



**TRIBUNAL OF INQUIRY INTO ISSUES RELATING TO THE COMPLAINTS
PROCESS IN THE DEFENCE FORCES AND THE CULTURE SURROUNDING
THE MAKING OF COMPLAINTS FOLLOWING RESOLUTIONS PASSED BY
DÁIL ÉIREANN AND SEANAD ÉIREANN ('THE TRIBUNAL')**

**RULING OF THE TRIBUNAL IN RESPECT OF INTENDED ORDERS FOR
DISCLOSURE AS AGAINST THE CHIEF OF STAFF OF THE DEFENCE
FORCES AND THE MINISTER FOR DEFENCE**

1. On 27 January 2025, the Tribunal made an Order for Discovery in respect of the Minister for Defence ('the Minister') and, on the following day, made an Order for Discovery in respect of the Chief of Staff of the Defence Forces ('the Chief of Staff'). In making those Orders the Tribunal took account of the fact that its Terms of Reference require that the focus of its investigations is on *processes*, and not persons. Accordingly, the Tribunal did not consider that it was either necessary or proportionate for it to have access to the personal data, including, personal sensitive data, of every individual whose name would appear in the extensive volumes of files and other documentation to be discovered by the Chief of Staff and the Minister in compliance with the aforesaid Orders. To have insisted upon access to such personal data would have constituted an unjustifiable overreach and a disproportionate interference with the important privacy and data protection and rights of the persons named therein. Having regard to its Terms

of Reference and in observance of its statutory and constitutional obligations in respect of third parties, the Tribunal determined that, for documents falling within the terms of its Orders for Discovery, it was appropriate, at that time, for such documents be discovered with the names and other identifying information anonymised or pseudonymised of which might lead to the identification of persons.

2. A Discovery Protocol ('the Protocol') formed part of the Tribunal's Orders for Discovery. The Protocol explains how personal identifying information is anonymised in the documents furnished to the Tribunal. However, markers and numerical codes apply to anonymised data so that, for example, the Tribunal can detect whether the same individual was involved in the handling of more than one complaint.

3. Moreover, bearing in mind that in carrying out its functions the Tribunal requires access to *some* personal data contained in the aforesaid files and documentation, the Protocol makes provision for the disclosure of the identity of particular individuals where, in the view of the Tribunal, such disclosure is necessary for the purposes of its inquiry. Thus, paragraph 5 provides for the identification of a complainant's file to the Tribunal upon the written consent of the individual concerned. Paragraph 6 provides for the disclosure of the identity of certain individuals where such disclosure is so ordered by the Tribunal.

4. The approach adopted by the Tribunal ensures that personal data is only disclosed where this is necessary to enable the Tribunal to carry out its functions. In carrying out those functions the Tribunal must respect the requirements of fair procedures and constitutional justice. Thus, the Protocol reflects an appropriate balancing by the Tribunal of privacy and data protection rights, on the one hand, with other important rights, such as, the right to answer allegations made or to vindicate one's good name, on

the other. It allows for persons who may have had an involvement in the matters set out in the Tribunal's Terms of Reference to be heard in relation to issues that concern them, and it facilitates the Tribunal in identifying persons who may have information that would assist it with its inquiry.

5. The Tribunal's legal team has conducted interviews with over one hundred and forty people who have come forward to assist it during the private investigative stage of its inquiry. In light of that work, the Tribunal has determined that, at this juncture, it is both necessary and in the public interest for the Chief of Staff and the Minister to disclose to the Tribunal information concerning the identity and contact details of certain individuals (hereinafter 'the relevant information').

6. While the Tribunal has a broad power to make an Order directing a party to make disclosure, it is obliged to ensure that fair procedures are observed in the making of any such Order. Accordingly, those affected by the making of an Order for Disclosure must be given notice of its terms and must be afforded an opportunity to make submissions, by reference to the Tribunal's Terms of Reference, as to the relevance, necessity and proportionality of the Order, as well as to any other matters which may be relevant, including, the matter of confidentiality (*Haughey v Moriarty* [1999] 3 IR 107).

