



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Brunel Building
Heuston South Quarter
Dublin 8

corporatefoi@tusla.ie

14th January, 2022

Mr. Ken Foxe

By email to: Ken Foxe <ken@righttoknow.ie>

Re: Decision on FOI request FOI-0116-2021

Dear Mr. Foxe,

I refer to your request dated, and received by Tusla on 12th November, 2021, which is made under the Freedom of Information Act 2014 for records held by Tusla. Your request sought access to the following;

“Copies of all correspondence between Tusla and social media companies with regard to protests or abuse of staff, or the organisation. This request to cover the period 1 Jan 2021 to date of receipt of the request”

At the outset, I wish to apologise for the delay in issuing a decision on your request, and to thank you for your patience in this regard. I understand that Irene Donohue from the Corporate FOI office contacted you on 7th January, 2022, to clarify as to whether it was your intention to include Google in the scope of your request. Thank you for confirming that it was your intention to include Google in your request, however, I regret to advise that having given this matter further consideration, Tusla has not identified any relevant records. The Section of the FOI Act, 2014, which can apply in such circumstances is Section 15(1)(a), as detailed below;

15. (1) A head to whom an FOI request is made may refuse to grant the request where— (a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,

I am the decision maker assigned to your request and the purpose of this letter is to convey my decision in the matter which is to grant you access in part to the records concerned in your initial request of 12th November, 2021.

I will now explain my decision, which is set-out in the following parts:

1. a schedule of all of the records covered by your request;
2. an explanation of the relevant findings concerning the records to which access is denied,
3. a statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these three parts in turn.

1. Schedule of records

The attached schedule identifies the records which fall within the scope of your request. It advises of the level of release for each record concerned and refers to the sections of the FOI Act which apply to prevent release where an exemption has been applied. The schedule also refers you to sections of the detailed explanation given under heading 2 below, which is relevant to the record in question. It also provides a summary and overview of the decision as a whole.

2. Findings, particulars and reasons for decisions to deny access

The sections of the Act which can apply to deny access to records are known as its exemption provisions. In my decision on your request I have applied the following exemption:

- Section 37(1) Personal Information

(1) Section 37(1) Personal information Explained

Section 37(1) of the FOI Act provides that access to a record shall be refused if access would involve the disclosure of personal information. The effect of Section 37(1) is that a record disclosing personal information relating to a third party or third parties cannot be released to another person, unless one of the other relevant provisions of section 37 applies.

Circumstances where Section 37(1) does not apply

(Section 37(2) Explained)

There are some circumstances, provided for at **section 37(2)**, in which the exemptions at section **37(1) do not apply**. I am satisfied that none of the circumstances identified at section 37(2) arise in this case. **That is to say, (a) the information contained in the records does not relate solely to the applicant; (b) the third parties have not consented to the release of their information; (c) the information is not of a kind that is available to the general public; (d) the information at issue does not belong to a class of information which would or might be made**

available to the general public; and (e) the disclosure of the information is not necessary to avoid a serious and imminent danger to the life or health of an individual.

I find that section 37(2) does not apply to the withheld information

Section 37(5) Explained

Section 37(5) of the FOI Act provides that a request **which would fall to be refused under section 37(1), may still be granted** where, on balance, (a) the public interest that the request should be granted outweighs the public interest that the right to privacy of the individual to whom the information relates should be upheld, or (b) the grant of the request would benefit the individual concerned.

In my view, the grant of the request would not benefit the individual/s to whom the information relates. I am satisfied that section 37(5) (b) does not apply in this case

Public Interest Considerations

Section 37(5)(a) provides for access to the personal information of a third party where the public interest that the request should be granted outweighs the right to privacy of the individual to whom the information relates.

I have considered the ‘public interest’ factors which arise in this case and have identified the following:

Findings for the release of the records in question;

- There is a public interest in openness and transparency regarding the manner in which FOI bodies perform their functions.
- There is a public interest in members of the public knowing that the information held by public bodies about them, or those they represent is accurate.
- There is a public interest in members of the public exercising their rights under the FOI Act.

Findings for protection of information within the records in question;

- Weighing against the public interest in granting access to the records concerned is the strong public interest in protecting the right to privacy. The public interest in protecting privacy rights is reflected both in the language of section 37 and in the Long Title to the Act (which makes clear that the release of records under FOI must be consistent with the right to privacy). The right to privacy also has a constitutional dimension in Ireland.

