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From: INFO <info@justice.ie>
Subject: Response
Date: 4 April 2018 at 15:57:25 BST
To: scarlet@privacyinternational.org

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4 April 2018

Our Ref: MIN/2017/470

Dear Dr Hosein, Dr McIntyre, and Mr Herrick,

I am directed by the Minister for Justice and Equality, Mr Charlie Flanagan, T.D., to refer to your correspondence regarding oversight of intelligence sharing between Ireland and foreign governments. The delay in replying is regretted.

The policing powers and duties of members of An Garda Síochána are set out in the Garda Síochána Acts 2005-2015, including that the direction and control of An Garda Síochána are matters for the Garda Commissioner. Those Acts set out also the mechanisms for oversight of policing services by the Policing Authority and for the investigation of complaints about Garda conduct by the Garda Síochána Ombudsman Commission. Members of An Garda Síochána are subject not just to the provisions of the Garda Síochána Acts but to the law generally and also to the Garda codes and regulations in carrying out their duties, including the Code of Ethics published by the Policing Authority in January 2017.

Section 28 of the Garda Síochána Acts 2005-2015 allows for the Garda Commissioner, with the consent of the Government to enter into agreements with police forces or law enforcement agencies outside the State for a range of purposes.

For security reasons, it is not the practice to publicly comment on the detail of counter-terrorism arrangements. It should be noted that our history on this island means that regrettably we have been engaged in counter-terrorism work for decades and the arrangements currently in place have served the Irish people well in countering threats to the security of the State. The Gardaí and Defence Forces have a long and proud record in protecting and defending the State from a sustained terrorist threat over

many years.

That said, given the dynamic and evolving nature of security threats, particularly from international terrorism, these arrangements are kept constantly under review, including the decision-making arrangements across the common areas of the State's security and defence.

You will no doubt be aware that the Commission on the Future of Policing in Ireland, which is comprised of national and international experts, is currently undertaking a comprehensive examination of all aspects of policing in the state, including the appropriate structures for governance, oversight and accountability, and the legislative framework for policing to ensure that it is adequate to meet the challenges of modern policing. The Commission has undertaken a wide ranging consultation and the Minister would encourage you to engage with them if you have not already done so. The Commission is to report by September 2018 and will, on the basis of its findings, bring forward proposals for the future of policing, including appropriate recommendations for legislative change. The Minister looks forward to the receipt of these proposals which will be given full consideration by the Government.

Yours sincerely

Conor Cleary
Private Secretary to the
Minister for Justice and Equality

Is le haghaidh an duine nó an eintitis ar a bhfuil sí dírithe, agus le haghaidh an duine nó an eintitis sin amháin, a bheartaítear an fhaisnéis a tarchuireadh agus féadfaidh sé go bhfuil ábhar faoi rún agus/nó faoi phribhléid inti. Toirmisctear aon athbhreithniú, atarchur nó leathadh a dhéanamh ar an bhfaisnéis seo, aon úsáid eile a bhaint aisti nó aon ghníomh a dhéanamh ar a hiontaoibh, ag daoine nó ag eintitis seachas an faighteoir beartaithe. Má fuair tú é seo trí dhearmad, téigh i dteagmháil leis an seoltóir, le do thoil, agus scríos an t-ábhar as aon ríomhaire. Is é beartas na Roinne Dlí agus Cirt agus Comhionannais, na nOifigí agus na nGníomhaireachtaí a úsáideann seirbhísí TF na Roinne seoladh ábhair cholúil a dhícheadú.

Más rud é go measann tú gur ábhar colúil atá san ábhar atá sa teachtaireacht seo is ceart duit dul i dteagmháil leis an seoltóir láithreach agus le mailminder@justice.ie chomh maith.

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