

- To be released July 2013

**File No. 906 1 - - Criminal Justice (Mutual Assistance Convention) Bill -
Interception Powers - Schedule of Documents**

Comment [11]: Records 1, 3-14, 16 & 17 - Outside scope of review as pre 2001.

Doc. No.	Description	Date	Decision	Provision in Act
1	International Legal Assistance in Criminal Matters Act (2000:562) Ministry of Sweden.	07/11/00	Grant <i>outside scope</i>	
2	Regulation of Investigatory Powers Act 2000	No date	Refuse	46(2)
3	Minutes of meeting of Working Group on Mutual Assistance - Interception of Telecommunications	11/04/97	Refuse	20(1) 24(2)(e)
4	Minutes of meeting of Working Group on Mutual Assistance in Criminal Matters	20/03/97	Refuse	20(1) 24(2)(e)
5	Note from French Delegation to Working party re Interception of Telecommunications	19/03/97	Refuse	24(2)(e)
6	Note from Italian Delegation to Working party re Interception of Telecommunications	19/03/97	Refuse	24(2)(e)
7	Outcome of Proceedings from Working party re Interception of Satellite Telecommunications	25/02/97	Refuse	24(2)(e)
8	Note from the Presidency to Working party re Interception of Telecommunications systems	19/03/97	Refuse	24(2)(e)
9	Note from German Delegation to Working party re Interception of Telecommunications	20/12/96	Refuse	24(2)(e)
10	Note from UK Delegation to Working party re Interception of Telecommunications	18/12/96	Refuse	24(2)(e)
11	Note from the Presidency to Working party re Interception of Telecommunications systems outside national boundaries - Lawful interception of satellite communications	11/11/96	Refuse	24(2)(e)
12	Note from the UK delegation to Working party re Interception of Telecommunications - Judicial consequences of legal interception of telecommunications systems outside national boundaries	02/02/96	Refuse	24(2)(e)
13	Note re Memo of Understanding on the lawful interception of telecommunications.	25/10/96	Refuse	24(2)(e)
14	Note from Italian Delegation to the 'Entraide Judiciaire en Matiere Penale' re Interception and Telecommunications	No date	Refuse	20(1) 24(2)(e)
15	Copy of Explanatory Notes to Regulation of Investigatory Powers Act.	29/9/05	Refuse	46(2)
16	Copy of Regulation of Investigatory Powers Bill.	09/05/00	Refuse	46(2)
17	Council Act establishing in accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistanes in Criminal Matters between the Member States of the EU.	22/05/00	Refuse	24(2)(e)

Comment [12]: Agree

Comment [13]: Agree

**File No. 906 - - A Criminal Justice (International Co-operation) Bill Draft
Heads - Schedule of Documents**

Doc. No.	Description	Date	Decision	Provision in Act
✓ 1	Head 4G (Rev2) Interception – Receipt of a request for mutual assistance in connection with interception of communications, including in cases where technical assistance is required.	Undated	Refuse	20(1)
✓ 2	Head 4G (Rev3) Interception – Receipt of a request for mutual assistance in connection with interception of communications, including in cases where technical assistance is required.	Undated	Refuse	20(1)
3	Head 4G (Rev2) Interception – Receipt of a request for mutual assistance in connection with interception of communications, including in cases where technical assistance is required.	Undated	Refuse	Same as doc. 1.
4	Head 4G (Rev2) Interception – Receipt of a request for mutual assistance in connection with interception of communications, including in cases where technical assistance is required.	Undated	Refuse	Same as doc. 1.
✓ 5	Head 4G Interception – Receipt of a request for mutual assistance in connection with interception of communications, including in cases where technical assistance is required.	Undated	Refuse	20(1)
✓ 6	Head issuing of a request for mutual assistance in connection with interception of communications.	Undated	Refuse	20(1)
7	Section 4 -Interception of Postal Packets and Telecommunications Messages (Regulations) Act 1993	10/11/03	Refuse	Included in Comment [14]: S.46(2) also applies
8	Interception of Postal Packets and Telecommunications Messages (Regulations) Act 1993	10/11/03	Refuse	46(2) Comment [15]: Agree
✓ 9	Head 4G – to cover aspects of Sections 17 & 18 of the 2000 MLA Convention not being given the force of law.	Undated	Refuse	20(1)

**File No. 906 - - B Criminal Justice (International Cooperation) Bill Draft
Heads / Draft Articles - Schedule of Documents**

Doc. No.	Description	Date	Decision	Provision in Act
1	No docs		Refuse Grant	Noted.

X

File No. 906 -- 1 Mutual Assistance Bill Legislative Proposals (Amendments to Criminal Justice Act 94) - Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act
1	Letter to AG re: Proposed Mutual Assistance Bill and possible legislative provisions arising from the 2000 Convention.	16/08/01	Refuse	22(1)(a) - Comment [16]: Agree

File No. 906 -- 1.A Criminal Justice (International Co-operation) Bill 2002. Fiche Belge - Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act
1	No docs		N/A	Noted.

File No. 906 -- 2.A Criminal Justice (International Co-operation) Bill 2002. Observations Received - Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act
1	Letter to AG's re: International Agreements	11/02/02	Refuse	22(1)(a) - Comment [17]: Agree
2	Note on the possible "gaps" between the 2 nd Protocol and the 1994 legislation.	No Date	Refuse	20(1)(a)

File No. 906 -- 2 Criminal Justice (international Cooperation Bill 2003) Part 2 Obs on Draft Scheme - Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act
1	Memo from Security and Northern Ireland re International Cooperation Bill 2003 x 2	11/09/03	Refuse	20(1)(a)
2	Copy of Council Act of 29 May 2000 establishing in accordance with Article 34 of the Treaty of European Union the Convention of Mutual Assistance in Criminal Matters between Member States of the European Union.	17/07/00	Refuse	46(2) - Comment [18]: Outside scope - pre 2001

