



PRIVACY, PRIVILEGE & ACCESS TO DATA

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DATA RETENTION AND THE RIGHT TO DATA PROTECTION

Key takeaways from Europe:

1. Privacy and the right to data protection are protected by EU law
2. Member States cannot retain data indiscriminately
3. Proportionality, necessity, limitation and restriction

THE IRISH RESPONSE

- The 2011 Act
- The decision in Dwyer
- The 2022 Act – Quick fix or faux pas?
- Future challenges?

A CHANGING LANDSCAPE?

- Decisions of SC in *Quirke & Corcoran*

Key takeaways:

1. Protection of the “digital space”
2. Privilege – how to effectively protect privileged material?
3. Section 10 warrants – fit for purpose?

PAPERING THE CRACKS

- Real reform needed to properly protect
- Lack of urgency & attention in criminal law sphere
- Unwillingness of the Courts to take action?

FUTURE REGULATION

- eEvidence Regulation and the Budapest Convention
 - Need for comprehensive and considered legislation to avoid falling foul of recent jurisprudence