

Statistics Bill 1993

On 5 May 1993 Minister Dempsey in reply to a question advised the Statistics Bill "will be submitted to Government for approval within the next three weeks. Subject to that approval, and following normal practice, it is expected that the Bill will be published within a week of the Government's decision." So in effect as the timeline below will illustrate the Bill was debated and enacted in less than 6 weeks (maximum).

*** Bill was taken through all Stages in one day in Seanad Éireann – 17 June 1993**

Second Stage, 17 June 1993

Seanad Éireann

Points below are extracts – for full context see - Second Stage:

<http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/seanad1993061700006?opendocument>

Minister **Noel Dempsey** – Introduction of Bill

"Another major change to existing legislation is provided for in section 35. This will allow public access to the forms completed in the censuses of population since 1926, but only 100 years after the date of the relevant census. The forms which survive from the 1901 and 1911 censuses are not governed by the Statistics Act, 1926, and are accessible to the public in the National Archives. Indeed, they are the most frequently used documents in the archives. They provide an invaluable source of information for genealogical purposes, and many people call into the archives every day to find out more about their ancestors. Public access to census of population records after a lengthy period is a common practice internationally."

Senator **Maurice Manning**

"The Minister of State mentioned the question of raw data being made available 100 years after its compilation. This is one area where I would take issue with the Bill. The Minister said one of the most frequently used sections in the National Archives is that dealing with the data from the censuses of 1906 and 1911 but we are saying that the census material compiled since the foundation of the State, for example in 1926 and 1936, will not be available for 100 years. I regret this. I should say that the wonderful, new National Archives are doing a great deal for scholarship in this country and are a credit to all concerned.

At present Cabinet papers are made available after 30 years and they frequently contain sensitive material which can make or break reputations, and provide a fuller picture of how Government operated on our behalf at that time. The data made available under a 50 or 60 year rule would largely be used by bona fide scholars and researchers, and the National Archives would be in a position to check the credentials of those who wished to use it.

I would accept a situation where some material is classified and other material is not, as happens with some police records where examinations are made as to what may or may not be released. I would like to hear what the Minister of State has to say on that point because I think a period of 100 years is too restrictive. Perhaps he could say what the situation is in other countries with regard to the release of archive material. I intend moving an amendment on this at which point we can discuss it further."

Reply by Minister **Noel Dempsey**

"We will be discussing the 100 year rule on Committee Stage. I have no serious hang-up whether the time-scale is 50, 60 or 100 years. However, there is considerable unease about the confidentiality of information. I understand that census forms remain confidential for about two generations. If this period were any shorter, people filling the forms would fear that the information would not be confidential and their grandchildren or others would be able to look into their background. This is a real fear. The Senator made a very good point in relation to the 1901 and 1911 censuses of population and the fact that the information provided in subsequent censuses is not available to researchers. I may not be able to do anything about that in this Bill but for research purposes we might be able to examine this issue."

Committee Stage, 17 June 1993

Statistics Bill 1993

Seanad Éireann

Points below are extracts – for full context see – Committee Stage:

<http://oireachtasdebates.oireachtas.ie/debates%20authoring/DebatesWebPack.nsf/takes/seanad1993061700007?opendocument>

Amendment to Section 35

SECTION 35.

Mr. Manning: I move amendment No. 7:

In page 14, line 36, to delete "100 years" and substitute "50 years".

This point has been well covered on Second Stage. The Minister expressed an open attitude to this in his reply. He made the point in his speech that the 1911 census data is one of the most frequently used data banks in the national archive. I am sure the Minister would agree that 100 years is unduly restrictive. He mentioned the objection, which is the same situation as might occur with Garda files, that information might prove embarrassing to people who are still alive. The Minister suggested that he did not have any great objection in principle; I propose a verbal amendment at this stage which might meet the Minister's objection and the point I am trying to make. This might allow the Minister to do what we should do and yet safeguard interests.

Would it be possible to change 100 years to 50 years and after the word "census" insert "save in the case of data deemed by the Director General to be of a sensitive or classified nature"? We accept that the Director General is a person of total integrity in this matter and we are giving him or her discretion to release data which could be of great value to researchers and scholars without interfering with the rights of living people where embarrassing material might become available. I am not sure of the proprieties of this but I am proposing this amendment and perhaps it could be incorporated. It would meet both the Minister's reservations and the objective that I, Senator Lee and others seek.

Mr. Dempsey: We all agree on this matter. It is just a question of underlining the difficulty which may arise for people regarding confidentiality. Is the Senator dropping the 50 years or is he leaving that in?

Mr. Manning: I am leaving 50 years in in addition to the rider "save in the case of...".

Mr. Dempsey: I do not wish to quibble with the Senator but may I suggest 70 years for the purpose of the discussion. I suggest this because 70 years is the average lifetime and then put in the rider "save in the case of data which may be deemed by..."

Mr. Manning: Seventy years means we wait two or three years for the 1926 census. We have waited this long so I would accept 70 years.

Mr. Dempsey: There may be some specific difficulties with this. May I ask the House that, rather than changing this as it stands, some time would be given to consider it? This would mean that it would probably be brought back to the House to enable the introduction of what is deemed to be a reasonable change. The spirit of what the Senator has proposed has been agreed here but technical and other difficulties may arise. Could it be left as it stands at the moment and by the time it is moved in the other House there will be an amendment and it will be brought back to the Seanad?

Amendment, by leave, withdrawn.

Section 35 agreed to.

Second Stage, 22 June 1993

Dáil Éireann

Note: Even though Minister Dempsey gave Senator Manning on Thursday 17 June 1993 a strong commitment to reduce to 70 years he had changed his position back to 100 years when he presented the Bill to the Dail on Tuesday 22 June 1993 (just 5 days later).

Point below is an extract – for full context see - Dáil Second Stage:

<http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail1993062200027?opendocument>

Deputy Proinsias De Rossa raised reducing to 50 or 70 years.

Minister Dempsey in his reply to Dáil:

A number of Deputies referred to the 100 years rule. The importance of the confidentiality of information given in a census of population cannot be over-stressed. It is very important that people who give information in a census know that this information will be kept confidential. Deputy O'Malley said that section 35 might be amended to allow serious and genuine scholars access to census figures after a certain period of time. I think this is covered to some extent by section 33, which provides that people seeking information for serious purposes may have access to it with the written consent of a person, a personal representative or the next of kin of a deceased person. When the Bill was discussed in the Seanad reference was made to the 100 years rule. I think, on balance, that the 100 years rule is about the right to protect the integrity of people and ensure that information is kept confidential.

Committee and Final Stages completed on 7 July

<http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail1993070700023?opendocument>