I do not consider it appropriate for me to seek third party consent therefore I am satisfied that in this case there is little or no advantage to be gained in the release of third party information, and whatever public interest there might be, I do not believe that the release of the withheld information would be to the benefit of the third party/parties concerned. Having regard to all the circumstances, I do not consider that the public interest in this instance in the release of the withheld information outweighs on balance the significant public interest in protecting the rights of the individual/s to whom the information relates; therefore, Section 37(5) does not apply. I also consider that I have satisfied the public interest in so far as demonstrating compliance with openness, transparency and accountability in the release of the remainder of the records falling within the scope of your request.

3. Right of Review

In the event that you are not happy with this decision you may make an appeal in relation to this matter. If you wish to pursue this option, you can appeal in writing to the Freedom of Information Unit, Tusla, Child and Family Agency, 6th Floor, Brunel Building, Heuston South Quarter, Dublin 8 (or by email to corporatefoi@tusla.ie). You should make your appeal within four weeks (20 working days) from the date of this notification, where a day is defined as a working day, excluding the weekend and public holidays. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of staff of this body. There is a €30 fee associated with the making of a request for internal review. This fee is reduced to €10 in the case of medical card holders where evidence relating to medical card status is provided. Payment of this fee should be made by way of bank draft, money order, postal order or personal cheque made payable to Tusla and posted to the above address

Yours sincerely,

Diego Gallagher

Diego Gallagher
Decision Maker

Freedom of Information Schedule of Records - Summary of Decision Making

FOI Request Reference: T0116-2021

File 1 of 1; 66 pages

<i>Page No.</i>	<i>Brief description of record</i>	<i>Decision</i>	<i>Basis for refusal - Exempt under FOI Act</i>	<i>Other</i>
1-2	Letter dated 11 th November, 2021	Part Grant	Section 37(1) Personal Information	
2-3	Letter dated 24 th January, 2021	Part Grant	Section 37(1) Personal Information	
5-6	Letter dated 18 th January, 2021	Part Grant	Section 37(1) Personal Information	
7-8	Letter dated 2 nd November, 2021	Part Grant	Section 37(1) Personal Information	
9	Letter dated 25 th August, 2021	Part Grant	Section 37(1) Personal Information	
10-11	Letter dated 4 th January, 2021 – Post 2	Part Grant	Section 37(1) Personal Information	
12-13	Letter dated 4 th January, 2021 – Post 1	Part Grant	Section 37(1) Personal Information	

14-15	Letter dated 4 th October, 2021	Part Grant	Section 37(1) Personal Information	
16-17	Letter dated 6 th October, 2021	Part Grant	Section 37(1) Personal Information	
18-19	Letter dated 20 th October, 2021	Part Grant	Section 37(1) Personal Information	
20-21	Letter dated 26 th October, 2021	Part Grant	Section 37(1) Personal Information	
22	Letter dated 1 st November, 2021	Part Grant	Section 37(1) Personal Information	
23	Email dated 2 nd February, 2021	Part Grant	Section 37(1) Personal Information	
24-25	Letter dated 11 th November, 2021	Part Grant	Section 37(1) Personal Information	
26-27	Letter dated 1 st November, 2021	Part Grant	Section 37(1) Personal Information	
28-29	Letter dated 5 th October, 2021	Part Grant	Section 37(1) Personal Information	
30	Letter dated 28 th September, 2021	Part Grant	Section 37(1) Personal Information	

31	Email dated 12 th July, 2021	Part Grant	Section 37(1) Personal Information	
32-33	Letter dated 5 th June, 2021	Part Grant	Section 37(1) Personal Information	
34-35	Letter dated 25 th June, 2021	Part Grant	Section 37(1) Personal Information	
36	Email dated 5 th July, 2021	Part Grant	Section 37(1) Personal Information	
37	Letter dated 12 th July, 2021	Part Grant	Section 37(1) Personal Information	
38	Email dated 8 th July, 2021	Grant	N/A	
39-40	Letter dated 23 rd June, 2021	Part Grant	Section 37(1) Personal Information	
41	Email dated 22 nd June, 2021	Part Grant	Section 37(1) Personal Information	
42-43	Letter dated 15 th June, 2021	Part Grant	Section 37(1) Personal Information	
44-46	Letter dated 7 th June, 2021	Part Grant	Section 37(1) Personal Information	

