



PCSA

Údarás Póilíneachta
& Sábháilteachta Pobail
Policing & Community
Safety Authority

Standing Orders for the Policing and Community Safety Authority

Version Control	v.0.1
Approval level	Authority
Approval date	29/04/2025
Updates	N/A
Reviewed by	Director of Business Services
To be Reviewed	April 2026

April 2025

Standing Orders for the Policing and Community Safety Authority

Contents

Introduction	2
Standing order 1 – Meetings of the Authority	3
Standing order 2 – Publication and Confidentiality	4
Standing order 3 – Chair of Meetings	5
Standing order 4 – Agenda and Order of Business	5
Standing order 5 - Attendance at and Participation in Authority Meetings	6
Standing order 6 - Attendance at and Participation in Meetings in Public with the Garda Commissioner and the Director of Community Safety.....	9
Standing order 7 - Voting.....	10
Standing order 8 - Minutes.....	10
Standing order 9 – Committees.....	11
Standing order 10 - Effectiveness	14
Standing order 11 - Disclosure of Information.....	15
Standing order 12 - Equality and Human Rights.....	15
Standing order 13 - Conduct.....	15
Standing order 14 - Interpretation.....	15
Standing order 15 - Revocation and Revision of Standing Orders.....	15
Appendix 1 – Extract from PSCS Act relating to Confidentiality	17

Introduction

The Policing and Community Safety Authority – an t-Údarás Póilíneachta agus Sábháilteachta Pobail (hereafter referred to as the PCSA or the Authority) was established under the Policing, Security and Community Safety Act 2024.

Throughout these Standing Orders:

- ‘Act’ means the Policing, Security and Community Safety Act 2024.
- ‘Authority’ means the Policing and Community Safety Authority, established under S.121(1) of the Act.
- ‘Chairperson’ means the Chairperson appointed by Government under S.123(8) of the Act.
- ‘Member(s)’ means a Member(s) of the Authority appointed by Government under S.123(10) of the Act.
- ‘Code’ means Code of Conduct for the Members and Staff of the PCSA.
- ‘Secretary’ means a person appointed by the Authority in accordance with these Standing Orders.
- ‘Director’ means the Director of the National Office of Community Safety, established under S.109(1) of the Act.

Where the Chairperson is not present at a meeting of the Authority the procedure set out in Standing Order 3 shall apply. For any other functions set out in these Standing Orders the Chairperson may nominate another person (who is either a Member or a member of the staff of the PCSA) to perform those functions in the event that they are absent.

Standing order 1 – Meetings of the Authority

Frequency of Meetings

The Authority shall meet not less than 10 times in each year at dates, times and venues agreed by the Authority. In addition, the Authority may hold such other meetings as may be necessary for the due fulfilment of its functions, including meetings with the Garda Commissioner and the Director.

Secretary

The Authority shall appoint a member of the staff of the PCSA to be Secretary to the Authority. The removal of the Secretary is a matter for the Authority.

All Members shall have access to the advice and services of the Secretary, who is responsible to the Authority for ensuring that procedures are complied with.

The Secretary is responsible for the formal induction of new Members and organising mentoring for Members where required.

The Secretary is a support to the Authority and may be assigned such functions and duties as may be delegated by the Authority including those related to statutory duties, duty of disclosure, duty to exercise due care, skill and diligence and administrative duties.

Notice of Meetings

The Chairperson shall fix the date, time and place of meetings of the Authority. Meetings of the Authority shall be summoned by the Secretary at the request of the Chairperson.

At least 2 months before the end of each calendar year a list of dates, times and locations for the following year's ordinary meetings of the Authority shall be circulated to the Authority for approval. Once approved, the planned schedule of meeting dates will be published on the PCSA website and formally notified to the Garda Commissioner and the Director of the National Office for Community Safety.

As far as possible, at least seven calendar days before a meeting of the Authority there shall be issued to every Member a copy of:

- A notice convening the meeting with details of the date, time and location;

Standing Orders for the Policing and Community Safety Authority

- A statement of the business to be considered at the meeting (the agenda); and
- All reports and other documents referred to in or to be read with the agenda¹.