7. In compliance with its obligation in this regard, the Tribunal, on 17 September 2025, published a Notice of its Intention to make Orders for Disclosure in respect of the Chief of Staff of the Defence Forces and the Minister for Defence ('the Notice'). On that date, the Notice appeared in two national newspapers. Together with the Intended Orders for Disclosure, the Notice was also published on the Tribunal's website (www.toidf.ie). The purpose of the publication of the Notice was to afford all persons who believed that they may be affected by the making of the Intended Orders for

Disclosure, an opportunity to make submissions, in writing, to the Tribunal by 5pm on 10 October 2025.

8. The aforesaid Notice stated, expressly, that the Intended Orders for Disclosure are required:

(i) to enable the Tribunal to carry out its function under the Tribunals of Inquiry (Evidence) Acts 1921 to 2011 and report on the definite matters of public importance specified in S.I. 304 of 2024 of investigating issues pertaining to the processes for the making of complaints of abuse within the Defence Forces, including, the culture surrounding the making of such complaints, and of investigating the response to complaints of hazardous chemicals; and

(ii) to ensure that the Tribunal carries out its functions in accordance with the requirements of fair procedures and constitutional justice by affording to such individuals concerned an opportunity to answer allegations that have been made in relation to their processing and/or handling and/or alleged deterrence of the making of complaints of abuse and/or their response to complaints of hazardous chemicals and, further, by affording to such individuals an opportunity to vindicate their constitutional right to their good name.

9. As noted above, the Tribunal has determined, at this juncture, that it is both necessary and in the public interest for it to be furnished with information concerning the identity and contact details of certain individuals with whom it now seeks to engage. The Tribunal considers that the Minister and the Chief of Staff have the relevant information within their power, possession or procurement, in circumstances where such information is not otherwise available to the Tribunal or otherwise procurable by means of the discovery already made.

Submissions Received

10. The Tribunal received relevant submissions from four parties in relation to the matters set out in the Notice. The Tribunal recognises that what is set out below represents a synopsis of the submissions received. However, all relevant submissions in relation to the published Notice and the Intended Orders have been considered, carefully, by the Tribunal in advance of this Ruling.

The Chief of Staff of the Defence Forces

11. The Chief of Staff made a submission to the Tribunal wherein, at the outset, he recites the terms of the Tribunal's Intended Order for Disclosure and Notice, as published. In his view, the primary legal issue engaged by the Intended Order is the issue of data protection. His submission goes on to recite various provisions of the General Data Protection Regulation (EU 2016/679) (hereinafter 'GDPR'). The Chief of Staff then sets out the various Recitals to the Intended Order and submits that the emphasis on ensuring that the Tribunal carries out its functions in accordance with the requirements of fair procedures and constitutional justice is '*the key consideration*'. The submission refers to the importance of the rights stressed in *Re Haughey* [1971] IR 217 and to the various Articles under GDPR that would be engaged in the Defence Forces' compliance with the Tribunal's Intended Order.

12. The Chief of Staff (at para. 36 of his submission) concludes that, in principle, and subject to the requirements of proportionality, the Intended Order for Disclosure is legally permissible. Thereafter, however, he submits that the Intended Order '*does not satisfy the requirements of proportionality*' because, in his view, it does not respect the

essence of the right to data protection and fails to provide specific measures to safeguard the fundamental rights and interests of the data subjects involved.

13. In support of his contentions in this regard, the Chief of Staff makes the following points in respect of the Intended Order for Disclosure:

- (i) it does not recognise that the contact details for certain persons sought by the Tribunal may not be available to the Defence Forces due to the passage of time and/or record keeping requirements;
- (ii) it does not specify whether the Tribunal is seeking a home address or a work address for serving personnel;
- (iii) it does not provide a cooperation mechanism to facilitate the lawful compliance by the Defence Forces and the Minister for Defence with the Order for Disclosure;
- (iv) it does not provide a mechanism whereby the persons whose identity and contact details are to be communicated to the Tribunal are informed (a) that a direction has been so made; (b) that the direction will be complied with by the Defence Forces in the exercise of its legal obligations; and (c) that they are to contact the Tribunal in the event of any issue being raised;
- (v) the requests for the identity and contact details which are sought by the Tribunal will have to be as specific as possible to avoid the possibility of (a) a data breach and (b) a disproportionate and time-consuming search across the Defence Forces electronic and physical estate; and
- (vi) the timeframe of ten (10) days upon receipt of a written request made by the Tribunal may, in particular circumstances, be unfeasible.