**File No. 906 -- 3 Criminal Justice (International Cooperation) Bill 2003
Part 3 - Schedule of Documents**

Doc. No.	Description	Date	Decision	Provision in Act
1	Letter from AG	30/4/04	Refuse	20(1)(a) 46(1)(b)
2	Head 4G (Rev2) Interception – Receipt of a request for mutual assistance in connection with interception of communications, including in cases where technical assistance is required.	Undated	Refuse	Same as file no. 906—A.
3	Head 4I – issuing of a request for mutual assistance in connection with interception of communications.	Undated	Refuse	Same as doc. 1 in file no. 906—A.
✓ 4	Briefing on Criminal Justice (International Cooperation) Bill	Undated	Grant	
5	Memo to Government on General Scheme of a Criminal Justice (International Cooperation) Bill	March 2004	Refuse	19(1)(a)

Comment [I9]: Agree 46(1)(b) applies

Comment [I10]: Agree

**File No. 906 -- 4 Criminal Justice (International Cooperation) Bill Part 4 -
Schedule of Documents**

Doc. No.	Description	Date	Decision	Provision in Act
✓ 1	Letter to Dept of Communications, Marine and Natural Resources re Interception provisions	27/07/04	Refuse	20(1)(a)

**File No. 906 -- 4A Criminal Justice (International Cooperation) Bill Revenue
issues - Schedule of Documents**

Doc. No.	Description	Date	Decision	Provision in Act
1	Observations on issued raised by the Revenue Commissions	No date	Refuse	20(1)(a) & poss. 23(1)(a)(i)
✓ 2	Letter to Dept. of Finance from Revenue re Criminal Justice (Mutual Assistance) Bill 2005	June 05	Refuse	20(1)(a)
3	Memo from Security and Northern Ireland Division re Criminal Justice (Mutual Assistance) Bill 2005	16/06/05	Refuse	20(1)(a) & poss. 23(1)(a)(i)
4	Letter from AG re Criminal Justice (International Cooperation) Bill	30/04/04	Refuse	22(1)(a) & 46(1)(b)
✓ 5	Note on Optional Provisions re Mutual Assistance in Criminal Matters	No Date	Grant	

Comment [I11]: Agree 46(1)(b) applies

**File No. 906 -- 5 Criminal Justice (International Cooperation) Bill -
Schedule of Documents**

Doc. No.	Description	Date	Decision	Provision in Act
1	Copy of Memo to Security and Northern Ireland Division re Interception provisions	5/10/04	Refuse	20(1)(a) & 23(1)(a)(i)
2	Comments from Dept of Communications, Marine and Natural Resources re Criminal Justice (International Cooperation) Bill (marked secret)	13/08/04	Refuse	Part of doc. 1. 26(1)(a)

Comment [WU12]: 26(1)(a) cannot apply as created by staff member of a public body (26(2)) - for release unless other exemption can be justified

**File No. 906 -- 6 Criminal Justice (International Cooperation) Bill -
Schedule of Documents**

Doc. No.	Description	Date	Decision	Provision in Act
1	Internal Department email re Criminal Justice (International Cooperation) Bill	16/11/04	Refuse	20(1)(a) & 22(1)(a)
2	Email to AG office re Criminal Justice (International Cooperation) Bill	16/11/04	Refuse	20(1)(a)
3	Comments from Security and Northern Ireland Division re Criminal Justice (International Cooperation) Bill (marked secret)	14/10/04	Refuse	20(1) & 23(1)(a)(i) & 26(1)(a)

Comment [WU13]: 22(1)(a) seems appropriate

Comment [WU14]: As above - can't be 26(1)(a)

**File No. 906 -- 7 Criminal Justice (International Cooperation) Bill
Schedule of Documents**

Doc. No.	Description	Date	Decision	Provision in Act
1	1 st Draft of Criminal Justice (Mutual Assistance) Bill 2005	28/04/05	Refuse	20(1)(a) & 22(1)(a)
2	Email to AG office re Criminal Justice (International Cooperation) Bill	14/04/05	Refuse	22(1)(a)
3	Internal Department email re Criminal Justice (International Cooperation) Bill	08/03/05	Refuse	20(1)(a)
4	Email to Communications, Marine and Natural Resources re Criminal Justice (International Cooperation) Bill	07/03/05	Refuse	20(1)(a)
5	Internal Divisional emails re Criminal Justice (International Cooperation) Bill	07/03/05	Refuse	20(1)(a)
6	Internal Department email re Criminal Justice (International Cooperation) Bill	07/03/05	Refuse	20(1)(a)
6A	Internal Department email re Criminal Justice (International Cooperation) Bill	07/03/05	Refuse	20(1)(a)

Comment [I15]: agree

7	Internal Department email re Criminal Justice (International Cooperation) Bill	07/03/05	Refuse	Same as doc. 6.
8	1st draft of Part 1 – Interception of Telecommunications Messages	24/02/05	Refuse	20(1)(a) & 22(1)(a) & 46(1)(b)
9	Technical drafting obs – 1st draft of Part 1 – Interception of Telecommunications Messages	24/02/05	Refuse	20(1)(a)

Comment [WU16]: No evidence to support 46(1)(b) on face of record

File No. 906 -- 8 Criminal Justice (Mutual Assistance) Bill 2005 - Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act
1	Internal Memo re Interception Sections – Criminal Justice (Mutual Assistance) Bill 2005	31/05/05	Refuse	20(1)(a) & 23(1)(a)(i)
2	Internal Department email re Criminal Justice (Mutual Assistance) Bill 2005	20/05/05	Refuse	20(1)(a) & 23(1)(a)(i)
3	Provisional text of Criminal Justice (Mutual Assistance) Bill 2005	17/05/05	Refuse	22(1)(a) & 46(1)(b)
4	Irish Human Rights Commission observations on the Criminal Justice (International Cooperation) Bill	10/05/05	Refuse	46(2)
5	Obs on 1 st Draft of Criminal Justice (Mutual Assistance) Bill 2005	No date.	Refuse	20(1)
6	Internal Department email seeking obs on Criminal Justice (Mutual Assistance) Bill 2005	10/05/05	Refuse	20(1)(
7	1 st Draft of Criminal Justice (Mutual Assistance) Bill 2005	28/04/05	Refuse	22(1)(a) & 46(1)(b)

Comment [I17]: Agree

Comment [WU18]: No evidence to support 46(1)(b). Can't see how 22(1)(a) applies either

Comment [WU19]: Agree
22(1)(a) applies to 2, 4, 7, 16,
17, 18.