The Chairperson may:

- At any time alter the time and/or place for a particular meeting;
- Order the convening of an additional meeting.

If the Chairperson agrees that an emergency meeting of the Authority is required this may be held without the notice required by these Standing Orders being given, provided that any decisions taken at that meeting are reported at the next meeting of the Authority.

Standing order 2 – Publication and Confidentiality

The PCSA and its Members and staff are subject to the Official Secrets Act 1963 and specific confidentiality requirements are also set out in the Act. An extract from the Act is included as an Appendix to this document for Members' reference, which outlines the implications of contravention of the Act.

The PCSA shall, as it considers appropriate, publish on its website the following:

- Draft and final agendas for its meetings;
- Final policy and procedural documents approved or adopted by the Authority;
and
- Such reports of those meetings as it considers appropriate.

This makes operational the PCSA's discretionary ability to publish as set out in the Act².

The Chief Executive shall make a decision regarding the appropriateness of publishing reports or documents referred to above and will not publish anything containing confidential information that may have a harmful effect (as defined in Section 153(2) of the Act.) In reaching this decision, the Chief Executive will have regard to any representations he or she receives regarding confidentiality.

¹ Papers shall normally be circulated by electronic means.

² Section 130(6) of the Act

Standing order 3 – Chair of Meetings

If the Chairperson of the PCSA is present at a meeting of the Authority, they shall be the Chairperson of the meeting.

If, and for so long as the Chairperson is not present, or if the office of the Chairperson is vacant, the Members who are present shall choose one of their number to act as the Chairperson of the meeting.³

Where a matter relating to the interests of the Chairperson arises, the other Members present shall choose one of their number to chair the meeting.

The Chairperson should absent themselves when the Authority is deliberating or deciding on a matter in which the Chairperson has an interest.

Standing order 4 – Agenda and Order of Business

The Chairperson and the Chief Executive shall meet in advance of each meeting of the Authority to prepare the draft agenda. In doing so, they shall ensure the effective management of the agenda, and that adequate time is available for discussion of all agenda items, in particular strategic issues.

The Secretary shall circulate the draft agenda and publish it on the PCSA's website one week in advance of the meeting.

Where a Member wishes a matter to be placed on the agenda, they shall notify the Secretary of this 10 days in advance of the meeting. In addition, where a Member wishes to have reports or other documents circulated to the Authority these should be provided to the Secretary 10 days prior to Authority meetings.

Where a Member requests that a paper be circulated to other Members, they shall indicate whether in their view the paper should be treated as confidential and therefore not published under Standing Order 2. The Chairperson and Chief Executive will consider such proposals in the context of preparing the draft agenda.

The draft agenda shall be approved by the Chairperson in advance of circulation to Members.

Each matter for consideration by the Authority shall be clearly identified as to whether it is for information, discussion, or decision.

³ Section 130(7) of the Act

Standing Orders for the Policing and Community Safety Authority

In exceptional circumstances, a Member may raise a matter at a meeting not set out in the agenda subject to that Member providing advance notice to the Chairperson. The matter may be discussed or decided upon if the majority of the Members present agree to the addition of that matter to the agenda.

The order of business shall generally be:

- 1 Chairperson's opening remarks
 - 1.1. Introductions;
 - 1.2. Apologies for absence;
 - 1.3. Approval of the draft agenda;
 - 1.4. Declaration of interests involving any agenda items (as per the Code);
and
 - 1.5. Correspondence
- 2 Approval of the minutes of the last meeting as a correct record and signature by the Chairperson of the meeting;
- 3 Consideration of any matters remaining from the last meeting or any matters arising from the minutes of the last meeting; and
- 4 Dealing with the business as set out in the Agenda.

The following shall be standing items on the Authority meeting agenda:

- An opportunity for Authority Members to meet in private without the Senior Management Team present; and
- Risk management.

