



STATUTORY INSTRUMENTS.

S.I. No. 610 of 2024



EUROPEAN UNION (DATA PROTECTION ACT 2018) (AMENDMENT
OF SECTION 60) REGULATIONS 2024

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I, HELEN MCENTEE, Minister for Justice, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving further effect to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016¹ on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), hereby make the following regulations:

1. These Regulations may be cited as the European Union (Data Protection Act 2018) (Amendment of section 60) Regulations 2024.

2. Section 60 of the Data Protection Act 2018 (No. 7 of 2018) is amended -

(a) in subsection (3), by the substitution of the following paragraph for paragraph (c):

“(c) the restrictions are, having regard to the matters specified in subsection (3A), necessary and proportionate to safeguard the performance -

(i) by the Commission of its functions,

(ii) by the Information Commissioner of his or her functions, or

(iii) by the Comptroller and Auditor General of his or her functions.”,

and

(b) by the insertion of the following subsection after subsection (3):

“(3A) In determining, for the purposes of subsection (3)(c), whether the restriction of a right or an obligation is necessary and proportionate to safeguard the performance of a function, the Commission, Information Commissioner or Comptroller and Auditor General, as the case may be, shall have regard to -

(i) the extent to which the exercise of the right or compliance with the obligation concerned would prejudice the performance of the function, including by -

(I) disclosing that a particular function is being performed, in a case in which such disclosure

¹ O.J. No. L 119, 4.5.16, p.1

may prejudice the performance of the function concerned, or

- (II) preventing the processing of personal data for a period of time where any delay to the processing may prejudice the performance of that function,
 - (ii) the need to respect the essence of the right to data protection of a data subject,
- and
- (iii) the risks to the rights and freedoms of a data subject which may result from such a restriction.”.



GIVEN under my Official Seal,
5 November, 2024.

HELEN MCENTEE,
Minister for Justice.

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