47	Letter dated 10 th May, 2021	Grant	N/A	
48-50	Letter dated 26 th April, 2021	Part Grant	Section 37(1) Personal Information	
51	Email dated 23 rd April, 2021	Part Grant	Section 37(1) Personal Information	
52-54	Letter dated 29 th March, 2021	Part Grant	Section 37(1) Personal Information	
55-56	Letter dated 15 th February, 2021	Part Grant	Section 37(1) Personal Information	
57-58	Letter dated 1 st February, 2021	Part Grant	Section 37(1) Personal Information	
59-60	Letter dated 19 th January, 2021	Part Grant	Section 37(1) Personal Information	
61-64	Letter dated 8 th January, 2021	Part Grant	Section 37(1) Personal Information	
65-66	Letter dated 18 th January, 2021	Part Grant	Section 37(1) Personal Information	



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.

URGENT*****

FA0002/0001 (Post#2) Nov. 11th 2021

Date: 20th Nov 2020 #2
Poster: Section 37(1) Personal
Content: Unsolicited Photo and Defamatory Comments
Victim: Se SW
[https://m.facebook.com/photo/Section 37\(1\) Personal Information](https://m.facebook.com/photo/Section 37(1) Personal Information)

Date: 20th Nov 2020 #3
Poster: Section 37(1) Personal
Content: Unsolicited Photo and Defamatory Comments
Victim: S SW
[https://m.facebook.com/photo/Section 37\(1\) Personal Information](https://m.facebook.com/photo/Section 37(1) Personal Information)

Date: 20th Nov 2020 #4
Poster: Section 37(1) Personal
Content: Unsolicited Photo and Defamatory Comments
Victim: Se SW
[https://m.facebook.com/photo/Section 37\(1\) Personal Information](https://m.facebook.com/photo/Section 37(1) Personal Information)

Date: 20th Nov 2020 #5
Poster: Section 37(1) Personal
Content: Unsolicited Photo and Defamatory Comments
Victim: S SW
[https://m.facebook.com/photo.php/Section 37\(1\) Personal Information](https://m.facebook.com/photo.php/Section 37(1) Personal Information)

Date: 9th Nov 2020 #6
Poster: "We Believe Tusla – Agents Are Criminals"
Content: General Comments directed at Tusla as Org. Comments defamatory.
Victim: Se SW
[https://m.facebook.com/story/Section 37\(1\) Personal Information](https://m.facebook.com/story/Section 37(1) Personal Information)

S

Dear Sirs,

We refer to the above and to our recent of the 24th of Jan. 21. As a courtesy, this office is willing to afford your offices a further period of 5 days within which you must to remove the offending post. It is respectfully suggested that you re-examine the contents of our previous letter. Therein a justifiable demand has been issued and legal basis upon which same is based has been explained. We do not propose citing same again.

Your organisation is subject to the General Data Protection Regulation, Data Protection Act, 2018, the Child Care Act, and the decisions issued in Payam Tamiz –v- Google Inc. [2013] ECCA Civ 681991 and Godfrey –v- Daemon Internet Ltd. [2001] QB 201.

We are instructed to apply the full weight of this State Agency behind a vigorous pursuit of this matter. You have been placed on notice of the seriously defamatory nature of the comments complained. You have made an editorial decision to continue to post the comments. You are accordingly fully liable for same as a Publisher. Your service will not be permitted to masquerade as a "Platform" when it suits them and then proceed to make editorial decisions as a "Publisher" when the occasion so fits.

Kindly have this post removed within 5 days from the date hereof. The matter will proceed no further if this is done.

This, and related correspondence, will be exhibited to The Court in support of any application issued.

Arthur Denny,
Solicitor.
TUSLA

6

TUSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.

