facilitator considers appropriate to ensure that –
- (i) special categories of personal data and Article 10 data are processed under these Regulations only to the extent strictly necessary and proportionate for the purposes of the scoping exercise;
 - (ii) on a regular basis, an assessment is made by the Facilitator of the risks to the fundamental rights and freedoms of data subjects in respect of whom special categories of personal data and Article 10 data are processed under these Regulations by reason of such processing;
- (c) ensure that the policies and procedures referred to in paragraph (a) and any measures referred to in paragraph (b) are reviewed on a regular basis, and, where the Facilitator considers it appropriate to do so, such measures are updated.

Schedule

SCOPING EXERCISE IN RESPONSE TO REQUESTS FROM DIGNITY4PATIENTS ON BEHALF OF VICTIMS AND SURVIVORS OF MICHAEL SHINE

TERMS OF REFERENCE

1. Background

- 1.1. The Government, at its meeting of 26 November 2025, agreed, at the request of the Minister for Health (the “Minister”) that a scoping exercise be undertaken by a facilitator in response to requests from Dignity4Patients on behalf of victims and survivors of Michael Shine.
- 1.2. The Minister has appointed Lorcan Staines SC (the “Facilitator”) to conduct the review.

2. Scope of Exercise

- 2.1. The Facilitator shall meet with “Dignity4Patients”, the representatives of the victims of Michael Shine, and any of the individual victims that the Facilitator deems necessary in order to assess and consider what steps and/ or actions may be appropriate.
- 2.2. In this context the Facilitator shall consider the information and request from Dignity4Patients in its paper of 30 June 2025 provided to the Minister entitled “What do children and young people who were victims of sexual abuse at the hands of former surgeon & convicted sexual offender Michael Shine want from a statutory inquiry/investigation?”
- 2.3. The Facilitator will consider all relevant documentation and seek such court judgments and other documentation, or other evidence, as is required for the scoping exercise to be completed. This documentation will include the Report of the Independent Review Group established by the Board of the International Missionary Training Hospital, Drogheda and chaired by Dr. Miriam Hederman O'Brien dated June 1996, and the Report authored by Mr. Justice Thomas Smyth.
- 2.4. The Facilitator shall consider the Report of Mr. Justice Smyth and shall make a recommendation as to whether it should be published (which recommendation shall be subject to the provision of legal advice to the Minister for Health).
- 2.5. The Facilitator shall make recommendations to Government in relation to the next steps that may or may not be appropriate, including steps in relation to:
 - the roles and actions of the International Missionary Training Hospital (formerly Our Lady of Lourdes Hospital, Drogheda (the “Hospital”), the Medical Missionaries of Mary (the “Congregation”) and relevant State bodies in

response to the events both during the period of Michael Shine's employment at the Hospital and subsequently;

- The preservation, custody and treatment of relevant records.
- 2.6. In making the above recommendations, the Facilitator will consider previous inquiries and reports related to historic sexual abuse with a particular focus on patients in health settings and identify those areas which it would be appropriate to examine further and those which have already been addressed.
 - 2.7. These recommendations shall include a reasoned consideration regarding any further State response and the issues that should be enquired into. This process shall include an assessment of the practical challenges arising considering the passage of time and the availability of the witnesses and of contemporaneous documentation.
 - 2.8. The Facilitator may consider any other matters as agreed by the Minister with regard to engagement with stakeholders.

3. Timeframe

- 3.1. The review will be carried out as quickly as possible with a commencement date to be agreed with the aim of furnishing a written report to the Minister within 16 weeks of the date of commencement.



GIVEN under my Official Seal,
9 April, 2026.

JENNIFER CARROLL MACNEILL,
Minister for Health.

EXPLANATORY NOTE

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

The purpose of these Regulations is to enable the commencement of an independent scoping exercise approved by Government in response to requests from Dignity4Patients on behalf of the victims and survivors of Michael Shine. The Regulations provide a legislative basis for the lawful controlling and processing of personal data by the Minister for Health and the person appointed to conduct the scoping exercise, as data controllers, insofar as such processing is necessary and proportionate to enable the conduct of that scoping exercise and the making of recommendations to the Minister on the next steps.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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