14. The Chief of Staff submits that the foregoing matters could be addressed by incorporating into the Intended Order several additional recitals or mechanisms or statements in respect of the points set out above. He contends that, for serving members of the Defence Forces, the default address to be provided to the Tribunal should be their Defence Forces address. For former personnel, it is submitted that the Order should specify that *'the postal address provided that may be on file was first provided on a particular date and last used on a particular date'*.

15. Finally, the Chief of Staff submits that the Order should provide for an extension to twenty-eight (28) days, for compliance, from the date of receipt of a written request from the Tribunal, with the possibility of a further extension to that timeframe.

The Minister for Defence

16. At the outset of his submission to the Tribunal, the Minister for Defence has sought clarification in respect of two matters in the Tribunal's Intended Order for Disclosure. First, the Minister seeks clarification that his interpretation of the obligation intended to be imposed by the Intended Order will only apply in respect of the particular codes that are expressly notified in the Tribunal's written request. In this regard, he submits that an amendment providing such clarity should be made to the Intended Order. Second, the Minister seeks confirmation that the Order for Disclosure will only apply in respect of those persons who are identified, expressly, in the Tribunal's written request to the Minister. He submits that an amendment providing such confirmation should also be made to the terms of the Order.

17. The Minister's submission outlines the law applicable to the Department of Defence ('the Department') under GDPR and the Data Protection Act 2018 (as amended). Having regard to the key element of transparency in GDPR, the Minister's submission outlines how he proposes to notify the data subjects concerned of the Tribunal's request for contact details and he describes how he will comply with his data protection obligations following such a request made by the Tribunal in accordance with its Order for the Disclosure. His submission includes, at Appendix 2, a sample letter of notification.

18. The Minister is '*very anxious*' to ensure that the Tribunal is furnished with the contact details it requires for the purpose of its investigations, and he accepts that it is in the public interest that the Tribunal is provided with such information.

19. As to current civil servants and/or civilian employees of the Department, the Minister acknowledges that he is the *de facto* administrator of their employment records. However, he submits that he may no longer have or no longer have up-to-date contact details for former civil servants and former civilian employees of his Department. He confirms that he will use all best endeavours to provide the last known contact details on record for such persons.

20. As to current and former members of the Defence Forces, the Minister submits that the Tribunal should, in the first instance, direct all inquiries for their contact details to the Chief of Staff of the Defence Forces. The Minister has real concerns regarding his ability to provide up-to-date and accurate contact details for several reasons. These pertain mainly to the fact that Departmental records or contact details may be out of date or incomplete or inaccurate or in (physical) storage or non-existent. In respect of former members, the Department may not be aware that a person is deceased, and it is a matter

of serious concern to the Minister that letters of notification may cause distress to family members.

21. The Minister says that the Defence Forces maintain a '*Personnel Management System*' which, he assumes, is updated as and when additional information comes into the possession of the Defence Forces. Contact details for former or serving members of the Defence Forces should be as accurate as possible and the Minister has '*very real concerns regarding his ability to provide the Tribunal with up-to-date and accurate contact details for these individuals*'. In the Minister's view, the Defence Forces should be required to provide the requested contact details in the first instance.

22. The Minister for Defence also requests that the Order for Disclosure would direct the Defence Forces to provide all necessary assistance to the Minister for Defence and his officials in both sourcing and verifying the contact details of any current and/or former members of the Defence Forces identified in written requests received from the Tribunal.

23. Separately, the Minister submits that for every individual whose contact details are sought, the Tribunal, in its written request, should indicate the full name together with any additional unique identifiers, such as, the individual's service number, date of birth, rank, date of commission / discharge / retirement, together with any other relevant or helpful identification information. The provision of such '*unique identifiers*', he says, would avoid delay and reduce the risk of notifications being sent to and contact being made with inaccurate recipients.

24. In respect of the timeframe for compliance with the Tribunal's request, the Minister submits that ten (10) days may not be sufficient in all cases to fully research, retrieve and validate information pertaining to the contact details being sought by the

Tribunal. He seeks a period of 20 working days to conduct searches and submits that this would assist in ensuring the accuracy of the search, identification and validation process.

25. Finally, the Minister says that, in exceptional circumstances where a particular difficulty is encountered in identifying a person, he will notify the Tribunal, in writing, with a view to requesting additional time (beyond the suggested 20 days) to complete the search, identification and validation process.