Doc. No.	Description	Date	Decision	Provision in Act
1	Fax from AGS re Criminal Justice (Mutual Assistance) Bill 2005	01/07/05	Refuse	20(1) & 23(1)(a)(i)
2	Fax to AG's re Interception provisions in Bill	13/06/05	Refuse	22(1)(a)
3	Internal Department email re: D/CMNR obs on Interception provisions in Bill	30/06/05	Refuse	20(1)(a)
4	Email to AG re D/CMNR obs on Criminal Justice (Mutual Assistance) Bill 2005	28/06/05	Refuse	22(1)(a)
5	Email from Dept Communications, Marine & Natural Resources re Criminal Justice (Mutual Assistance) Bill 2005	27/06/05	Refuse	20(1)
6	Email to Prisons Service re Criminal Justice (Mutual Assistance) Bill 2005	27/06/05	Refuse	20(1)
7	Email to AG re Criminal Justice (Mutual Assistance) Bill 2005	23/06/05	Refuse	22(1)(a)
8	Copy of Memo from Security and Northern Ireland Division re Interception provisions in Criminal Justice (Mutual Assistance) Bill 2005	16/06/05	Refuse	20(1) & 23(1)(a)(i)
9	Letter to AGS re Criminal Justice (Mutual Assistance) Bill 2005	20/06/05	Refuse	22(1)(a)
10	Letter to AG re submission form Irish Human Rights Commission	16/05/05	Refuse	22(1)(a)
11	Head 4G (Rev2) Interception – Receipt of a request for mutual assistance.	Undated	Refuse	20(1)
12	Email to Prisons Service re Criminal Justice (Mutual Assistance) Bill 2005	15/06/05	Refuse	20(1)
13	Internal Department email re Interception provisions in Bill	14/06/05	Refuse	20(1)
14	Email to Dept Communications, Marine & Natural Resources re Criminal Justice (Mutual Assistance) Bill 2005	14/06/05	Refuse	20(1)
15	Internal Department email re Interception provisions in Bill	13/06/05	Refuse	20(1)
16	Email to AG re Interception provisions in Bill	13/06/05	Refuse	22(1)(a)
17	Email to AG re Interception comments from D/CMNR	13/06/05	Refuse	22(1)(a)
18	Copy of Memo from Security and Northern Ireland Division re Interception provisions in Criminal Justice (Mutual Assistance) Bill 2005	31/05/08	Refuse	20(1) & 23(1)(a)(i)
19	Letter from AGS re Interception provisions in Bill	15/04/05	Refuse	20(1)(a) & 23(1)(a)(i)
20	Email from Dept Finance re Revenues obs on the Bill	10/06/05	Refuse	Same as doc.2 in file 906---4A

**File No. 906 -- 10 Mutual Assistance - Human Rights Commission –
Submission - Schedule of Documents**

Doc. No.	Description	Date	Decision	Provision in Act
1	Briefing on the Criminal Justice (Mutual Assistance) Bill & Irish human Rights Commission Obs	26/07/05	Refuse	20(1)
2	Criminal Justice(International Cooperation) Bill Draft Scheme – For comments	No date	Refuse	20(1) & 46
3	Letter to Minister from Irish human Rights Commission re Report	11/05/05	Refuse	46(2)
4	Tab C – Summary of Recommendations made by the IHRC which are incorporated In the text of the Bill	No date	Grant	

Comment [WU20]: No evidence to support 46(1)(b).

File No. 906 -- 11 Controlled Deliveries (Article 12 – Convention on Mutual Assistance in Criminal Matters) - Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act
1	CRIMORG Doc – Final Report on the Second Round of evaluation – Law enforcement and its role in fighting Drug Trafficking.	22/09/03	Refuse	24(2)(g) -

Comment [I21]: Agree

File No. 906 -- 12.A Criminal Justice (Mutual Assistance) Bill - Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act
1	Note re Criminal Justice (Mutual Assistance) Bill - Irish human Rights Commission Obs	19/07/05	Refuse	20(1)
2	Internal Department email re CJ (Mutual Assistance) Bill & IHRC Obs	27/07/05	Refuse	20(1)
3	Briefing on Criminal Justice (Mutual Assistance) Bill & Irish human Rights Commission Obs	July 05	Refuse	20(1)
4	HRC Obs		Refuse	46(2)
5	HRC Recommendations		Refuse	46(2)
6	Obs raised by Revenue Commissioners	No Date	Refuse	20(1)
7	Internal Department email re Criminal Justice (Mutual Assistance) Bill page 61	12/07/05	Refuse	20(1)
8	Email to Dept. of Communications, Marine and Natural Resources re comments on Draft Bill.	06/07/05	Refuse	20(1)
9	Internal Department email re emails 5/6/05 & 5/7/05	05/07/05	Refuse	20(1) & 23(1)(a)(i)
10	Letter from AGS re Criminal Justice (Mutual Assistance) Bill	01/07/05	Refuse	20(1)

File No. 906 -- 12.B Criminal Justice (Mutual Assistance) Bill - Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act
✓ 1	Internal Department email re Criminal Justice (Mutual Assistance) Bill	30/08/05	Refuse	20(1)
2	Email to AG re Interception	17/08/05	Refuse	22(1)(g) - Comment [WU22]: agree
✓ 3	Internal Department email re Irish human Rights Commission – Mutual Assistance Bill	12/08/05	Refuse	20(1)
✓ 4	Note re Criminal Justice (Mutual Assistance) Bill - Irish human Rights Commission Obs	19/07/05	Refuse	20(1)
5	Email to AG re Interception	09/08/05	Refuse	22(1)(g) - Comment [WU23]: agree

File No. 906 -- 13 Criminal Justice (Mutual Assistance) Bill Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act
✓ 1	Internal Department email re Interception Provisions in Mutual Assistance Bill	14/09/05	Refuse	20(1)
✓ 2	Internal Department email re Criminal Justice (Mutual Assistance) Bill 2005	06/09/05	Refuse	20(1)
3	Letter from AGS re Part 3, Criminal Justice (Mutual Assistance) Bill – Interception of Telecommunications Messages.	01/09/05	Refuse	20(1) & 23(1)(a)(i)