URGENT*****

FA0002/0001 (Post#2) January 24, 2021

- Date: 11th Dec. 2020 #1
Poster: "We believe Tusla – Agents are Criminals"
Content: Unsolicited Photo and Defamatory Comments
Victim: Se SW
[https://www.facebook.com/Section 37\(1\) Personal Information](https://www.facebook.com/Section 37(1) Personal Information)
- Date: 20th Nov 2020 #2
Poster: Section 37(1) Personal
Content: Unsolicited Photo and Defamatory Comments
Victim: Se SW
[https://m.facebook.com/photo/Section 37\(1\) Personal Information](https://m.facebook.com/photo/Section 37(1) Personal Information)
- Date: 20th Nov 2020 #3
Poster: Section 37(1) Personal
Content: Unsolicited Photo and Defamatory Comments
Victim: S SW
[https://m.facebook.com/photo/Section 37\(1\) Personal Information](https://m.facebook.com/photo/Section 37(1) Personal Information)
- Date: 20th Nov 2020 #4
Poster: Section 37(1) Personal
Content: Unsolicited Photo and Defamatory Comments
Victim: Se SW
[https://m.facebook.com/photo.php/Section 37\(1\) Personal Information](https://m.facebook.com/photo.php/Section 37(1) Personal Information)
- Date: 20th Nov 2020 #5
Poster: Section 37(1) Personal
Content: Unsolicited Photo and Defamatory Comments
Victim: Se SW
[https://m.facebook.com/photo/Section 37\(1\) Personal Information](https://m.facebook.com/photo/Section 37(1) Personal Information)
- Date: 9th Nov 2020 #6
Poster: "We Believe Tusla – Agents Are Criminals"
Content: General Comments directed at Tusla as Org. Comments defamatory.
Victim: Se SW
[https://m.facebook.com/story.php/Section 37\(1\) Personal Information](https://m.facebook.com/story.php/Section 37(1) Personal Information)

Dear Sirs,

I refer to the above and confirm that I act for an on behalf of TUSLA in this matter.

The above cited posts contains information that is unlawful to publish. As publisher, your offices are responsible for this defamation and are therefore fully liable as to same.

In addition to the above, a child who is the subject of a Care Order could possibly be identified form these particular posts. As you know, postings that directly and indirectly make it possible to identify such Children constitute a criminal offence. Such activity is a direct contravention of Sections 31(1) and 31 (4) of the Child Care Act, 1991. Again, as publisher, you are directly responsible for same.

The identifying data contained in said posts constitute Personal Data in accordance with Section 69(1) of the Data Protection Act, 2018. Such this data can only be published with the consent of the Data Subject. You have no such consent. You are therefore committing a wilful and deliberate offence in breach of Article 145 of the Data Protection Act, 2018.

You are now on notice of both the offence and fact that you are publishing this information which constitutes a legal, statutory and constitutional breach. You are hereby required to remove the above video within 5 days of the date hereof. In the absence of the immediate required action, all necessary Proceedings, up to and including any Injunctive Applications, will be commenced.

This letter has been delivered by registered post and will be used as evidence in all Injunctive Proceedings going forward.

Yours faithfully,

Arthur Denny,
Solicitor.
TUSLA

31



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.

URGENT*****

FA0002/0001 January 18, 2021

Date: 11th Dec. 2020
Poster: Not Known. 1
Content: Un-Solicited Photos and Defamatory Comments
Victim: Section 37(1) Personal Information -Social Worker
<https://www.facebook.com> **Section 37(1) Personal Information**

Date: 11th Dec. 2020
Poster: Not Known. 2
Content: Un-Solicited Photos and Defamatory Comments
Victim: Section 37(1) Personal Information -Social Worker
<https://www.facebook.com> **Section 37(1) Personal Information**

Date: 11th Dec. 2020
Poster: Not Known. 3
Content: Un-Solicited Photos and Defamatory Comments
Victim: Section 37(1) Personal Information -Social Worker
<https://www.facebook.com> **Section 37(1) Personal Information**

Dear Sirs,

I refer to the above and confirm that I act for an on behalf of TUSLA in this matter.

The above cited posts contains information that is unlawful to publish. As publisher, your offices are responsible for this defamation and are therefore fully liable as to same. *GG*

In addition to the above, a child who is the subject of a Care Order can be identified form this particular video. As you know, postings that directly and indirectly make it possible to identify such Children constitute a criminal offence. Such activity is a direct contravention of Sections

31(1) and 31 (4) of the Child Care Act, 1991. Again, as publisher, you are directly responsible for same.

The identifying data contained in said videos constitutes Personal Data in accordance with Section 69(1) of the Data Protection Act, 2018. Such this data can only be published with the consent of the Data Subject. You have no such consent. You are therefore committing a wilful and deliberate offence in breach of Article 145 of the Data Protection Act, 2018.

