

6th Interim Report

January 2020

A request for the revision of the timeframe for submitting the final report under Section 6(6) of the Commissions of Investigation Act 2004

Introduction

1. The Commission's report is due in February 2020. The Commission is on course to deliver the substantive report at that time. However, because of the particular provisions of the *Commissions of Investigation Act 2004*, the Commission is requesting a revision of the timeframe for submitting its final report in order to enable it to deal with third party costs and with the very substantial issues relating to its database and documents.
2. It is the Commission's intention to submit its substantive report in February 2020. This will cover all the Terms of Reference with the exception of Term of Reference (7), that is,
 - In order to assist public understanding the Commission should provide in its reports an outline of the archival and other sources of most relevance to these issues and the nature and extent of the records therein, together with the challenges and opportunities in exploiting these sources for the purpose of further historical research or examination.
3. It is the Commission's intention to provide a very detailed report on the records which it has received and to which it has had access. The Commission is, of course, gathering all this information but will not be in a position to properly organise it for publication before February 2020.

Third party costs

4. Section 43 of the *Commissions of Investigation Act 2004* provides that, with one exception that does not apply in this instance, a commission is dissolved on the submission of its final report. Commissions are unlike tribunals in this respect. This means, among other things, that all the business of the Commission must be completed before the submission of the final report. This creates a significant problem for dealing with third party costs. These cannot be finalised until the third

parties have completed their engagement with the Commission and the Commission has had an opportunity to assess the costs involved and issue directions under Section 24 of the Act. This process can only take place after the substantive report has been completed.

The Commission's database and records

5. In the course of its work, the Commission has compiled a database of all the mothers and children who were resident in the main mother and baby homes. This covers:
 - Institutions whose original records are held by the Child and Family Agency (TUSLA) - Pelletstown/St Patrick's, Navan Road; Bessborough, Castlepollard, Sean Ross, Tuam, Dunboyne and The Castle.
 - Institutions whose original records are held by PACT: Bethany Home and Denny House;
 - Regina Coeli, whose records are held by the Legion of Mary (and for which no tracing service is available)
6. It is clear that this database would be of considerable assistance to those involved in providing information and tracing services. However, under the present legislation, the database would have to be effectively destroyed.
7. Under Section 43 of the *Commissions of Investigation Act*, the Commission is obliged, before its dissolution, to deposit with the specified Minister, all evidence received by and all documents created by or for the Commission. As the information compiled in the database is all sensitive personal information, the Commission would be obliged to redact the names and other identifying information about the residents of these homes before submitting to the Minister. This would have the effect of rendering the database useless.
8. The Commission is of the view that the database should be preserved and made available to the holders of the original records for information and tracing purposes (or to whatever body is charged with providing information and tracing services). This would require legislation.
9. The Commission has extensive records which need to be organised for the purpose of submitting to the Minister. It will not be possible to have this done before the February 2020 deadline.

Revision of timeframe

10. In order to deal with these issues the Commission requests a revision of the timeframe for submitting its final report until 1 December 2020. If the issues can all be dealt with earlier, then the Commission will submit its final report at that earlier date and will then be dissolved.

Sean Ross burials

11. In its 5th Interim Report, the Commission reported that it was carrying out further investigations into the child burial site at Sean Ross. The report of these investigations is included with this Interim Report.