File No. 906 -- 14 Criminal Justice (Mutual Assistance) Bill Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act
1	Email to AG re Interception Issues raised by D/Commissioner Murphy	27/10/05	Refuse	22(1)(a) - Comment [WU24]: agree
2	Memo for Govt. re Criminal Justice (Mutual Assistance) Bill	10/11/05	Refuse	20(1) - Comment [WU25]: suggest 19(1)(a) applies
2b	Internal Department email re Criminal Justice (Mutual Assistance) Bill 2005	21/10/05	Refuse	46(1)(b) & 23(1)(a)(i) - Comment [WU26]: not 46(1)(b)
3	Internal Email re MLA Bill – Meeting next week & other matters	19/10/05	Refuse	20(1) & 22 - Comment [WU27]: can accept 46(1)(b) or 22(1)(a)
✓ 4	Email to ComReg re Interception transposition	27/09/05	Refuse	22(1)(a) & 46(1)(b) - Comment [WU28]: not 46(1)(b) – not sure can be 22(1)(a) either
5	AG's advice re Criminal Justice (Mutual Assistance) Bill	20/09/05	Refuse	46(2)
✓ 6	Web definitions of “gateway”	27/09/05	Refuse	20(1) - Comment [WU29]: 46(1)(b) applies
7	Email to D/CMNR re Interception provisions	15/09/05	Refuse	20(1) & 23(1)(a)(i)

File No. 906 -- 15 Criminal Justice (Mutual Assistance) Bill - Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act
1	Email to Council of Europe	14/11/05	Refuse	24(2)(g) - Comment [WU30]: agree
2	Provisional text of Bill	05/10/05	Refuse	46(1)(b) - Comment [WU31]: no evidence on face of record
3	Press Release	25/10/05	Grant	
4	Obs from D/Finance	No date	Refuse	19(1)(aa)

File No. 906 -- 16 Criminal Justice (Mutual Assistance) Bill - Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act
✓ 1	Press Release re McDowell publishes Criminal Justice (Mutual Assistance) Bill 2005	05/12/05	Grant	
✓ 2	Publication of Criminal Justice (Mutual Assistance) Bill 2005 – Possible Questions and Answers.	05/12/05	Grant	
✓ 3	Internal Department email re Mutual Assistance Bill	24/11/05	Refuse	20(1)
4	Extract from Irish Star (24/11/05) – “Cops are foiled by foreign phones”	24/11/05	Refuse	46(2) - Comment [WU32]: agree
5	Email from EC re implementation of instruments	18/11/05	Refuse	24(2)(g) - Comment [WU33]: agree
6	Email to AG re Section 9 & 27 of Mutual Assistance Bill.	16/11/05	Refuse	22(1)(a) - Comment [WU34]: agree

File No. 906 -- 17 Criminal Justice (Mutual Assistance) Bill - Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act
1	Criminal Justice (Mutual Assistance) Bill 2005 – Second Stage Speech	27/02/06	Refuse	46(2)
✓ 2	Criminal Justice (Mutual Assistance) Bill 2005 – Second Stage Seanad – 2/3/06 – Possible Questions and Answers.	02/03/06	Grant	
3	Letter to AGS re Criminal Justice (Mutual Assistance) Bill 2005 – Interception of telecommunications messages.	30/01/06	Refuse	20(1) & 23(1)(a)(i)

File No. 906 -- 18 Criminal Justice (Mutual Assistance) Bill 2005 - Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act
1	Criminal Justice (Mutual Assistance) Bill 2005 – Committee Stage Amendments – Seanad 30 March 2006 - Speaking Note	30/03/06	Refuse	46(2)
2	Criminal Justice (Mutual Assistance) Bill 2005 – Committee Stage Amendments	30/03/06	Refuse	46(2)
3	Questionnaire on the implementation of UNTOC	No Date	Grant	
4	Criminal Justice (Mutual Assistance) Bill 2005 – Briefing Note for an Taoiseach	07/03/06	Refuse	20(1) & 46(1)(db)
5	Carol Coulter Times Newspaper Article	07/03/06	Refuse	46(2) Comment [WU35]: agree
6	Internal Department email re Interception Press Issues	06/03/06	Refuse	20(1)
7	Internal Department email re Section 24	06/03/06	Refuse	20(1)
8	Mark Hennessy Times Newspaper Article	06/03/06	Refuse	46(2) Comment [WU36]: agree
9	Michael Sweeney Irish Start Newspaper Article	06/03/06	Refuse	46(2) Comment [WU37]: agree
10	Kevin Rafter Sunday Tribune Newspaper Article	05/03/06	Refuse	46(2) Comment [WU38]: agree

File No. 906 - - 19 Criminal Justice (Mutual Assistance) Bill 2005
Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act
1	Briefing for Minister of State re Criminal Justice(Mutual Assistance) Bill 2005	09/05/06	Refuse	20(1) & 46(1)(db)
2	Criminal Justice (Mutual Assistance) Bill 2005 – Amendments for Report Stage – Seanad 10 May 2006	10/05/06	Refuse	46(2)
✓ 3	Internal Department memo re Official Amendments for Report Stage of Criminal Justice (Mutual Assistance) Bill 2005	05/05/06	Refuse	20(1)
4	Parliamentary Debates (Official Report – Unrevised) Seanad Eireann Thursday 30 May	30/03/06	Refuse	46(2)
4a	Email AG's to D/Justice re Report Stage Interception Amdt.	04/05/06	Refuse	46(1)(b) - Comment [WU39]: agree
4b	Email D/Justice to AG's re Report Stage Interception Amdt	04/05/06	Refuse	46(1)(b) - Comment [WU40]: sb 22(1)(a)
✓ 4c	Internal Department email re CJ (Mutual Assistance) Bill interception amdt.	04/05/06	Refuse	20(1)
✓ 5	Internal Department email re Interception amendments to Mutual Assistance Bill	04/05/06	Refuse	20(1)
✓ 6	Internal Department email re Amendments to Interception provisions in the Mutual Assistance Bill	21/4/06	Refuse	20(1)
7	Internal Department email re CJ (Mutual Assistance) Bill	19/04/06	Refuse	20(1) & 46(2)
8	Email to OPC re CJ (Mutual Assistance) Bill	13/04/06	Refuse	22(1) - Comment [WU41]: agree
✓ 9	Internal Department email re CJ (Mutual Assistance) Bill	07/04/06	Refuse	20(1)
10	Letter to OPC re CJ (Mutual Assistance) Bill	03/04/06	Refuse	22(1) - Comment [WU42]: agree
11	Irish Times Article re phone tapping.	31/03/06	Refuse	46(2) - Comment [WU43]: agree
12	Committee Stage debates.	31/03/06	Refuse	46(2)