Standing order 5 - Attendance at and Participation in PCSA Meetings

The names of Members and official attendees present at a meeting of the Authority or at meetings of the Authority's committees shall be duly recorded in the minutes. A register shall be kept showing details of the meetings attended by Authority Members and be published annually as part of the PCSA's annual report.

In addition to a meeting with all participants physically present, the Authority may hold or continue to hold a meeting by the use of any means of communication by which all the participants can hear and be heard at the same time (a 'remote

meeting).⁴ Where a Member attends a meeting in this way they will be present for the purposes of constituting a quorum and may vote.

All business at Authority meetings shall be conducted through the Chairperson by participants indicating to the Chairperson that they wish to speak. The Chairperson shall promote a culture of openness, diversity and debate by facilitating the effective contribution, including constructive challenge, by Members.

In the event of a need arising for a formal Authority decision in relation to a matter in between scheduled Authority meetings, and where appropriate to do so, the Chairperson may decide to circulate a paper setting out the matter for decision and any relevant supporting material for the consideration and decision of the Authority by written procedure⁵. In these circumstances, the Secretary will circulate all Members, setting a deadline for the receipt of Members' views and allowing a minimum of one day for consideration of the matter. The Secretary will inform the Chairperson of responses received and the matter will be decided in accordance with the consensus of responses received from Members by the deadline provided, subject to responses being received from a quorum of Members. In the event that it is not possible to reach consensus by written procedure, the matter will be brought to the next meeting of the Authority. Any decisions made by written procedure will be recorded in the minutes of the subsequent Authority meeting.

Where the exigencies of the situation require, the Chairperson may take a decision on behalf of the Authority between meetings, having regard to the nature of the matter concerned and after consultation with the Chief Executive, provided there are no significant issues arising for the PCSA. Any such decisions will be notified to Members in writing at the earliest opportunity and recorded in the minutes of the subsequent Authority meeting.

Members of the Senior Management Team (consisting of the Chief Executive and Heads of Directorates) will normally be invited to attend Authority meetings and may contribute to the discussion when appropriate. Other staff of the PCSA may be invited to attend and contribute for specific items.

⁴ Section 130(11) of the Act

⁵ Papers shall normally be circulated by electronic means.

Standing Orders for the Policing and Community Safety Authority

The Authority shall meet at least annually without management present to discuss any matters deemed relevant. In these circumstances, the Chairperson shall communicate any decision of such private meeting to the Secretary for record purposes.

The Chief Executive may be requested to leave a meeting when the matters to be discussed concern their remuneration and/or performance of their duties.

The Garda Commissioner and their senior team shall be invited to attend meetings with the Authority for the purpose of the Members engaging directly with the Commissioner regarding oversight of An Garda Síochána. Such matters will not be dealt with by either written advance questions or post-meeting, written questions; rather Members shall ensure that all relevant and appropriate matters are addressed to the Commissioner at these meetings.

The Director of Community Safety and their senior team shall be invited to attend such meetings of the Authority as is reasonably required for the purpose of engaging directly with the Director in order to facilitate the performance of the Authority of its functions. Such matters will not be dealt with by either written advance questions or post-meeting, written questions; rather Members shall ensure that all relevant and appropriate matters are addressed to the Director at these meetings.

In accordance with the PCSA Code of Conduct, press statements or other media briefings linked to the agenda may be made by the Chairperson, Chief Executive or delegated officer following Authority meetings.

Unless formally decided by the Authority or otherwise agreed by the Chairperson for specific reasons, communication with An Garda Síochána, the Director, government departments and agencies and other stakeholders on behalf of the Authority or its committees shall be conducted by the Chairperson or the Executive.

Correspondence addressed to individual PCSA members shall be opened and handled by the Executive in accordance with the Customer Service Charter and Member(s) concerned shall be advised of such correspondence and that a response has issued. Complaints shall be dealt with in accordance with the complaints handling procedures set out in the Customer Service Charter and Action Plan.