Malcomson Law Solicitors

26. Malcomson Law Solicitors, on behalf of *'Women of Honour'* submits that the Intended Orders for Disclosure are likely to affect several members of that group, including, those who have expressly sought to maintain their confidentiality. It is said that that the manner in which the Minister and the Chief of Staff disclose the identity of such potential individuals is an issue upon which its members have *'an equal legitimate-type interest'*. Further, the *'Women of Honour'* group seeks clarification as to how the Tribunal intends to safeguard the rights and interests of complainants in the context of the Intended Orders.

John Gerard Cullen Solicitors

27. On behalf of a number of individuals, John Gerard Cullen Solicitors submits that the *'class of persons'* to whom *'discovery'* (*sic*) orders must be addressed should include all army officers and medical officers to whom *'notices of abuse'* were transmitted. The

firm contends that the Orders for Discovery (*sic*) made against the Minister and the Chief of Staff, appear to be addressed to ‘*investigating officers*’, ‘*decision makers*’ and ‘*mediators*’ only, and the term ‘*mediator*’ is undefined. The firm further submits that it is unclear whether medical officers who ‘*facilitated alleged abuse to persist*’ are captured by the term ‘*mediator*’.

28. In addition, the firm submits that it is unclear whether the term ‘*mediator*’ applies to those working in the Personnel Support Service (‘PSS’). It contends that the PSS is involved in transmitting complaints of abuse to commissioned officers and it questions whether those officers who received complaints of abuse from the PSS fall within the meaning of the term ‘*mediator*’.

Relevant Legal Principles

29. The legal principles governing the law on discovery have been developed in the case law and are well settled. Any Order for Discovery must be based on the key principles of relevance, necessity and proportionality (*Compagnie Financière du Pacifique v Peruvian Guano Co.* (1882) 11 Q.B.D. 55; *Ryanair p.l.c. v Aer Rianta c.p.t.* [2003] 4 I.R. 264; and *Tobin v The Minister for Defence, Ireland and the Attorney General* [2020] 1 IR 211). An Order for Disclosure, whilst not the same as an Order for Discovery, must also be relevant to and both necessary and proportionate for the purpose for which it is sought.

30. Order 31 Rule 30 of the Rules of the Superior Courts is concerned with the criteria necessary for obtaining an Order for Disclosure in the context of civil *inter partes* litigation and, whilst not directly applicable to the work of a tribunal, nevertheless, offers

some guiding principles that are relevant to the Tribunal's Intended Orders. In relevant parts, its provisions may be summarised thus:

- (i) the party from whom disclosure is sought must have access to information which is not reasonably available to a party to the proceedings seeking the information and which is not procurable by discovery or by interrogatories;
- (ii) the disclosure sought must be necessary to dispose fairly of the case or for saving costs; and
- (iii) the court must refuse the order if satisfied that it would not be in the interests of justice that the information be disclosed.

31. The Tribunal, of course, is not in a position analogous to a party in litigation and, in this instance, it is the determining *proprio motu* that an Order for Disclosure should now be made in respect of the Chief of Staff and the Minister. The Tribunal, in making these Orders, requires the parties that are subject thereto, to provide contact details for persons who have been identified to the Tribunal as having information that is relevant to its inquiry. The Tribunal considers it necessary to engage with such persons to further pursue its work, as set out in the Terms of Reference, and to complete the investigative stage of its inquiry. The Tribunal is satisfied that both the Chief of Staff and the Minister have, within their power or possession or procurement, the relevant information it requires, and it is further satisfied that such information is not otherwise readily procurable by the Tribunal.

32. Moreover, the Orders for Disclosure to be made by the Tribunal are necessary if the Tribunal is to ensure compliance with the requirements of fair procedures and constitutional justice. Such requirements oblige the Tribunal to afford to individuals,

whose contact details are sought, an opportunity to respond to claims that concern them and that fall within the Tribunal's Terms of Reference. Such persons are entitled to be heard by the Tribunal and must be afforded an opportunity, where necessary, to vindicate their constitutional right to their good name (*Re Haughey* [1971] IR 217).

