

2024 No. 500

NORTHERN IRELAND

**The Independent Commission for Reconciliation and
Information Recovery (Holding and Handling of Information)
Regulations 2024**

<i>Made</i> - - - -	<i>9th April 2024</i>
<i>Laid before Parliament</i>	<i>11th April 2024</i>
<i>Coming into force</i> - -	<i>1st May 2024</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 34(1) to (3) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023(a).

Citation, commencement and extent

- 1.**—(1) These Regulations may be cited as the Independent Commission for Reconciliation and Information Recovery (Holding and Handling of Information) Regulations 2024.
- (2) These Regulations come into force on 1st May 2024.
- (3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Policy document on the holding and handling of information

- 2.**—(1) The ICRIR(b) must put in place a policy document in relation to the holding and handling of information by the ICRIR.
- (2) The policy document must explain the ICRIR’s policies and procedures for—
- (a) securely accessing information held by others (including information which is to be transferred to the ICRIR);
 - (b) the secure receipt of information being transferred to the ICRIR;
 - (c) the secure retention of information by the ICRIR;
 - (d) the secure destruction or transfer of information which is to cease to be held by the ICRIR;
 - (e) managing and investigating any breaches of the ICRIR’s policies and procedures in relation to the holding and handling of information (which must include the reporting of all breaches to the Chief Commissioner).
- (3) In meeting the obligation under paragraph (1), the ICRIR must have regard to and, insofar as possible, incorporate the requirements of the following documents published by the Cabinet Office—

(a) 2023 c. 41.
(b) See section 60(1) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.

- (a) the document titled “Government Functional Standard GovS 007: Security – Version 2.0 13 September 2021”(a);
 - (b) the document titled “HMG Personnel Security Controls – Version 6 2022”(b);
 - (c) the document titled “Government Security Classifications Policy – 30 June 2023”(c);
 - (d) the document titled “International Classified Exchanges – Version 1.5 March 2020”(d);
 - (e) the document titled “Guidance: Protecting international RESTRICTED classified information – Version 1.3 March 2020”(e).
- (4) The ICRIR must keep the policy document under review and update it as required.
- (5) The ICRIR must—
- (a) publish the policy document at the same time as it first publishes an annual report(f), and
 - (b) where it updates the policy document, publish the updated document at the same time as it next publishes an annual report.
- (6) The ICRIR may make redactions to the policy document before publishing it under paragraph (5)(a) or (b).

Annual review of policies and procedures for the holding and handling information

3.—(1) Not later than six months after the end of each financial year(g), the ICRIR must appoint a person or persons to review the ICRIR’s policies and procedures in relation to the holding and handling of information by the ICRIR.

(2) The ICRIR may not appoint a person under paragraph (1) if the person is or has been—

- (a) one of the Commissioners(h);
- (b) an ICRIR officer(i);
- (c) an ICRIR contractor(j).

(3) A person appointed under paragraph (1) must, within a reasonable period, produce a report and give it to the Chief Commissioner.

(4) The ICRIR must have regard to a report produced by a person under this regulation (including for the purpose of meeting its obligation under regulation 2(4)).

Assistance from relevant authorities in holding or handling information

4.—(1) The Commissioner for Investigations may request assistance from a relevant authority(k) in holding or handling information (whether or not that authority provided, or is to provide, the information to the ICRIR).

(2) A request under paragraph (1) must—

- (a) be in writing;
- (b) specify the date by which a reply is required (which must be reasonable), and
- (c) specify the assistance requested (including when and, if relevant, for how long it is requested).

(a) <https://www.gov.uk/government/publications/government-functional-standard-govs-007-security>.

(b) <https://www.gov.uk/government/publications/hmg-personnel-security-controls>.

(c) <https://www.gov.uk/government/publications/government-security-classifications>.

(d) <https://www.gov.uk/government/publications/international-classified-information>.

(e) <https://www.gov.uk/government/publications/protecting-international-restricted-information>.

(f) See section 2(9) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.

(g) See section 2(14) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.

(h) See section 60(1) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.

(i) See section 3(4) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.

(j) See section 60(1) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.

(k) See section 60(1) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.

(3) A relevant authority which receives a request under paragraph (1) must reply in writing by the date specified in the request setting out—

- (a) whether or not it is able to provide the assistance requested (or whether it is able to provide some, but not all, of the assistance requested), and
- (b) if it not able to provide all or some of the assistance requested, the reasons for not being able to do so.

(4) Where a relevant authority is able to provide the assistance requested, the authority and the Commissioner for Investigations must make a written record detailing the assistance to be provided (including when and, if relevant, for how long it will be provided).

Notifications by the ICRIR in respect of information being disclosed

5.—(1) Where the Chief Commissioner gives a draft of a report or a copy of material to a person or public authority ('P') under section 16 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (consultation on reports), the Chief Commissioner must give a notification to P that the draft of the report or copy of the material is being given to P in confidence for the sole purpose of allowing P to make representations about it.

(2) Where, in any other case, the ICRIR discloses information held by the ICRIR to a person, the ICRIR may give a notification to the person that the information is being disclosed to the person in confidence.

Steve Baker
Minister of State
Northern Ireland Office

9th April 2024

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Independent Commission for Reconciliation and Information Recovery ("the ICRIR") was established by section 2 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (c. 41) ("the Act"). Section 34 of the Act allows the Secretary of State to make provision in regulations about the holding and handling of information by the ICRIR.

Regulation 2 of these Regulations requires the ICRIR to put in place a policy document explaining the ICRIR's policies and procedures for holding and handling information. The policy document must be published and kept under review.

Regulation 3 requires the ICRIR to appoint a person or persons every year to conduct a review of, and report to it on, its policies and procedures for holding and handling information.

Regulation 4 allows the ICRIR's Commissioner for Investigations to request assistance from relevant authorities in the holding or handling of information. 'Relevant authority' is defined in section 60(1) of the Act. It includes the Chief Constable of the Police Service of Northern Ireland and Northern Ireland departments.

Regulation 5 provides for notifications by the ICRIR in respect of information being disclosed by it.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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