File No. 906 - - 20 Criminal Justice (Mutual Assistance) Bill 2005
Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act
✓ 1	Internal Department email re CJ (Mutual Assistance) Bill – Second Stage Dáil	08/09/06	Refuse	20(1)
✓ 2	Internal Department email re CJ (Mutual Assistance) Bill – Second Stage Dáil	08/09/06	Refuse	20(1)
✓ 3	Internal Department email re CJ (Mutual Assistance) Bill	25/08/06	Refuse	20(1)
4	Email to AG re CJ (Mutual Assistance) Bill	12/07/06	Refuse	22(1) Comment [WU44]: agree
5	Email to OPC re Amendment to Interception provisions in MLA Bill	20/06/06	Refuse	22(1) & 23(1)(a)(i) Comment [WU45]: agree
✓ 6	Internal Department memo re Section 29 Amendment – Mutual Assistance Bill	20/6/06	Refuse	20(1)
7	Memo to OPC re Amendment to Section 29 of the Criminal Justice (Mutual Assistance) Bill 2006	09/06/06	Refuse	22(1) & 23(1)(a)(i) Comment [WU46]: agree
8	Internal Department memo re Mutual Assistance Bill 2005	08/06/06	Refuse	20(1) & & 23(1)(a)(i)
9	Second Stage Speech Dáil Éireann re Criminal Justice (Mutual Assistance) Bill, 2005	08/06/06	Refuse	46(2)
✓ 10	Second Stage Speech Dáil Éireann re Criminal Justice (Mutual Assistance) Bill, 2005	01/06/06	Grant	

File No. 906 - - 21 Criminal Justice (Mutual Assistance) Bill 2005
Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act
✓ 1	Internal Department email re Criminal Justice (Mutual Assistance) Bill 2005	11/10/06	Refuse	20(1)
2	Note re Criminal Justice (Mutual Assistance) Bill 2006 – Committee Stage Amendments – Outstanding Issues	No Date	Refuse	22(1) Comment [WU47]: agree
3	Parliamentary Debates – MA Bill 2005 Seanad Second Stage	28/09/06	Refuse	46(2)
4	Parliamentary Debates – MA Bill 2005 Seanad Second Stage (Resumed)	28/09/06	Refuse	46(2)
5	Parliamentary Debates – MA Bill 2005 Seanad Second Stage (Resumed)	28/09/06	Refuse	46(2)
✓ 6	Criminal Justice (Mutual Assistance) Bill – Reply to Second Stage, Dáil Éireann September 2006	Sept 06	Grant	
7	Criminal Justice (Mutual Assistance) Bill – Second Stage, Dáil Éireann September 2006 – Possible Q&A (Qs: 2, 22 & 24)	Sept 06	Refuse	20(1) & 46(1)(db)

File No. 906 -- 22 Criminal Justice (Mutual Assistance) Bill 2005 - Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act	
1	Email to OPC re Criminal Justice (Mutual Assistance) Bill 2005	14/03/07	Refuse	46(1)(b)	Comment [WU48]: agree
2	Internal Department email re Interception matters	23/01/07	Refuse	22(1)	Comment [WU49]: agree
3	Committee Stage Amendments	15/01/07	Refuse	46(1)(b)	Comment [WU50]: no evidence to support 46(1)(b)
4	Minutes from Meeting with AG's office re Criminal Justice (Mutual Assistance) Bill 2005	03/01/07	Refuse	22(1)	Comment [WU51]: agree

File No. 906 -- 23 Criminal Justice (Mutual Assistance) Bill 2005 - Schedule of Documents

Doc. No.	Description	Date	Decision	Provision in Act
1	Information Note on Criminal Justice (Mutual Assistance) Bill 2005 – Dail Committee Stage Amendments.	No date	<u>Grant</u>	
✓ 2	Brief re Interception provisions in Criminal Justice (Mutual Assistance) Bill 2005	03/05/07	Refuse	20(1)
✓ 3	Internal Department email re MLA Bill	02/05/07	Refuse	20(1)

Schedule of record

File No. and Name	Description	Date	Decision	Doc no:
170 196 1	Council of Europe Cybercrime Convention	30/08/10	Refuse	1

Head 4G (Rev 2) Interception

Head 4G Receipt of a request for mutual assistance in connection with interception of communications, including in cases where technical assistance is required.

Provide that

- (1) This section shall have effect where the Minister receives from
- (a) a judicial authority, acting for the purpose of a criminal investigation, in a country or territory outside the State or a prosecuting authority acting for a similar purpose in such a country or territory, or
 - (b) from any other authority in such a country or territory which appears to the Minister to have the function of making requests of the kind to which this section applies and provided that such authority is acting for the purpose of a criminal investigation

a written request for provision of mutual assistance in connection with, or in the form of, the interception or the interception, recording and subsequent transmission of communications where the person the subject of the intercept is located

- (i) in the state which is making the request and the technical assistance of this State is required or
- (ii) in the State and his or her communications are capable of being intercepted here, or
- (iii) in a state other than the one making the request and the technical assistance of this State is required.

- (2) 1. For the purposes of requests under section (1), the Government may by Order designate a country that has adopted the Convention.

2. The Government may amend or revoke an order under this section including an order made under this subsection.
3. An order under this section shall, as soon as may be after it is made, be laid before each House of the Oireachtas.

- (3) Where the State is party to an international agreement which
 - (a) relates to the provision of mutual assistance in connection with, or in the form of, the interception of communications,
 - (b) requires the issue of a warrant, order or equivalent instrument in which assistance is given,

and a request is received from a country designated under subsection (2) of this Section, it shall be the duty of the Minister to ensure that no request for assistance in accordance with the agreement is made on behalf of a person in the State to the competent authorities of a country outside the State except with lawful authority.

