

Please see the Introduction – [See Introduction](#)

Section 42: Restriction of Act

Section	Information Required
42(a)	<ul style="list-style-type: none"> • If not evident from the record, please show that the record is held by the courts, or by a service tribunal within the meaning of section 161 of the Defence Act 1954 • Show that the record relates to, or to proceedings in, a court or such a tribunal • Does the record relate to proceedings held in a court or such a tribunal in public? If so show- <ul style="list-style-type: none"> ○ that the record was created by the court or tribunal, or ○ that disclosure of the record to the general public is prohibited by the court or tribunal Provide any relevant supporting information available in this regard. • Explain why, in your view, the record does not relate to the general administration of the courts or the tribunal or their respective offices
42(b)	<ul style="list-style-type: none"> • If it is not evident from the record, please show that the record is held or was created by the Garda Síochána and relates to any of the matters listed in sub- paragraphs (i) to (x) of section 42(b)
42(c)	<ul style="list-style-type: none"> • If it is not evident from the record, please show that the record is : <ul style="list-style-type: none"> ○ held by the Criminal Assets Bureau, or ○ held by the Defence Forces, and relates to one of the provisions listed at (I) to (VII) of section 42(c)(ii), or ○ held by the Independent Commission for the Location of Victims' Remains, or ○ held by the Independent Monitoring Commission
42(d)	<ul style="list-style-type: none"> • Please show that the record relates to an inquiry within the meaning of section 42 of the Garda Síochána Act 2005 • Show that the record is not a record relating to: <ul style="list-style-type: none"> ○ the appointment of a person to conduct an inquiry under section 42 of the Garda Síochána Act 2005, and ○ the expenses or other matters concerning the general administration of such an inquiry.

42(e)	<ul style="list-style-type: none"> • Please provide the information sought at <ul style="list-style-type: none"> - either <u>A</u> or <u>B</u>, as appropriate, <u>and</u> - please also provide the information sought at 1), 2) and 3) below. <p>A.</p> <ul style="list-style-type: none"> ○ If it is not evident from the record, please show that the record relates to an inquiry into any matter by a tribunal to which the Tribunals of Inquiry (Evidence) Act 1921, applies <p><u>OR</u></p> <p>B.</p> <ul style="list-style-type: none"> ○ If it is not evident from the record, please show that the record relates to an investigation by a commission of investigation within the meaning of the Commissions of Investigation Act 2004 <p><u>AND</u></p> <p>1) If not evident from the record, please show that the record was not created before the appointment of the tribunal or the making of the order establishing the commission</p> <p>2) Explain why, in your view, the record does not relate to the expenses of, or other matters concerning the general administration of, the tribunal or commission</p> <p>3) Show that the record does not relate to the appointment of persons under section 7 or 8 of the Commissions of Investigation Act 2004</p>
42(f)	<ul style="list-style-type: none"> • Please show that the record is held or was created by the Attorney General, the Director of Public Prosecutions (DPP), the Office of the Attorney General or the Office of the DPP • Explain why, in your view, the record does not relate to general administration
42(g)	<ul style="list-style-type: none"> • Please show that the record relates to an audit, inspection, investigation or examination carried out by the Comptroller and Auditor General (C&AG) under the relevant legislation referred to in paragraph (g) • If not evident from the record, please show that it was not created before the commencement of the investigation, audit, inspection or examination • Explain why, in your view, the record does not relate to the general administration of the Office of the C&AG
42(h)	<ul style="list-style-type: none"> • Please show that the record relates to the President

42(i)	<ul style="list-style-type: none"> • Please show that the record is held by the Central Bank of Ireland and • Show that the disclosure of the record is prohibited by the following (and specify the relevant provision concerned): <ul style="list-style-type: none"> ○ the Rome Treaty, ○ the ESCB Statute, or ○ any of the Supervisory Directives <p>within the meaning of the Central Bank Act 1942</p>
42(j)	<ul style="list-style-type: none"> • Please show that the record was given to a member of the Government or a Minister of State • Show that it was given to such a person by an FOI body • Show that it was given for the purposes of proceedings in either House of the Oireachtas, or any committee (or any subcommittee of a committee) of either or both Houses. In doing so, please identify the relevant proceedings concerned and, where the proceedings relate to Parliamentary Questions, please identify the relevant Parliamentary Question(s) concerned
42(k)	<ul style="list-style-type: none"> • Please show that: <ul style="list-style-type: none"> ○ the record relates to the private papers (see Article 15.10 of the Constitution) of a member of either House of the Oireachtas and that it is required by the rules or standing orders of either or both such Houses to be treated as confidential <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> ○ the record is an official document of either or both Houses of the Oireachtas and that it is required by the rules or standing orders of either or both such Houses to be treated as confidential <p>AND</p> <ul style="list-style-type: none"> • Identify the rule or standing order that you are relying on which requires the record to be treated as confidential.
42(l)	<ul style="list-style-type: none"> • Please show that the record relates to any private paper or confidential communication within the meaning of Part 10, or official document within the meaning of Part 11, of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 • Has any consent been lawfully given for the disclosure of the record?

42(m)	<ul style="list-style-type: none">• Please show how disclosure of the record could reasonably be expected to reveal, or lead to the revelation of, the identity of the supplier of information• Show that the information was given in confidence• Show that the information provided related to the enforcement or administration of the law (in doing so, please identify the law concerned)