

Data Protection Ireland

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Court fines Iarnród Éireann in landmark decision

The Dublin Metropolitan District Court has fined a company for its failure to co-operate with an investigation by the Data Protection Commissioner.

The Court had previously heard evidence from the Office of the Data Protection Commissioner of a number of unsuccessful attempts, made by the Office between September and November 2007, to obtain information from the company on a co-operative basis, in line with the Commissioner's normal procedures when carrying out investigations. This culminated in an Information Notice being issued by the Commissioner in November 2007, under section 12 of

the Data Protection Acts 1988 & 2003.

It is the first time that the Commissioner has had to bring a prosecution against any entity for failing to respond to an Information Notice.

In the Office's press release dated 10 June, Billy Hawkes said:

"I am disappointed in any case where my Office has to go to Court to get answers to some questions as part of an investigation. In this case, we repeatedly tried to establish the facts of the case that we were investigating from Iarnród Éireann, but just could not do so. Of course, it is of additional concern that

the company in question is a State company and might, therefore, have been expected to have taken a formal statutory investigation being conducted by my Office more seriously.

"Today's court proceedings demonstrate that I will not hesitate in taking a prosecution against any data controller, from any sector, who fails to comply in full with a legal notice which I may serve upon them. I wish to use my legal powers sparingly, but I will use them when necessary.

"I am glad to say that Iarnród Éireann has now supplied answers to some
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Missing bank files out of site

The Data Protection Commissioner is to carry out an investigation following the discovery of confidential AIB bank documents at a former landfill site, in Killacloyne near Glounthaune, Co Cork, the same location that hospital patients' medical records from Cork Regional Hospital and St Finbarr's Hospital were discovered in May.

The documents were discovered by contractors clearing the site for

construction of the Midleton rail link, who had only days before resumed conservation works following the suspension by Iarnród Éireann, to allow the HSE and Cork County Council investigate the illegal dumping of the medical files. It has yet to be established what and how many documents were found.

Early indications are that the files dated from the 1970s. Billy Hawkes has asked the bank for a report on the discovery.

Officials at AIB, who arrived on the site last week to investigate the one-and-a-half sacks of material found, are reassuring customers about security concerns, saying that most of the material was "shredded" or "illegible," and that the matter was being handled appropriately by all relevant parties.

According to Cork County Council, which
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