

Mr. Stephen Donnelly,  
Minister for Health,  
Department of Health,  
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25th May 2021

**Re: Data Breach in Health Service Executive**

Dear Minister Donnelly,

Our open letter to you of the 21<sup>st</sup> May refers. We are surprised that you have not in anyway addressed the comments you made on the Newstalk Radio show on the 20<sup>th</sup> May, despite the fact the Law Society of Ireland has called upon you to apologise.

We note from the “Ireland AM” broadcast this morning you have mollified your tone somewhat, and you now “hope” that data subjects do not sue the HSE. Despite this you are still casting the HSE as the victim, when it was the party people entrusted to keep people’s data safe in the first place. To help illuminate the roles and responsibilities of all stakeholders and prevent such confusion in future, we have gone to the trouble of producing a brief guide on the issue, and it is attached herewith.

Our stance in respect of the Data Breach has received a warm welcome from most people, however we have received a certain amount of hate, primarily as a result of your comments. Since your outrageous outburst the following are an example of messages we have got from identifiable individuals:

*“You're a despicable person trying to make money off the back of an attack in the Irish state and citizens.*

*Really shocking that you seek to enrich yourselves from the current crisis in HSE. Shame on You !!!!!*

*Money grabbing scum*

*What a shameful bunch of a\*\*\*\*\*s”*

Nobody should need to tolerate this type of online abuse, particularly when incited by a government Minister. We are now calling on you to issue a formal apology by way of a

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press release no later than close of business on the 27<sup>th</sup> May 2021. This apology should be addressed the Solicitors profession and it should include guidance that affected individuals have certain rights under the GDPR and should seek advice on these from the Data Protection Commission, or their legal advisors.

Should the deadline pass without such an apology and clarification we intend to make a formal complaint to the European Data Protection Board and European Commission in respect of your conduct. We also trust the Law Society will continue to have an active interest in this matter and its implication for access to justice.

Furthermore, we are once more calling on you to confirm you will comply with Article 34 GDPR, and we require your confirmation when you expect to be in a position to comply with this.

This letter is not sent in open correspondence, but is cc'd to an Taoiseach, the Minister for Justice and the Director General of the Law Society. We reserve our right to publish same after the deadline noted above has passed should a satisfactory reply not be forthcoming.

We await hearing.

Yours faithfully,



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