

October 15, 2025

To: The Chair and Members
Committee for the Executive Office
Northern Ireland Assembly
Parliament Buildings, Stormont
Belfast, BT4 3XX

Subject: Proposal to Include an “Access to Records and Equivalence of Rights” Clause in the Truth Recovery and Redress Bill

Dear Chair and Committee Members,

I respectfully propose that the Mother and Baby Institutions, Magdalene Laundries and Workhouses Inquiry and Redress Bill be amended to include a new Part on Access to Records and Equivalence of Rights.

This amendment would ensure that every person affected by coercive family separation or institutionalisation in Northern Ireland has a statutory right to obtain their birth, adoption and early-life information, on an equal footing with those in the Republic of Ireland under the Birth Information and Tracing Act 2022. It would guarantee that the right to truth, acknowledgment and accountability includes the right to know one’s own identity and origins—something which survivors have consistently identified as central to any process of redress or healing.

Why inclusion is necessary

At present, access to information in Northern Ireland depends on a patchwork of discretionary mechanisms. Adopted people may seek information under the Adoption (NI) Order 1987 or by making a subject access request under the Data Protection Act 2018, but agencies still determine what they believe an individual ought to see. Those who were boarded-out, fostered, or institutionalised without formal adoption have even fewer routes, relying on goodwill or inconsistent institutional practice.

The Preservation of Documents (Historical Institutions) Act 2022 requires that records be retained but does not guarantee access to them. Meanwhile, the Republic of Ireland has legislated to provide a clear and enforceable right of

access through the Birth Information and Tracing Act 2022 and the Preservation of Certain Records Act 2024. This leaves survivors in Northern Ireland with fewer rights than those across the border, despite the shared history and cross-border nature of many adoptions and placements.

Why inclusion is in scope

Including an Access-to-Records Part in the current Bill would be squarely within its scope. The Bill already provides for truth recovery, redress, and the establishment of an independent investigation—all of which depend on records as the evidence base for truth and accountability. The long title of the Bill (to provide for an inquiry, redress, and matters connected therewith) is broad enough to encompass provisions that ensure such records are accessible to those directly affected. The Truth Recovery Design Panel Report (2021) identified access to records as a core component of truth, not an ancillary issue.

This clause would therefore not introduce a new policy area but rather complete the logic of the Bill by linking redress and inquiry processes to the individual right of survivors to obtain their own information. It would also build directly upon the existing Preservation of Documents (Historical Institutions) Act 2022, which the Executive Office itself sponsored. That Act focused on keeping records safe; this clause would move the process forward—from preservation to meaningful access.

Human-rights and cross-border equivalence

The amendment would also ensure compliance with Northern Ireland's obligations under:

- Article 8 of the European Convention on Human Rights (right to private and family life and to identity);
- Articles 7 and 8 of the UN Convention on the Rights of the Child (child's right to know and preserve identity and family relations); and
- Article 2 of the Windsor Framework, which requires no diminution of rights compared with the protections guaranteed by the Good Friday/Belfast Agreement.

The Agreement's equivalence of rights principle recognises that people in Northern Ireland should enjoy rights protection at least equal to that available in the Republic. Now that the Republic has legislated to recognise access to identity and early-life information as a matter of statutory right, the same standard should apply in Northern Ireland.

Efficiency and coherence

Adding this clause to the current Bill is far more efficient than pursuing separate primary legislation. It uses the existing legislative vehicle for truth and redress, keeps survivor issues together under one framework, and ensures consistency across government departments. It would also allow the Executive Office, as lead department, to coordinate with the Department of Health (for adoption records) and the Department for Communities/PRONI (for archival and records management). The approach is therefore practical, cost-effective, and administratively coherent.

Conclusion

For these reasons, I respectfully ask the Committee to recommend that the Executive Office consider including an Access to Records and Equivalence of Rights clause in the current Bill. This would fulfil the recommendations of the Truth Recovery Design Panel (2021), ensure compliance with the Good Friday Agreement and the ECHR, and finally deliver to survivors and adoptees in Northern Ireland the same right to information and identity that is already recognised in the Republic of Ireland.

Yours sincerely,