Decision as to the Chief of Staff of the Defence Forces

33. The Chief of Staff accepts that, subject to the requirements of proportionality, the Intended Order for Disclosure is, in principle, legally permissible. However, as noted above, he submits that the Intended Order '*does not satisfy the requirements of proportionality*' because it does not respect the essence of the right to data protection, nor does it provide specific measures to safeguard the fundamental rights and interests of the data subjects involved.

34. In this regard, the Tribunal considers that the submission appears to conflate the Chief of Staff's own GDPR obligations concerning his data subjects with the obligation on the part of the Tribunal to ensure that its Orders comply with fair procedures and are necessary and proportionate to the tasks it has been established to accomplish.

35. Moreover, it appears to the Tribunal that the matters to which the Chief of Staff refers in support of his contentions concerning the alleged deficiencies of the Intended Order, are not concerned with the issue of safeguarding the rights of data subjects or the proportionality of the Intended Order. For example, the fact that the proposed Order does not acknowledge that the Defence Forces may no longer have contact details for some individuals has nothing to do with the requirements of proportionality or the safeguarding of the rights of data subjects. Additionally, the fact that a home address or

a work address has not been specified in the Intended Order is equally irrelevant to the requirements of proportionality or the safeguarding of the rights of data subjects.

36. Whilst the Chief of Staff contends that the Tribunal has not told the Defence Forces and the Minister how to cooperate with each other in order to comply with the respective Orders for Disclosure, that, too, is immaterial to the requirements of proportionality or the safeguarding of the rights of data subjects. The Tribunal is entitled to expect that both parties will work together to assist it in the prompt completion of its inquiry.

37. The submission also maintains that the Intended Order does not provide a communication mechanism whereby those whose identity and contact details are being sought are informed that a direction has been made and that it will be complied with by the Defence Forces in the exercise of its legal obligation. This submission is also unrelated to the requirements of proportionality or the safeguarding of the rights of data subjects. Moreover, the matters suggested in terms of what might be set out in any communication to his data subjects, are matters that are entirely for the Chief of Staff to determine in accordance with his GDPR obligations.

38. For the reasons set out above, the Tribunal does not accept that its Intended Order in respect of the Chief of Staff fails to satisfy the requirements of proportionality or to safeguard or respect the essence of the right to data protection of the data subjects involved. On the contrary, the Intended Order must be seen in the broader context of the Tribunal's Discovery Protocol by which the data privacy rights of third parties named in the materials discovered to the Tribunal are finely balanced with other important constitutional rights. The Tribunal observes that the Chief of Staff is obliged to meet his own legal obligations in respect of GDPR just as the Tribunal and all other parties before it, are obliged to meet theirs.

39. The Tribunal now turns to the additional recitals or statements or mechanisms which the Chief of Staff submits might be incorporated into the Order for Disclosure.

40. The Chief of Staff suggests that a recital might be included that would recognise that the Defence Forces may not have certain contact details requested by the Tribunal. The Tribunal acknowledges that, in some cases, the Chief of Staff may encounter difficulties in providing the contact details of particular individuals—whether due to the passage of time or otherwise. If, for example, the death of a former member has occurred and the contact details are thus no longer relevant, the Tribunal would expect to be informed, accordingly. However, once the Order for Disclosure has been made, the Chief of Staff will be obliged to use his best endeavours to source such relevant information as is requested, and the Tribunal is not persuaded that a recital to this effect in the Order for Disclosure is either necessary or appropriate.

41. As to the incorporation into the Order of the requested '*cooperation mechanism*', the Tribunal is not convinced that the inclusion of such a provision within an Order would be either apposite or appropriate. Given the timeframe stipulated in the Orders, it may well be necessary for the parties to establish between themselves a joint mechanism under which they ensure that their obligations are met and that the most up to date contact details required in accordance with the Disclosure Orders are disclosed, promptly, to the Tribunal. Such a mechanism would certainly demonstrate their repeated assurances of support for the Tribunal's work and, in particular, for the completion of that work within the period indicated in its Terms of Reference. The Tribunal has already observed that it expects and is entitled to expect that the Chief of Staff of Staff and the Minister for Defence would cooperate with each other in assisting the Tribunal in its inquiry. Accordingly, the Tribunal considers it sufficient to remind

each party of its legal obligation to comply with the terms of the Order for Disclosure and leaves it to the parties to establish a cooperation mechanism that enables them to discharge their obligations under the Orders for Disclosure in a prompt and timely manner.