Standing order 6 - Attendance at and Participation in Meetings in Public with the Garda Commissioner and the Director of Community Safety

Members of the public may attend, and the media shall be permitted to record and broadcast, not fewer than four meetings of the PCSA with the Garda Commissioner in each year.⁶

Members of the public may attend, and the media shall be permitted to record and broadcast, not fewer than one meeting in Public will be held with the Director each year.⁷

These meetings will be notified on the PCSA website and announced in the media. Meetings will be live streamed through a link on the PCSA website and recordings will be made available online for future viewing.

The provisions of Standing Order 5 shall also apply to such PCSA meetings in public with the Garda Commissioner or the Director.

Attendance of members of the public is welcomed and will be facilitated to the greatest extent possible. To facilitate management of health and safety issues and meeting capacity, members of the public and media interested in attending such meetings will be requested to register with the PCSA in advance. Information in this regard shall be published on the PCSA website.

Members of the public or the media are present to observe the PCSA's meeting with the Garda Commissioner or the Director and shall therefore not participate in the proceedings.

From time to time, issues may arise in the course of these public meetings which have an obligation of confidentiality attached to them. While any member of the public or other person is present, the Chairperson may direct that, for reasons of confidentiality, any business be not then commenced or proceeded with and they may intervene in any debate to give such a direction. In circumstances in which the Authority determines that part of a public meeting with the Garda Commissioner ought to be held in private, meetings will take place in closed session, without the public or press present.

⁶ Section 130(5) of the Act

⁷ Section 134(1)(c) of the Act

Standing order 7 - Voting

The Authority will, where possible, reach decisions by consensus. If consensus cannot be reached by all Members on a particular issue, and the recording in the minutes of differing views is not deemed sufficient recourse, then the Chairperson or another Member may ask for a vote to be taken.

At a meeting of the Authority a question on which a vote is required shall be determined by a majority of the votes of the Members present. In the case of an equal division of votes, the Chairperson of the meeting shall have a second or casting vote, which shall be recorded in the minutes.⁸

Voting shall be by a show of hands and the vote of each Member (who voted for the proposal, voted against the proposal or abstained on the proposal) shall be recorded in the minutes.

Standing order 8 - Minutes

The Secretary shall be responsible for the preparation of the minutes of proceedings at all Authority meetings.

Minutes shall record the essence of the Authority's discussion in relation to each agenda item and include clear action points arising from Authority decisions including timelines and responsibility. For ease of reference, minutes will be read in conjunction with the agenda, and papers for the meeting will be referenced where appropriate in the minutes. The video record of meetings with the Garda Commissioner in public shall serve as the official record of such meetings and will be available to view on the PCSA's website. The official minutes will record the following in relation to such meetings:

- Attendance;
- A short, bulleted list of the principal topics raised;
- Actions arising from the meeting and
- A link to the video record, in the case of meetings in public.

⁸ Section 130(10) of the Act

Once draft minutes are prepared and cleared by the Chairperson for circulation, a copy shall be circulated to Members of the Authority in accordance with these Standing Orders.

Before the minutes are presented for Authority approval at the subsequent meeting, the Garda Commissioner will be provided with an opportunity to confirm the factual accuracy of the section of the minutes at which they were present.

Once draft minutes are approved by the Authority and signed by the Chairperson, the minutes shall then be deemed to be a true record of the proceedings to which they relate, and a central copy retained of all approved minutes of meetings.

Subject to confidentiality considerations, minutes of meetings shall be published on the PCSA's website.

Standing order 9 – Committees

The Authority may establish committees to:

- Assist and advise it in relation to the performance of all or any of its functions as may be determined by the Authority from time to time; or
- Perform such functions of the Authority as may be delegated by it from time to time.⁹

A committee shall consist of a chairperson and such other Members as the Authority may determine and may include persons who are not Authority Members or Executive staff.¹⁰ Decisions as to the membership of committees will rest with the Authority.