You are now on notice of both the offence and fact that you are publishing this information which constitutes a legal, statutory and constitutional breach. You are hereby required to remove the above video within 5 days of the date hereof. In the absence of the immediate required action, all necessary Proceedings, up to and including any Injunctive Applications, will be commenced.

This letter has been delivered by registered post and will be used as evidence in all Injunctive Proceedings going forward.

Yours faithfully,

Arthur Denny,
Solicitor.
TUSLA

A handwritten signature in blue ink, appearing to be 'W.S.', is located in the lower right quadrant of the page.



Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Section 37(1) Personal Information

Solicitor,
Law Centre,
48 -49 North Brunswick Street,
George's Lane,
Smithfield,
Dublin 7.

HAR004/0001

02 November 2021

Re: **Your Client:** Section 37(1) Personal Information
Allegations of Abusive, Insulting and Threatening Behaviour towards Social Work Team

Dear Section 37(1)

I refer to the above. I represent the Tusla in this matter. For the avoidance of doubt, our member firm continues to act in all Care Proceedings. I will act in respect of alleged staff harassment.

It is alleged that you Client has made serious threats, many of which were left by your Client on voice mail, to the assigned Social Worker in this case. You Client has left recorded voice messages wherein he has said the following: -

- "... I will fucking kill you and that's a promise".
- ".... I will piss all over you".
- "You are a scumbag cunt, knacker and hypocrite".

The forgoing is a just a sample of the voice messages that have been left.

The Social Worker concerned has been advised by me to make a formal complaint to An Garda Síochána in this matter.

62

Should your Client, through your office, not hereby formally withdraw all threats to harm and kill, and undertake not to so make such further abusive, offensive or threatening utterances, Injunctive Proceedings will issue forthwith. Please confirm this within 5 days of the date hereof.

Yours faithfully,

Arthur Denny,
Solicitor.
TUSLA.





An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook
Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.
URGENT*****
000939/0001/AD

August 25, 2021

Re: Possible Posting by **Section 37(1) Personal Information**

Dear Sirs,

I refer to the above and confirm that I act for an on behalf of TUSLA in this matter.

I hereby request that you do not, in any way, permit the above named, **Section 37(1) Personal Information**, Ireland, to post content that could lead to the identification of a child who has been, or is currently, the subject of Care Proceedings. To so identify is a criminal offence pursuant to *Section 31 of the Child Care Act, 1991*.

Further, you are requested to ensure that the above named does not post any offensive or insulting content about Tusla social work staff. Do so post, is an offence pursuant to *Section 4 of the Harassment, Harmful Communications and Related Offences Act, 2020*.

Further, any identifying data, as averred to above, is **Personal Data** in accordance with *Section 69(1) of the Data Protection Act, 2018*. Therefore, this data can only be published with the consent of the Data Subject. You have no such consent. To process without consent is a criminal offence pursuant to *Article 145 of the Data Protection Act, 2018*.

This letter has been delivered by registered post and will be used as evidence in all Injunctive Proceedings going forward.

Yours faithfully,

Arthur Denny,
Solicitor.
TUSLA

78



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Twitter EMEA,
24-26 Fenian Street,
Dublin 2.

TWIT01/0001 Post#2

January 4, 2021

Re: <https://twitter.com> **Section 37(1) Personal Information**
Victim: **Section 37(1)**

Dear Sirs,

I refer to the above and confirm that I act for an on behalf of TUSLA in this matter.

The above cited Twitter Account has been used to facilitate the posting defamatory, false and malicious comments about this organization and specific staff members. In particular, the above post and associated comments are most objectionable. You, as the publisher of these posts, are fully liable for the defamatory and abusive comments thereon. It is this offices intention to hold your offices fully liable for all damages arising.

Further, the identifying data contained in said posts is Personal Data in accordance with Section 69(1) of the Data Protection Act, 2018. Therefore, this data can only be published with the consent of the Data Subject. You have no such consent. You are therefore committing a wilful and deliberate offence in breach of Article 145 of the Data Protection Act, 2018.

We hereby call upon you, within 5 days of the date hereof, to immediately remove the aforementioned Facebook Page and delete any and all reference to TUSLA or TUSLA Employees. For the avoidance of doubt, this request is being made within the context of our Clients equitable, legal and constitutional right to their good name but also in accordance with Articles 90-95 of the Data Protection Act, 2018. If you fail to comply with this request within 5 days of this date, immediate Injunctive Proceedings will be commenced. The costs of which will be borne by you.

