

Stormont Castle
BELFAST
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[REDACTED]

Nick Mitford
Clerk
Committee for the Executive Office
Parliament Buildings
Stormont
Belfast

05 November 2025

Dear Nick,

Truth Recovery – Follow-up questions from Committee session 24th September 2025

Thank you for your letter dated 25th September. The Department has provided further information below, (**Annex 1**) in relation to the areas you highlighted.

Yours sincerely

[REDACTED]
Departmental Assembly Liaison Officer

Annex 1 – Response to Committee letter dated 25th September 2025

Access to information – including power to compel disclosure

Access to information – Inquiry

A key tenet of statutory inquiries is that the proceedings should be held in public and that information should be readily available to inform proceedings (Clause 14).

There may be circumstances, however, where the inquiry chairperson needs to restrict some of the information that is disclosed if this facilitates the inquiry fulfilling its terms of reference or if it is considered to be necessary in the public interest.

Where personal or sensitive information has been provided by a victim and survivor, an inquiry chairperson may employ a cipher to protect this person's identity when their witness statement is read into the inquiry record (as in the Historical Institutional Abuse Inquiry 2013).

Generally, such information would, however, be available to core participants and their legal representatives, subject to their having signed a confidentiality agreement.

As in the Inquiries Act 2005, the inquiry chairperson is required in the Bill (clause 15(2)-(4) to weigh up the benefits and disadvantages of imposing any such “restriction order”. Such restriction orders may be varied or revoked should the circumstances change.

Victims and survivors should be granted early access to information that related to their personal circumstances before this was shared more widely in the inquiry (in the event that this is the case)

Powers to compel – Inquiry

One of the key powers in the Bill, as in the Inquiries Act 2005, is to be able to compel evidence and documents from persons or organisations (Clause 16).

Clause 23 supports clause 16. Clause 23 sets out that it is an offence if a person fails to comply with a request to provide evidence or produce documents requested under clause 16, without a reasonable excuse.

A person who is guilty of an offence under clause 23 could be subject to a fine (not exceeding level 3) and/or imprisonment of up to six months.

Clause 17 allows that there are occasions in which a person may not be required to give, produce or provide information including due to a civil process or due to being withheld on grounds of a public interest immunity.

This is included in the Inquiries Act 2005 (section 22) and applies in all civil proceedings; safeguards need to be in place for its usage and is generally only used in very exceptional circumstances.

Power to compel - Redress

Clause 35 of the Bill gives the Redress Service the power to compel information and Clause 36 allows the Service to also share information. Both clauses specify that these powers can only be exercised in the determination of an application and cannot contravene existing data protection legislation.

As the Standardised Payment only requires verification of a person's admission, or their mother's admission, to a listed institution, the Redress Service will only be requesting confirmation of admission and will not be looking to acquire, or share, detailed records relating to an applicant.

Generally, any information acquired by the Redress Service would also be accessible to the person it relates to via a Subject Access Request (SAR) made to the relevant record holder.

An eligible relative of a deceased adopted person, however, may find barriers to accessing records (such as the deceased's birth certificate) and, in these cases, the Redress Service may be able to access this information solely for the purpose of determining the application. This matter is currently being considered on in more detail.

Provisions to be included in the next piece of legislation.

We have assumed this relates to delegated legislation – specifically the rules and regulations. There is a further general provision whereby TEO has powers to make supplementary provisions.

Inquiry provisions

Definition of Prescribed Institutions (clause 3) - regulations

Procedure for prescribing the list of institutions to be investigated in the inquiry including the ability to amend/ add to this list.

Definition of 'relevant persons' (clause 4) - regulations

Provision to amend the definition of 'relevant persons'.

Rules (clause 27)

Provision for the general procedural aspects of the inquiry including:

- i. in matters of evidence and procedure related to the inquiry;
- ii. for the provision for the return or keeping, after the end of the inquiry, of inquiry documentation;
- iii. for the award of witness expenses under clause 21.
- iv. making provision for witness anonymity orders and allowing for disclosure of evidence where this is required to avoid a breach of the Human Rights Act 1998; and
- v. providing for the chairperson or a nominee to assess (and review, where necessary) the amount of any awards under clause 21.

Redress provisions

The redress scheme regulations will focus on the procedural aspects of the scheme, including, but not limited to:

- I. Evidential requirements for applications to the scheme (such as photo ID, birth certificate etc.)
- II. Procedure for notice of the application to the institution
- III. Procedure for the Redress Service to request further information
- IV. Procedure if the applicant dies during the application process
- V. Procedure for appeals
- VI. Procedure for notice of determination to applicant

VII. Procedure for withdrawal of application

General provision

Power to make supplementary, etc. provision

Provision to make supplementary, transitional and consequential provision where necessary.

Individually Assessed Payment

It is intended that the Individually Assessed Payment will follow in a separate piece of legislation once the public inquiry has concluded. This will allow it to be fully responsive to the inquiry's findings.

Although the full details of the scheme cannot be known at this stage, it is likely that it will look holistically at the experience of the individual and the payment tailored to the level of harm suffered.

In other schemes of a similar nature, an application requires a statement of experience and potentially corroborating evidence such as social care records and medical assessments.

It is usual for the applicant to be supported by a legal representative or case worker who can help them gather information via a Subject Access Request (SAR) to the relevant record holder. Any information that would be available to the redress body should also be available to the applicant, if it directly relates to them, using this method.

The Information Commissioner's Office has advised that there may be data protection issues with holding on to personal information collected for the Standardised Payment for an indefinite period of time, and for a future scheme with unknown eligibility requirements.

This, plus the difference in evidential requirements for the Standardised Payment and Individually Assessed Payment, and the distinct timeframes involved, means there will need to be two separate application processes but there could be a process to link SP and IAP applications subject to data protection considerations.



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25 September 2025

Dear [REDACTED]

Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill – Follow up information

At its meeting on the 24 September, the Committee received an oral briefing from Departmental officials in relation to the Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill.

Following this oral evidence session, the Committee agreed to write to the Department to request the follow up information that officials had undertaken to provide, specifically in relation to:

- Access to information – including the powers to compel disclosure;
- Provisions to be included in the next piece of legislation; and
- The individualised payment scheme

I would appreciate a response by Thursday 9 October 2025.

Yours sincerely

Nick Mitford
Clerk Committee for the Executive Office

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