42. As to the request for specification, the Tribunal confirms that in requiring disclosure of the contact details of serving members of the Defence Forces, the Chief of Staff must provide the home address, and not the work address, of any such serving members. In the very unlikely event that a home address is not available to the Chief of Staff, then a work address may be provided. However, the Tribunal reiterates that the default position is that a home address should be furnished to the Tribunal. This respects the privacy of serving members of the Defence Forces who may not wish to receive correspondence from the Tribunal at their place of work and/or who may not want the Defence Forces, or other members thereof, to know that they are engaging with the Tribunal during the private investigative phase of its inquiry.

43. As to former Defence Forces personnel, the Tribunal will require the most recent contact details of such persons, and the default position is that their last known home address should be disclosed to the Tribunal.

44. As to the 'communications mechanism' requested in respect of those whose contact details are required, it is not for the Tribunal to inform such persons that their details are being sought or that the Chief of Staff will comply with the Tribunal's Order in the exercise of his legal obligations. The Tribunal itself cannot contact the persons concerned in the absence of the contact details it requires by way of the Order for Disclosure. In any event, such communications as may be made with the data subjects concerned are matters that fall entirely within the remit of the Chief of Staff. The Tribunal

reiterates that it is for the Chief of Staff of the Defence Forces to ensure that he fulfils the data protection obligations he has in respect of his data subjects, and it is not for the Tribunal to intervene in relation to such matters. The Tribunal expects that the Chief of Staff in providing all relevant contact details to the Tribunal in accordance with the Order, will do so in a manner consistent with his GDPR obligations and it is satisfied that it is neither necessary nor appropriate for the Tribunal to include a recital to this effect in the Order for Disclosure.

45. The Chief of Staff submits that the points raised in respect of the alleged disproportionality of the Order could be addressed, *inter alia*, by '*stating*' that the Tribunal's requests for identity and contact details '*will have to be as specific as possible to avoid the possibility of (a) a data breach and (b) a disproportionate and time consuming search across the Defence Forces electronic and physical*'. The Tribunal confirms that it will, of course, endeavour to provide the Chief of Staff with the most accurate information that it has available to it when making a request in accordance with the Order. Thereafter, and as stated above, how the Defence Forces discharges its own GDPR obligations will be a matter for the Chief of Staff. The Tribunal does not consider it necessary or appropriate to incorporate the suggested statement into the Order for Disclosure.

46. In view of the foregoing, the Tribunal considers that the Chief of Staff's contentions as to the alleged disproportionality of the Intended Order or its alleged failure to provide measures to '*safeguard the fundamental rights and interests of the data subjects*' have not been substantiated.

Timeframe

47. The Chief of Staff submits that the timeframe of ten (10) days within which to comply with the Tribunal's request for contact details to be disclosed to it pursuant to the Order may, in particular circumstances, be unfeasible. He submits that the timeframe for compliance should be extended to a period of twenty-eight (28) days from the date of receipt of a written request, with the possibility of a further extension, if required. The Chief of Staff does not provide any reasons for this submission.

48. In considering the approach to the length of time which the Chief of Staff should be given to comply with the Disclosure Order the Tribunal has regard to two factors:

- (i) the nature of the task and the ability of the Defence Forces to discharge its obligations in respect of its data subjects; and
- (ii) the obligation on the Tribunal to investigate matters set out in the Terms of Reference and to endeavour to complete its inquiry within three years from the date of its establishment.

49. The Chief of Staff has submitted, without more, that in particular circumstances it *may* be unfeasible to comply with the ten (10) day period provided for in the Intended Order for Disclosure.

50. In consideration of the above factors, the Tribunal determines that the time for the Defence Forces to comply with a request for relevant information made pursuant to the Order for Disclosure is to be fourteen (14) calendar days from the date of receipt of such a request.

Submission of Malcomson Law Solicitors

51. The Tribunal has considered the submissions made on behalf of the 'Women of Honour' group to the effect that the Intended Orders would affect some of its membership. The submissions do not say how such persons would be affected by the making of the said Orders but refer to the fact that some members of the group seek to maintain their confidentiality.