- (4) Conduct has lawful authority for the purposes of this section if, and only if, it is authorised by the Minister in accordance with the provisions of the 1993 Act, as if it were a measure which would be authorised in the State in a similar national case.

- (5) All requests under subsection (1) of this section shall include the following:

- (a) details of the authority making the request;
- (b) confirmation that a lawful interception order or warrant has been issued by the requesting state in connection with a criminal investigation;
- (c) details to identify the subject of the interception;
- (d) information on the criminal conduct being investigated;
- (e) the desired duration of the intercept; and
- (f) appropriate technical data to enable the intercept to take place.

- (6) In the case of a request under subsection 1(ii) above, a request shall also include a summary of the facts.
- (7) When a request is made in accordance with subsections 1(i) or 1(iii) and includes the information set out in subsection (5), the State undertakes to comply with the request.
- (8) When a request is made in accordance with subsection 1(ii) and includes the information set out in subsection (5) and (6), the State undertakes to comply with the request in accordance with the provisions of the 1993 Act, where it would be complied with in a similar national case, and subject to such conditions as might be imposed in such a case.
- (9) "Service provider" means a postal or telecommunications company or operator that may be in the possession of, or be capable of obtaining any communications data that falls within the meaning of the definition of interception as set out in the 1993 Act.
- (10) Where it appears to the Minister that a service provider is or may be in possession of, or be capable of obtaining any communications data, for the purposes of a criminal investigation the Minister may, by notice to the service provider, require the service provider
- (a) if the service provider is not already in possession of the data, to obtain the data and
 - (b) in any case, to disclose all of the data in his possession or subsequently obtained by him/her.
- (11) A service provider who obstructs, hinders or fails to comply with requests made under subsection (10) is guilty of an offence and liable

- (i) on summary conviction to a fine not exceeding €3,000 or imprisonment for a period of 12 months or both
- (ii) on conviction on indictment, to a fine not exceeding €(to be specified) or imprisonment for a period of 5 years or both

Notes

Subheads (1) to (8) head give effect to the provisions contained in Article 18 of the 2000 EU Mutual Legal Assistance Convention insofar as as requests are received by the State. An alternative formulation of Heads (1) to (2)(1) could be as follows:-

Provide that

(1) The Government may by Order designate a country that has adopted the Convention for the purpose of receiving requests from a judicial authority, acting for the purpose of a criminal investigation, in that country or a prosecuting authority acting for a similar purpose in connection with, or in the form of, the interception of communications, where the person the subject of the intercept is located

- (i) in the state which is making the request and the technical assistance of this State is required or
- (ii) in the State and his or her communications are capable of being intercepted here, or
- (iii) in a state other than the one making the request and the technical assistance of this State is required

(2) The Government may amend or revoke an order under this section including an order made under this subsection.

Subheads (9) and (10) give effect to the provisions in Article 19 of the Convention. Subhead (11) provides for penalties for obstruction and failure by service providers to provide the communications data that comes within the terms of the Convention.

Subheads (9) to (11) inclusive may require further examination in the light of developments at EU level in relation to data retention.

Head 4H (Rev 2)

Head 4H Receipt of a request for mutual assistance in connection with
interception of communications where no technical assistance is
needed.

Provide that

(1) The Government may by Order designate a country that has adopted the Convention for the purpose of receiving notifications from a judicial authority of such country, acting for the purpose of a criminal investigation which presents the characteristics of being an investigation following the commission of a specific criminal offence, including attempts in so far as they are criminalised under national law, in order to identify arrest, charge, prosecute or deliver judgement on those responsible where the person the subject of the intercept is located in the State and his or her communications are capable of being intercepted here and the technical assistance of this State is not required

(2) The notifications under subsection (1) shall be furnished to the State

(a) (i) prior to the interception where the requesting State knows when ordering the interception that the subject is in the state

(ii) in other cases immediately after it becomes aware than the subject of the interception is in the State.

(3) The Government may amend or revoke an order under this section including an order made under this subsection.

(4) An order under this section shall, as soon as may be after it is made, be laid before each House of the Oireachtas.

(5) Where the State is party to an international agreement which

(a) relates to the provision of mutual assistance in connection with, or in the form of, the interception of communications,

(b) requires the issue of a warrant, order or equivalent instrument in which assistance is given, and

(c) a notification is received from a country designated under subsection (1) of this section,

and the Minister receives a notification under Section (1), it shall be the duty of the Minister to ensure that no request for assistance is made on behalf of a person in the State to the competent authorities of a country outside the State except with lawful authority.

(6) Conduct has lawful authority for the purposes of this section if, and only if, it is authorised by the Minister in accordance with the provisions of the 1993 Act, as if it were a measure which would be authorised in the State in a similar national case.

(7) All notifications received by the State shall include the following:-

(a) details of the authority ordering the interception

(b) confirmation that a lawful interception order has been issued in

→ connection with a criminal investigation

(c) information for the purpose of identifying the subject of the interception

(d) information on the criminal conduct being investigated

(e) the expected duration of the interception

(8) Where a notification is received in accordance with subsection (2) and (7) the following shall apply

(a) Upon receipt of the information provided under subsection (7), the State shall, without delay, and at the latest within 96 hours reply to the intercepting Member State with a view to

(i) allowing the interception to be carried out or to be continued. The consent may be subject to any conditions which would have to be observed in a similar national case;

(ii) requiring the interception not to be carried out or to be terminated where the interception would not be permissible

- in accordance with of the provisions of the 1993 Act or for the reasons specified in Article 2 of the European Mutual Assistance Convention. Where the State imposes such a requirement, it shall give reasons for its decision in writing;
- (iii) in cases referred to in point (ii), requiring that any material already intercepted while the subject was on its territory may not be used or may only be used under conditions which it shall specify. The State shall inform the intercepting Member State of the reasons justifying the said conditions.
 - (iv) requiring a short extension of up to a maximum period of eight days, to the original 96-hour deadline to be agreed with the intercepting Member State in order to carry out internal procedures under the law of the State. The State shall communicate, in writing, to the intercepting Member State the conditions which, pursuant to national law, justify the requested extension of the deadline.
- (b) Until a decision has been taken by the State pursuant to points (i) or (ii) of subparagraph (a), the intercepting State:
- (i) may continue the interception: and
 - (ii) may not use the material already intercepted except:
 - if otherwise agreed between the Member States concerned:
 - or
 - for taking urgent measures to prevent an immediate and serious threat to public security. The Member State shall be informed of any such use and the reasons justifying it.
- (c) The State may request a summary of the facts of the case and any further information necessary to enable it to decide whether interception would be authorised in a similar national case. Such a request does not affect the application of subparagraph (b), unless

otherwise agreed between the State and the intercepting Member State.