This letter has been delivered by registered post and will be used as evidence in all Injunctive Proceedings going forward.

Yours faithfully,

Arthur Denny,
Solicitor.
TUSLA

98



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Twitter EMEA,
24-26 Fenian Street,
Dublin 2.

TWIT01/0001 Post#1

January 4, 2021

Re: <https://twitter.com> Section 37(1) Personal Information
Victim: Section 37(1)

Dear Sirs,

I refer to the above and confirm that I act for an on behalf of TUSLA in this matter.

The above cited Twitter Account has been used to facilitate the posting defamatory, false and malicious comments about this organization and specific staff members. In particular, the above video and associated comments are most objectionable. You, as the publisher of these posts, are fully liable for the defamatory and abusive comments thereon. It is this offices intention to hold your offices fully liable for all damages arising.

Further, the identifying data contained in said posts is Personal Data in accordance with Section 69(1) of the Data Protection Act, 2018. Therefore, this data can only be published with the consent of the Data Subject. You have no such consent. You are therefore committing a wilful and deliberate offence in breach of Article 145 of the Data Protection Act, 2018.

We hereby call upon you, within 5 days of the date hereof, to immediately remove the aforementioned Facebook Page and delete any and all reference to TUSLA or TUSLA Employees. For the avoidance of doubt, this request is being made within the context of our Clients equitable, legal and constitutional right to their good name but also in accordance with Articles 90-95 of the Data Protection Act, 2018. If you fail to comply with this request within 5 days of this date, immediate Injunctive Proceedings will be commenced. The costs of which will be borne by you.

107

This letter has been delivered by registered post and will be used as evidence in all Injunctive Proceedings going forward.

Yours faithfully,

Arthur Denny,
Solicitor.
TUSLA

108

TUSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlac
Child and Family Agency

Confidential:

Section Ref: ONL001/0001

https://Section 37(1) Personal Information

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Correspondence Brief

On-site Content Complaint	4/12/21	1-2
Notice & Take Down Letter OLS to Twitter	4/10/21	3-4
Notice & Take Down Letter OLS to Twitter	2/10/21	5-6
Twitter Resp.	19/10/21	7-8
2 nd Notice & Take Down Letter OLS to Twitter	26/10/21	9-10
Twitter Resp.	1/11/21	11-12

1. Cumberland St. S.
Fenian St,
Dublin 2,
D02 AX07.
By Courier

Ref: ONL001/0001(Post #2)

Date: 04 October 2021

Date: 25th Sept. 21 @ 10.52
Possible Poster: Party Style of - "Section 37(1) Personal Information"
Content: Video Direct to Camera
Victim: Individuals Named
Post #1 https://twitter.com/Section 37(1) Personal Information

Dear Sirs,

I refer to the above and confirm that I act for and on behalf of TUSLA in this matter.

The above cited postings contain false, defamatory and malicious material that must be removed forthwith. Additionally, the posting seeks to direct protests outside the home of private citizen's residences without justification or authority. It is clear that your Service is being used to facilitate ongoing harassment. Such content is not acceptable and does not, in our view, come within the parameters of free speech. The offensive postings are followed by a number of other related postings using the hashtag Section 37(1) Personal. These postings are a direct connection to that of the 25th and TUSLA requests Twitter to assess them in the context of this letter.

Please also note that the posting of such material may breach Section 31 of the Child Care Act, 1991 for which, your office as publisher, are liable. It is an offence to publish any information that potentially could lead to the identification of a child in care.

Further, the identifying data contained in said posts are personal data / special categories of personal data, as defined by Articles 4(1) & 9(1) of the General Data Protection Regulation. As per same, the processing of personal data shall be lawful only if and to the extent that, at least, one lawful basis applies. Your lawful basis for the processing of the relevant personal data is not immediately apparent. Further, I note that the relevant personal data appear to have been obtained without the prior authority of TUSLA. Section 145 of the Data Protection

124

3.

Act 2018 provides that a person who obtains and discloses personal data without the prior authority of the controller or processor shall be guilty of an offence. As TUSLA has granted you no such authority, you are committing a wilful and deliberate offence in breach of the said section.