In appointing the members of a committee, the Authority shall have regard to the following principles:

- The membership shall reflect the range of qualifications and experience necessary for the proper and effective performance of the functions of the committee;
- The membership shall reflect the desirability of there being an equitable balance between genders in the composition of the committee;¹¹

⁹ Section 128(1) of the Act

¹⁰ Section 128(2)(b) of the Act

¹¹ Section 128(3)(b) of the Act

Standing Orders for the Policing and Community Safety Authority

- A committee may not consist entirely of non-Members of the Authority and each business committee must have at least one Authority Member;
- An Authority Member shall not be a member of more than two Business committees and ought not to chair more than one committee;
- An Executive staff member may be a member of a committee, if they have expertise in a subject area appropriate to a committee's work;
- The Chief Executive of the Authority shall not be a member of a committee, but they may attend meetings of a committee and may speak, and give advice, at such meetings¹²;
- The Chairperson may attend and participate in any committee meeting and be included for the purpose of establishing a quorum for a committee meeting;
- The Audit and Risk Committee is denoted as a governance committee and not a business committee;
- Bearing in mind the size of the Authority at nine members including the Chair, there shall not be more than four Authority members on any committee;
- Recognising that it takes time to become effective, unless unavoidable, the membership of a committee shall not change more frequently than every two years. Membership should take account of the varying length of Authority Members' appointments to the Authority with a view to ensuring appropriate continuity.

Committees shall be directly related to the most important functions of the PCSA. In setting committee terms of reference, the Authority will have regard to the following principles:

- The Authority may delegate to its committees such of its functions as it considers appropriate, subject to such limitations as may be prescribed by the Authority and with such terms of reference and powers as it may determine.
- Committees will have defined terms of reference which will be reviewed as necessary but at least every two years;

¹² Section 129(10) of the Act

Standing Orders for the Policing and Community Safety Authority

- Care shall be taken to ensure that the Terms of Reference and working methods of committees add value to the Authority's work and not layers;
- At a minimum, the terms of reference for each committee should include the following details:
 - Membership of the committee;
 - Chairperson;
 - Remit;
 - Reporting arrangements; and
 - Level of decision delegated to the committee if any.
- Committees shall obtain Authority approval before proceeding to explore a new area of policy or matters not included in its terms of reference;
- Committee members should be mindful of the role of the Executive by not undertaking work appropriate to the Executive;
- Committee Chairs should liaise with the Chief Executive in order to take account of the Executive's capacity to support the committee in particular if the work they are proposing extends beyond the PCSA's priorities, Strategy Statement and annual business plans;
- Committee papers will be made available to all Authority Members.

Committees shall be designated as either standing or special in accordance with the following criteria:

- Standing committees are permanent and likely to have a continued existence; and
- Special committees, often termed as working groups shall have a focussed task or purpose and will be time bound but with a time perspective of at least one year.

Subject to this Standing Order, a committee may regulate its own procedure and business.

The Authority or its committees may organise, as appropriate, business planning meetings, and working groups to consider specific pieces of work or to respond to emerging issues.

These meetings are designed to be discursive and developmental and are not decision-making forums. Recommendations and reports from these groups will be referred to the Authority or appropriate committee for consideration and decision. The Chairperson may propose the setting up of an Ad Hoc Working Group, which might be composed of Authority Members and Executive staff, to deal with or reflect on a specific issue that has a tight timescale and does not fit the terms of reference of an existing committee or straddles existing committees.

The Authority may, at any time, dissolve a committee¹³.

The Authority shall establish an Audit and Risk Committee to give an independent view in relation to audit, governance, and risk. The Audit and Risk Committee is denoted as a governance committee and not a business committee. While the Audit and Risk Committee assists with consideration of issues relating to audit, governance and risk management the Authority maintains responsibility for and makes the final decisions on all of these areas.

Appointments to the Audit and Risk Committee shall be made by the Authority, in consultation with the Chair of the Audit and Risk Committee and shall include at least three external, independent members. The Authority shall satisfy itself that at least one member of the Audit and Risk Committee has recent and relevant financial experience.

Standing order 10 - Effectiveness

Members shall undertake an annual self-assessment evaluation of the Authority's performance and that of its committees and ensure that any recommendations arising from the review are implemented. An external evaluation proportionate to the size and requirements of the Authority shall be carried out at least every 3 years.