Notes

This Head gives effect to the provisions contained in Articles 19 and 20 of the 2000 EU Mutual Legal Assistance Convention insofar as requests are received by the State.

Head 4I Issuing of a request for mutual assistance in connection with interception of communications.

Provide that

(1) The Minister may issue to a judicial or a prosecuting authority acting for the purpose of a criminal investigation, in a country or territory outside the State, a written request for provision of mutual assistance in connection with, or in the form of, the interception recording and transmission of communications where the person the subject of the intercept is located

- (i) in the State to which the request is made (the requested State) and the technical assistance of that State is required, or
- (ii) in the State to which the request is made and his or her communications are capable of being intercepted there, or
- (iii) in a state other than the one making the request and the technical assistance of the requested state is required.

(2) 1. For the purposes of requests under section (1), the Government may by Order designate a country that has adopted the Convention.

2. The Government may amend or revoke an order under this section including an order made under this subsection.

(3) Conduct has lawful authority for the purposes of this section if, and only if, it is authorised by the judicial or prosecuting authority in accordance with the provisions of the 1993 Act, as if it were a measure which would be authorised in that State in a similar national case.

(4) All requests under subsection (1) of this section shall include the following:

- (a) details of the authority making the request;
- (b) confirmation that a lawful interception order or warrant has been issued by the requesting state in connection with a criminal investigation;
- (c) details to identify the subject of the interception;
- (d) information on the criminal conduct being investigated;
- (e) the desired duration of the intercept; and
- (f) appropriate technical data to enable the intercept to take place.

(5) In the case of a request under subsection 1(ii) above, a request shall also include a summary of the facts.

(6) "Service provider" shall have the same meaning as in Section 4(G)(9).

(7) Where it appears to the Minister that a service provider is or may be in possession of, or be capable of obtaining any communications data, for the purposes of a criminal investigation the Minister may, by notice to the judicial or prosecuting authority acting for the purpose of a criminal investigation request that the service provider located in the territory of the requested State

- (a) if the service provider is not already in possession of the data, to obtain the data and
- (b) in any case, to disclose all of the data in his possession or subsequently obtained by him/her.

Notes

This Head is intended to deal with the issue of requests by the State in connection with the interception of communications under Articles 17 to 20 of the 2000 EU Mutual Legal Assistance Convention.

Head 4G Receipt of a request for mutual assistance in connection with interception of communications, including in cases where technical assistance is required.

Provide that

- (1) This section shall have effect where the Minister receives from
- (a) a judicial authority, acting for the purpose of a criminal investigation, in a country or territory outside the State or a prosecuting authority acting for a similar purpose in such a country or territory, or
 - (b) from any other authority in such a country or territory which appears to the Minister to have the function of making requests of the kind to which this section applies and provided that such authority is acting for the purpose of a criminal investigation

a written request for provision of mutual assistance in connection with, or in the form of, the interception or the interception, recording and subsequent transmission of communications where the person the subject of the intercept is located

- (i) in the state which is making the request and the technical assistance of this State is required or
- (ii) in the State and his or her communications are capable of being intercepted here, or
- (iii) in a state other than the one making the request and the technical assistance of this State is required.

- (2) 1. For the purposes of requests under section (1), the Government may by Order designate a country that has adopted the Convention.

2. The Government may amend or revoke an order under this section including an order made under this subsection.
 3. An order under this section shall, as soon as may be after it is made, be laid before each House of the Oireachtas.
- (3) Where the State is party to an international agreement which
- (a) relates to the provision of mutual assistance in connection with, or in the form of, the interception of communications,
 - (b) requires the issue of a warrant, order or equivalent instrument in which assistance is given,
- and a request is received from a country designated under subsection (2) of this Section, it shall be the duty of the Minister to ensure that no request for assistance in accordance with the agreement is made on behalf of a person in the State to the competent authorities of a country outside the State except with lawful authority.
- (4) Conduct has lawful authority for the purposes of this section if, and only if, it is authorised by the Minister in accordance with the provisions of the 1993 Act, as if it were a measure which would be authorised in the State in a similar national case.
- (5) All requests under subsection (1) of this section shall include the following:
- (a) details of the authority making the request;
 - (b) confirmation that a lawful interception order or warrant has been issued by the requesting state in connection with a criminal investigation;
 - (c) details to identify the subject of the interception;
 - (d) information on the criminal conduct being investigated;
 - (e) the desired duration of the intercept; and

- (f) appropriate technical data to enable the intercept to take place.
- (6) In the case of a request under subsection 1(ii) above, a request shall also include a summary of the facts.
- (7) When a request is made in accordance with subsections 1(i) or 1(iii) and includes the information set out in subsection (5), the State undertakes to comply with the request.
- (8) When a request is made in accordance with subsection 1(ii) and includes the information set out in subsection (5) and (6), the State undertakes to comply with the request in accordance with the provisions of the 1993 Act, where it would be complied with in a similar national case, and subject to such conditions as might be imposed in such a case.
- (9) "Service provider" means a postal or telecommunications company or operator that may be in the possession of, or be capable of obtaining any communications data that falls within the meaning of the definition of interception as set out in the 1993 Act.
- (10) Where it appears to the Minister that a service provider is or may be in possession of, or be capable of obtaining any communications data, for the purposes of a criminal investigation the Minister may, by notice to the service provider, require the service provider
- (a) if the service provider is not already in possession of the data, to obtain the data and
 - (b) in any case, to disclose all of the data in his possession or subsequently obtained by him/her.

