



**Coimisiún na hÉireann um Chearta  
an Duine agus Comhionannas**  
Irish Human Rights and Equality Commission

RESOLUTION OF THE IRISH HUMAN RIGHTS AND EQUALITY COMMISSION ON REQUESTS FOR  
INQUIRIES

Whereas –

1. The functions of the Irish Human Rights and Equality Commission ('the Commission')<sup>1</sup> under the Irish Human Rights and Equality Commission Act ('the 2014 Act') include that of conducting inquiries;
2. The Commission may conduct an inquiry either of its own volition, or if requested to do so by the Minister for Justice and Equality ('the Minister');
3. The Commission has received a number of requests for inquiries made by persons other than the Minister since its establishment on 1 November 2014;
4. The Commission considers it both necessary and expedient for the performance of its functions to clarify the manner in which requests for inquiries made by persons other than the Minister for Justice and Equality will be treated;

The Commission hereby adopts this resolution on requests for inquiries, in exercise of its powers under s.10(5) of the 2014 Act.

5. The Commission notes that the 2014 Act does not confer a statutory right to request an inquiry on persons other than the Minister.
6. Consequently, the Commission, having regard to the need to ensure the most beneficial, effective, and efficient use of its available resources, will not generally (a) engage in any decision-making process or (b) conduct an assessment of the merits or otherwise of requests (in whatever form) that it conduct an inquiry made by persons other than the Minister.
7. The Commission may however have due regard to the nature of such requests in forming a view as to whether the criteria provided for at s.35(1) of the 2014 Act are made out, i.e. as to whether –

(a) there is, in any body (whether public or otherwise), institution, sector of society, or geographical area, evidence of –

(i) a serious violation of human rights or equality of treatment obligations in respect of a person or a class of persons, or

(ii) a systemic failure to comply with human rights or equality of treatment obligations,

(b) the matter is of grave public concern, and

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<sup>1</sup> In this resolution, the expression 'the Commission' includes any member of the staff of the Commission duly authorised to perform any of its functions.



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(c) it is in the circumstances necessary and appropriate to conduct an inquiry.

8. Unsolicited documentation or information furnished in support of a request for an inquiry (in whatever form) made by a person other than the Minister will not normally receive any substantive consideration by the Commission. The Commission will not normally enter into correspondence on foot of the receipt of such unsolicited documentation or information.
9. The Commission will nonetheless treat such documentation or information as having been given in confidence and on the understanding that it will be treated confidentially, within the meaning of s.35 of the Freedom of Information Act 2014 and/or s.4(4A) of the Data Protection Acts 1988 and 2003.
10. Notwithstanding, the Commission cannot guarantee that such documentation or information will not be disclosed to third parties in response to a request for access to records and/or access to personal data (including sensitive personal data), where such disclosure is required by law.
11. The Commission recognises that documents or information furnished to the Commission in support of a request for an inquiry (in whatever form) may give rise to obligations to disclose that information, whether to a member of the Garda Síochána under s.19 of the Criminal Justice Act 2011 and/or s.2 or s.3 of the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012, or otherwise. This obligation may be subject to certain defences, exceptions or exclusions as set out in the relevant legislation.
12. The Commission recognises that documents or information furnished to the Commission in support of a request for an inquiry (in whatever form) may give rise to an obligation under the Protected Disclosures Act 2014 not to disclose to another person any information that might identify the person by whom the protected disclosure was made, subject to certain exceptions as set out in the relevant legislation.

*This resolution was adopted by the Commission on 18 May 2016 and may be amended from time to time by the Commission at its absolute discretion, without prior notice to affected parties.*