52. For the avoidance of doubt, the Tribunal confirms that by its Orders for Disclosure it intends to request the contact details of certain individuals who have been identified to the Tribunal's legal team during the course of interviews and who may have information that is relevant to the Tribunal's inquiry. Additionally, it may seek the identities and contact details of certain persons who are currently anonymised by code in the vast volumes of discovery documentation currently under review by the Tribunal.

53. The Tribunal acknowledges the importance of the right to privacy but must bear in mind that this, of course, is not an absolute right. It must be balanced, appropriately, with other rights of no less importance, including, the right to fair procedures and constitutional justice and, indeed, the right of the public to have answers to the questions that have been raised as a matter of urgent public importance. The Tribunal confirms that disclosure of certain contact details may be required pursuant to the Orders for Disclosure only where it appears to the Tribunal that the persons concerned may have information that is relevant to the Tribunal's inquiry as set out in its Terms of Reference.

54. As the Orders for Disclosure will progress the Tribunal's Inquiry it is assumed that such progress is to be welcomed by the 'Women of Honour' group.

Submission of John Gerard Cullen Solicitors

55. The Tribunal interprets the submission received on behalf of several individuals to mean that they are concerned that the scope of the Intended Order for Disclosure is not wide enough to capture the identity and contact details of person who are not explicitly referenced in the list of ‘investigating officers’, ‘decision makers’ and ‘mediators’ who were involved in the complaints processes. The Tribunal’s intended Order, however, also refers to:

“[. . .]/or of any other persons engaged in and/or otherwise involved in the complaints processes for dealing with complaints of abuse and/or persons who may have deterred the making of complaints of abuse, and/or persons engaged in responding to and/or failing to respond to complaints of hazardous chemicals”.

Accordingly, it is satisfied that the Intended Order for Disclosure is sufficiently wide to capture all relevant persons, whether they be a superior officer, member of the PSS or otherwise.

The Order for Disclosure in respect of the Chief of Staff

56. In view of the foregoing, the Tribunal will make an Order for Disclosure in respect of the Chief of Staff of the Defence Forces bearing in mind the matters considered herein. The Order made will reflect some of the amendments which were suggested by the Chief of Staff and accepted by the Tribunal in this Ruling.

Decision as to the Minister for Defence

57. The Minister for Defence accepts that he has relevant information available to his Department which the Tribunal is not in a position to procure by way of discovery or interrogatories.

58. The Minister has sought clarification on whether his interpretation of two aspects of the Intended Order for Disclosure is correct. The Tribunal confirms that the obligation imposed on the Minister in terms of revealing the identity of individuals to whom a numerical code is assigned in the files received by way of discovery, will apply only in respect of those codes which will be referenced, expressly, in the Tribunal's written requests. The Tribunal also confirms that it will seek only the contact details of those persons whose names are referenced, expressly, in the Tribunal's written requests. For the avoidance of doubt, the Tribunal will modify, slightly, the terms of the Intended Order for Disclosure so that the Order made will accommodate the Minister's request in this regard.

59. The Minister's submission sets out the various data protection obligations that he owes to his data subjects, and the Tribunal recognises the steps which the Minister proposes to take in order to discharge those obligations. As stated above, the Intended Order should be seen in the broader context of the Tribunal's Discovery Protocol by which the data privacy rights of third parties named in the materials discovered to the Tribunal are finely balanced with other important constitutional rights. The Tribunal recalls that the Minister for Defence is obliged to meet his own legal obligations under GDPR and the Data Protection Act 2018 (as amended), just as the Tribunal and all other parties before it, are obliged to meet theirs.

60. The Tribunal notes the Minister's acceptance of the fact that he is the *de facto* administrator of the employment records of current civil servants and/or civilian employees. It acknowledges that, in certain cases, the Minister may no longer have up-to-date contact details for former civil servants and former civilian employees of his Department but welcomes his confirmation that he will use his best endeavours to provide the last known contact details for such persons.

61. I now turn to the Minister's submission that the Tribunal should adopt a two-step approach in its efforts to obtain the identity and contacts details of Defence Forces personnel. The Minister submits that, in the first instance, all inquiries in respect of current and former members of the Defence Forces should be directed to the Chief of Staff. The Minister points to the fact that the Defence Forces maintain '*Personnel Management System*' which he presumes is up to date. Having regard to the fact that the Oireachtas has stipulated a limited period of three years within which the Tribunal must endeavour to complete its inquiry—an inquiry that extends to over four decades—the Tribunal is not convinced that adopting the two-step approach as suggested by the Minister would assist it in completing its work within the required timeframe.