¹³ Section 128(10) of the Act.

Standing order 11 - Disclosure of Information

Members will be responsible for the safe custody of any papers or documents which may be issued or entrusted to them in the course of their duties. The loss of any such documents should be reported immediately to the Chief Executive.

Members are required to comply with the confidentiality and disclosure provisions as set out in the Code of Conduct for Members and Staff of the PCSA (“the Code”) and in the Act.¹⁴

Standing order 12 - Equality and Human Rights

The Public Sector Equality and Human Rights Duty (‘the Duty’) is a statutory obligation for public bodies in Section 42 of the Irish Human Rights and Equality Commission Act 2014. Section 42(1) requires public bodies, in the performance of their functions, to have regard to the need to eliminate discrimination, promote equality and protect human rights of staff and people availing of their services.

Members are required to have due regard this duty in the performance of their functions.

Standing order 13 - Conduct

On appointment, Members shall familiarise themselves with the Code. Members and external members of any committee or working group shall be expected to comply at all times with the Code.

Standing order 14 - Interpretation

The Chairperson’s rulings on any question or their interpretation of the Standing Orders shall be final.

Standing order 15 - Revocation and Revision of Standing Orders

No Standing Order adopted by the PCSA shall be suspended at any meeting except with the agreement of a majority of Members.

The current Standing Orders shall remain in force until varied or revoked and additional Standing Orders adopted at a meeting of the Authority with the agreement of the majority of the Members present.

¹⁴ Section 152 and 153 of the Act.

Standing Orders for the Policing and Community Safety Authority

The Chief Executive and/or a Member (including the Chairperson) may submit to the Authority a note of any new Standing Order or alteration of any existing Standing Order which may seem to them to be required to ensure the effective operating of the Authority. Such a proposal shall be considered and decided upon by the Authority.

The Authority will undertake a periodic review of Standing Orders to ensure that they remain appropriate.

Appendix 1 – Extract from PSCS Act relating to Confidentiality

Confidentiality of information connected with inspection

152. (1) A person who is or was—

- (a) a member of the Authority,
- (b) a member of a committee of the Authority,
- (c) the chief executive of the Authority,
- (d) a member of the staff of the Authority,
- (e) under contract with or engaged by the Authority pursuant to section 132 (1), or
- (f) an employee or contractor of a person to whom paragraph (e) applies,

shall not intentionally or recklessly disclose, in or outside the State, unless he or she is required or permitted by law or duly authorised by the Authority in furtherance of its functions, any information obtained by the person in the course of carrying out the duties of his or her office, employment, contract or other arrangement of engagement with the Authority and which has not otherwise come to the notice of members of the public.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable—

- (a) on summary conviction, to a class C fine or imprisonment for a term not exceeding 12 months, or both, or
- (b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 5 years, or both.

(3) In any proceedings for an offence under this section, it shall be a defence to show that the disclosure was reasonably believed by the person who made the disclosure to be required or permitted by law or duly authorised by the Authority in furtherance of its functions.

(4) A person who contravenes subsection (1) and who receives any gift, consideration or advantage as an inducement to disclose the information to which the contravention relates or as a reward for, or otherwise on account of, the disclosure of that information, is guilty of an offence and is liable—

Standing Orders for the Policing and Community Safety Authority

(a) on summary conviction, to a class B fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine not exceeding €75,000 or imprisonment for a term not exceeding 7 years, or both.

(5) The provisions of this section are in addition to, and not in substitution for, the relevant provisions of the Act of 1963.

