

# Disclosure of criminal records data - legal aspects

1. Taking an anti-discrimination approach to criminal records data
2. The right to privacy - Article 8 and GDPR

# **1. Taking an anti-discrimination approach to criminal records data**

- The Irish position
  - Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016
  - Criminal Justice (Rehabilitative Periods) Bill 2018

- Why does it matter?

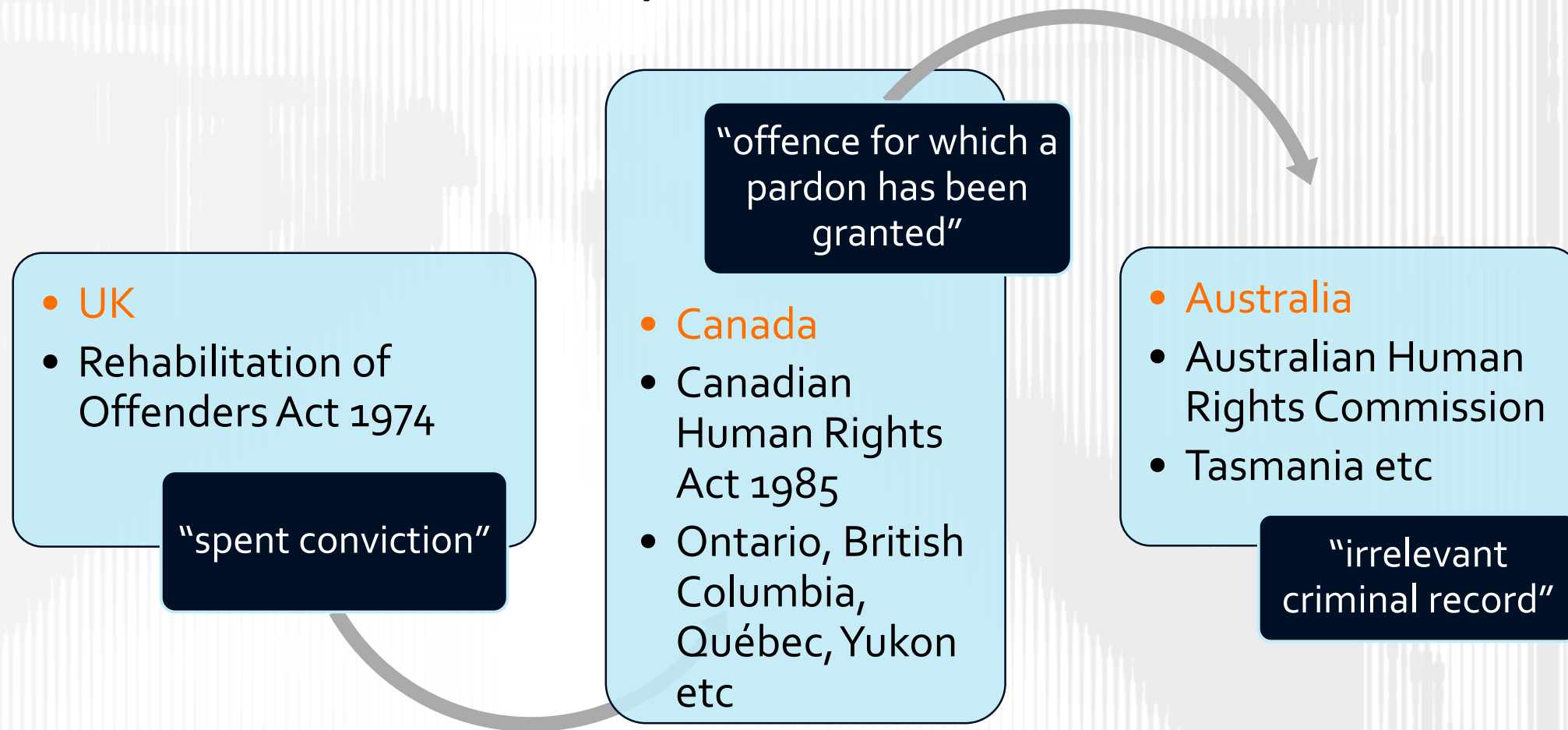
- 2019 IPRT survey

- 81% (120) of respondents stated that having a conviction has had a negative impact on their “*getting a job*”
- 39% (58) concerned about the impact of their conviction on obtaining car / home/ personal insurance
- 29% (43) concerned about the impact of their conviction on accessing education

- Employer attitudes

- Solas survey in 2019 found that over 60% of employers would consider offering employment to an ex-offender
- UK YouGov study in 2016 found that 50% of employers would not consider employing an ex-offender

# International Examples



- Wider support?
  - Programme for Government
  - IHREC Survey 2020

## **2. The right to privacy - Article 8 and GDPR**

- Article 8

- ECHR

- *MM v UK* (Application No. 24029/07)

- UK

- *In re Gallagher* [2020] AC 185

- Ireland

- *GS v An Garda Síochána* [2017] IEHC 190



- **GDPR & Data Protection Law**
  - Joint Committee on Justice and Equality ‘Report on Spent Convictions’ (October 2019)
  - Data Protection Act 2018, section 55

# Concluding Remarks

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