62. The Tribunal recognises '*the very real concerns*' which the Minister has regarding his ability to provide up to date records in respect of Defence Forces personnel and, in particular, his serious concerns that letters of notification may cause distress if sent to family members of persons now deceased. He requests that the Tribunal's Order would direct the Defence Forces to provide all necessary assistance to the Minister and his officials in sourcing and verifying the contact details of current and former members of the Defence Forces as may be identified in the written requests received from the Tribunal in accordance with its Order for Disclosure.

63. I have already considered the request made by the Chief of Staff in respect of the incorporation into the Tribunal's Order of a '*cooperation mechanism*'. As noted above, and since time is of the essence, it may well be necessary for the parties to establish between themselves a joint mechanism under which they ensure that the most up to date contact details as requested under the Orders are disclosed, promptly, to the Tribunal. Taking a proactive step of this nature would certainly demonstrate the parties' repeated assurances of support for the Tribunal's work and for the completion thereof within the period stipulated in the Terms of Reference.

64. I reiterate that the Tribunal expects and is entitled to expect that the Chief of Staff and the Minister for Defence would cooperate with each other in assisting the Tribunal in its inquiry. Specifically, it expects the Chief of Staff and his designated officers within the Defence Forces to provide all necessary assistance to the Minister and his officials in sourcing and verifying the contact details of current and former members of the Defence Forces. In the same vein, it expects that the Minister and his officials would provide all necessary assistance to the Chief of Staff in his efforts to comply with the Tribunal's Order. Accordingly, the Tribunal is not convinced that the inclusion within the Order of the direction requested by the Minister would be either apposite or appropriate. It considers it sufficient to remind the parties of their legal obligation to comply with the terms of the Orders for Disclosure.

65. In the light of the foregoing and having regard to the Tribunal's expectation of cooperation between the parties who are subject to its Order, the Tribunal will direct all requests for contact details of current and former members of the Defence Forces to *both* the Chief of Staff and to the Minister, simultaneously. It leaves it to those parties to

establish an effective cooperation mechanism that will enable them to discharge their obligations to the Tribunal in a prompt and timely manner.

66. As to the Minister's request for specification, the Tribunal confirms that it will be as specific as it can be in its requests for relevant information required to be disclosed in accordance with the Order for Disclosure.

Timeframe

67. The Minister for Defence submits that the timeframe of ten (10) days may not be sufficient to comply with a request made pursuant to the Order for Disclosure. Such a period, he says, may not be sufficient, in all cases, to fully research, retrieve and validate information pertaining to a request. The Minister asks that the timeframe be extended to twenty (20) working days for compliance with the Order.

68. In considering the approach to the length of time which the Minister for Defence should be given to comply with the Disclosure Order, the Tribunal has regard to two factors:

- (i) the nature of the task and the ability of the Minister to discharge his obligations in respect of his data subjects; and
- (ii) the obligation on the Tribunal to investigate matters set out in the Terms of Reference and to endeavour to complete its inquiry within three years from the date of its establishment.

69. The Minister has not submitted that he *will* be unable to vindicate the rights of his data subjects within the ten (10) day period provided for in the Intended Order for Disclosure. Rather, he says that it *may* not be a sufficient period in *all* cases to fully research, retrieve and validate relevant information pertaining to the request.

70. In consideration of the above factors, the Tribunal will direct that the time for the Minister's compliance with any requests for relevant information made in accordance with the Order for Disclosure be fourteen (14) calendar days from the date of receipt of the Tribunal's written requests.

Submissions of Other Parties

71. The observations made above (at paragraphs 51 to 55) in respect of the submissions made by Malcomson Law Solicitors and John Gerard Cullen Solicitors apply, *mutatis mutandis*, to the Tribunal's Ruling on the Disclosure Order made in respect of the Minister for Defence.

The Order for Disclosure in respect of the Minister for Defence

72. In view of the foregoing, the Tribunal will make an Order for Disclosure in respect of the Minister for Defence bearing in mind the matters considered herein. The Order made will reflect some of the amendments which were suggested by the Minister and accepted by the Tribunal in this Ruling.

Dated this the 23rd day of October 2025.