Confidentiality of certain information (Part 4)

153. (1) Without prejudice to section 152, a person who—

(a) is or was—

(i) a member of the Authority,

(ii) a member of a committee of the Authority,

(iii) the chief executive of the Authority,

(iv) a member of the staff of the Authority,

(v) under contract with or engaged by the Authority pursuant to section 132 (1), or

(vi) an employee or contractor of a person to whom subparagraph (v) applies,

or

(b) was—

(i) a member of the Policing Authority,

(ii) a member of a committee of the Policing Authority,

(iii) the Chief Executive of the Policing Authority,

(iv) a member of the staff of the Policing Authority,

(v) engaged under contract or other arrangement by the Policing Authority, or

(vi) an employee or contractor of a person referred to in subparagraph (v),

shall not disclose, in or outside the State, unless he or she is required or permitted by law or duly authorised by the Authority in furtherance of its functions, any information obtained in the course of carrying out the duties of that person's office, employment, contract or other arrangement of engagement with the Authority, whether obtained before or after the repeal of the Act of 2005 by section 5, where that disclosure is likely to have a harmful effect and the person knows or believes that the disclosure is likely to have such an effect.

(2) For the purpose of this section, the disclosure of information referred to in subsection (1) is likely to have a harmful effect where it is likely to—

- (a) facilitate the commission of an offence,
 - (b) prejudice the safekeeping of a person in legal custody,
 - (c) impede the prevention, detection or investigation of an offence,
 - (d) impede the apprehension or prosecution of a suspected offender,
 - (e) prejudice the security of any system of communication of An Garda Síochána,
 - (f) result in the identification of a person—
 - (i) who is a witness in a criminal proceeding or who has given information in confidence to a member of garda personnel, and
 - (ii) whose identity is not at the time of the disclosure a matter of public knowledge,
 - (g) result in the publication of information that—
 - (i) relates to a person who is a witness to, or a victim of, an offence, and
 - (ii) is of such a nature that its publication would be likely to discourage the person to whom the information relates or any other person from giving evidence or reporting an offence,
- or
- (h) result in the publication of personal information (within the meaning of the Freedom of Information Act 2014) relating to a person that constitutes an unwarranted and serious infringement of that person's right to privacy.

(3) For the purpose of this section, a person is presumed, unless the contrary is proved, to know that disclosure of information referred to in subsection (1) is likely to have a harmful effect if a reasonable person would, in all the circumstances, be aware that its disclosure could have that effect.

(4) In any proceedings for an offence under this section, it shall be a defence to show that the disclosure was—

(a) made to—

(i) the Minister,

(ii) the Attorney General,

(iii) the Director of Public Prosecutions,

(iv) the Chief State Solicitor,

(v) the Criminal Assets Bureau,

(vi) the Comptroller and Auditor General or the staff of the Office of the Comptroller and Auditor General,

(vii) the Police Ombudsman, the Deputy Police Ombudsman or an officer of the Police Ombudsman,

(viii) the Garda Commissioner,

(ix) the Revenue Commissioners,

(x) the State Claims Agency,

(xi) the Child and Family Agency,

(xii) a member of either of the Houses of the Oireachtas where relevant to the proper discharge of the member's functions,

(xiii) a court, or

(xiv) a tribunal appointed under the Tribunals of Inquiry (Evidence) Acts 1921 to 2011, a commission of investigation established under the Commissions of Investigation Act 2004 or a committee (within the meaning of section 2 of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013) for the purposes of a Part 2 inquiry (within the meaning of that section) under that Act,

(b) made in the course of, and in accordance with, the duties of that person's office or employment or his or her duties under a contract or other arrangement to work with or for the Authority, or

(c) reasonably believed by the person who made the disclosure to be required or permitted by law, duly authorised by the Authority in furtherance of its function or made in accordance with paragraph (a) or (b).

(5) A person who contravenes subsection (1) is guilty of an offence and is liable—

(a) on summary conviction, to a class C fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 5 years, or both.

(6) A person who contravenes subsection (1) and who receives any gift, consideration or advantage as an inducement to disclose the information to which the contravention relates or as a reward for, or otherwise on account of, the disclosure of that information, is guilty of an offence and is liable—

(a) on summary conviction, to a class B fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine not exceeding €75,000 or imprisonment for a term not exceeding 7 years, or both.

(7) In any proceedings for an offence under this section, it shall not be necessary to prove that the disclosure had a harmful effect.

(8) The provisions of this section are in addition to, and not in substitution for, the provisions of the Act of 1963.