(11) A service provider who obstructs, hinders or fails to comply with requests made under subsection (10) is guilty of an offence and liable

- (i) on summary conviction to a fine not exceeding €3,000 or imprisonment for a period of 12 months or both
- (ii) on conviction on indictment, to a fine not exceeding €(to be specified) or imprisonment for a period of 5 years or both

Notes

Subheads (1) to (8) head give effect to the provisions contained in Article 18 of the 2000 EU Mutual Legal Assistance Convention insofar as as requests are received by the State. An alternative formulation of Heads (1) to (2)(1) could be as follows:-

Provide that

(1) The Government may by Order designate a country that has adopted the Convention for the purpose of receiving requests from a judicial authority, acting for the purpose of a criminal investigation, in that country or a prosecuting authority acting for a similar purpose in connection with, or in the form of, the interception of communications, where the person the subject of the intercept is located

- (i) in the state which is making the request and the technical assistance of this State is required or
- (ii) in the State and his or her communications are capable of being intercepted here, or
- (iii) in a state other than the one making the request and the technical assistance of this State is required

(2) The Government may amend or revoke an order under this section including an order made under this subsection.

Subheads (9) and (10) give effect to the provisions in Article 19 of the Convention. Subhead (11) provides for penalties for obstruction and failure by service providers to provide the communications data that comes within the terms of the Convention. Subheads (9) to (11) inclusive may require further examination in the light of developments at EU level in relation to data retention.

**Head 4H Receipt of a request for mutual assistance in connection with
interception of communications where no technical
assistance is needed.**

Provide that

(1) The Government may by Order designate a country that has adopted the Convention for the purpose of receiving notifications from a judicial authority of such country, acting for the purpose of a criminal investigation which presents the characteristics of being an investigation following the commission of a specific criminal offence, including attempts in so far as they are criminalised under national law, in order to identify arrest, charge, prosecute or deliver judgement on those responsible where the person the subject of the intercept is located in the State and his or her communications are capable of being intercepted here and the technical assistance of this State is not required

(2) The notifications under subsection (1) shall be furnished to the State

(a) (i) prior to the interception where the requesting State knows when ordering the interception that the subject is in the state

(ii) in other cases immediately after it becomes aware than the subject of the interception is in the State.

(3) The Government may amend or revoke an order under this section including an order made under this subsection.

(4) An order under this section shall, as soon as may be after it is made, be laid before each House of the Oireachtas.

(5) Where the State is party to an international agreement which

(a) relates to the provision of mutual assistance in connection with, or in the form of, the interception of communications,

- (b) requires the issue of a warrant, order or equivalent instrument in which assistance is given, and
- (c) a notification is received from a country designated under subsection of this section,

and the Minister receives a notification under Section (1), it shall be the duty of the Minister to ensure that no request for assistance is made on behalf of a person in the State to the competent authorities of a country outside the State except with lawful authority.

(6) Conduct has lawful authority for the purposes of this section if, and only if, it is authorised by the Minister in accordance with the provisions of the 1993 Act, as if it were a measure which would be authorised in the State in a similar national case.

(7) All notifications received by the State shall include the following:-

- (a) details of the authority ordering the interception
- (b) confirmation that a lawful interception order has been issued in connection with a criminal investigation
- (c) information for the purpose of identifying the subject of the interception
- (d) information on the criminal conduct being investigated
- (e) the expected duration of the interception

(8) Where a notification is received in accordance with subsection (2) and (7) the following shall apply

- (a) Upon receipt of the information provided under subsection (7), the State shall, without delay, and at the latest within 96 hours reply to the intercepting Member State with a view to
 - (i) allowing the interception to be carried out or to be continued. The consent may be subject to any conditions

which would have to be observed in a similar national case;

- (ii) requiring the interception not to be carried out or to be terminated where the interception would not be permissible in accordance with of the provisions of the 1993 Act or for the reasons specified in Article 2 of the European Mutual Assistance Convention. Where the State imposes such a requirement, it shall give reasons for its decision in writing;
 - (iii) in cases referred to in point (ii), requiring that any material already intercepted while the subject was on its territory may not be used or may only be used under conditions which it shall specify. The State shall inform the intercepting Member State of the reasons justifying the said conditions.
 - (iv) requiring a short extension of up to a maximum period of eight days, to the original 96-hour deadline to be agreed with the intercepting Member State in order to carry out internal procedures under the law of the State. The State shall communicate, in writing, to the intercepting Member State the conditions which, pursuant to national law, justify the requested extension of the deadline.
- (b) Until a decision has been taken by the State pursuant to points (i) or (ii) of subparagraph (a), the intercepting State:
- (i) may continue the interception: and
 - (ii) may not use the material already intercepted except:
 - if otherwise agreed between the Member States concerned:
- or

- for taking urgent measures to prevent an immediate and serious threat to public security. The Member State shall be informed of any such use and the reasons justifying it.

- (c) The State may request a summary of the facts of the case and any further information necessary to enable it to decide whether interception would be authorised in a similar national case. Such a request does not affect the application of subparagraph (b), unless otherwise agreed between the State and the intercepting Member State.

Notes

This Head gives effect to the provisions contained in Articles 19 and 20 of the 2000 EU Mutual Legal Assistance Convention insofar as requests are received by the State.

Head 4I Issuing of a request for mutual assistance in connection with interception of communications.

Provide that

- (1) The Minister may issue to a judicial or a prosecuting authority acting for the purpose of a criminal investigation, in a country or territory outside the State, a written request for provision of mutual assistance in connection with, or in the form of, the interception recording and transmission of communications where the person the subject of the intercept is located
- (i) in the State to which the request is made (the requested State) and the technical assistance of that State is required, or
 - (ii) in the State to which the request is made and his or her communications are capable of being intercepted there, or
 - (iii) in a state other than the one making the request and the technical assistance of the requested state is required.
- (2) 1. For the purposes of requests under section (1), the Government may by Order designate a country that has adopted the Convention.
2. The Government may amend or revoke an order under this section including an order made under this subsection.
- (3) Conduct has lawful authority for the purposes of this section if, and only if, it is authorised by the judicial or prosecuting authority in accordance with the provisions of the 1993 Act, as if it were a measure which would be authorised in that State in a similar national case.
- (4) All requests under subsection (1) of this section shall include the following:
- (a) details of the authority making the request;