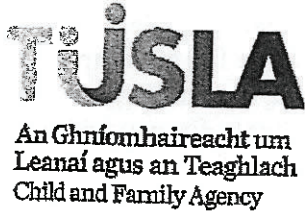
We hereby call upon you, within 2 days of the date hereof, to immediately remove the aforementioned content. For the avoidance of doubt, this request is being made within the context of our Client's equitable, legal and constitutional rights. If you fail to comply with this request within 5 days of this date, Tusla may have no option but to take immediate steps which may include Injunctive Proceedings, and we will use this letter to fix you with any costs incurred.

This letter has been delivered by courier and will be used as evidence in all Injunctive Proceedings going forward.

Yours faithfully,

Arthur Denny,
Solicitor.
The Office of Legal Services,
TUSLA.

Handwritten signature and date in blue ink, appearing to be 'A. Denny' and '1/20'.



Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Twitter,
Complaints Department,
1 Cumberland St. S,
Fenian St,
Dublin 2,
D02 AX07.
By Courier

Ref: ONL001/0001(Post #2)

Date: 06 October 2021

Date: 25th Sept. 21 @ 10.52
Possible Poster: Party Style of - “[Section 37\(1\) Personal Information](#)
Content: Video Direct to Camera
Victim: Individuals Named
Post #1 <https://twitter.com> [Section 37\(1\) Personal Information](#)

Dear Sirs,

We refer to the above and to our letter to you, delivered by courier, on the 5th inst., and to the online notice and take down request issued to you in this regard. Again, the content of this material is false, defamatory and malicious. It seeks to direct protests outside the home of private citizen’s residences without lawful authority. As noted, your service is being used to facilitate ongoing harassment. Such content is not acceptable and does not come within the parameters of free speech.

Your organisation is subject to the decisions issued in *Payam Tamiz –v- Google Inc. [2013] ECCA Civ 681991* and *Godfrey –v- Daemon Internet Ltd. [2001] QB 201*. Accordingly, you have been put on notice of the offending content, and not removed same. Therefore, Tusla may have no alternative but to make an application to have you designated as a publisher thereby extending all liability deriving from the content to you.

A full and vigorous pursuit of this matter will be undertaken unless this post, and all reposting of same, is removed today, before close of business today. If this material is not removed, we

126
S

may have no alternative but to apply to the High Court, on an ex-parte basis, for the necessary injunctive relief.

This and related correspondence, will be exhibited to the Court in support of any application issued.

Yours faithfully,

Arthur Denny, Solicitor.
The Office of Legal Services,
TUSLA.

6.177



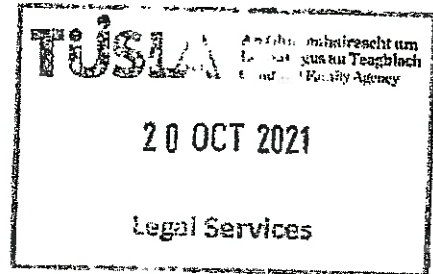
Child and Family Agency
Floors 2-5,
Brunel Building,
Heuston South Quarter,
Dublin 8

19 October 2021

BY EMAIL

RE: Removal Request

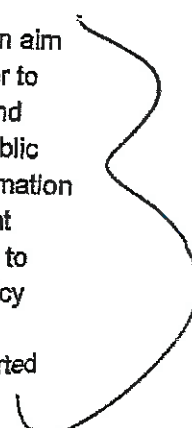
Dear Mr. Denny:



We write in response to your letters dated 4 October 2021 and 7 October 2021.

Handwritten mark: a star-like symbol with the number 2 next to it.

As an initial matter, and as you may know, Twitter operates a global online platform with an aim of furthering the public conversation. Specifically, people from around the world use Twitter to engage in conversations about things happening around the world, and find information and news relevant to them. Indeed, many people that use our services share information of public interest and as a result the public at large benefits as it provides them with access to information that may otherwise be difficult to obtain. Twitter does not control and pre-review the content posted by its users. Nevertheless, we offer to the people who use our services many ways to report violations of Twitter's Terms of Service (<https://twitter.com/tos>), Twitter's Privacy Policy (<https://twitter.com/en/privacy>) or the Twitter Rules (<https://help.twitter.com/rules-and-policies/twitter-rules>). To the extent that the content reported to us violates our terms or our privacy policy, we take appropriate action.



With respect to the Tweet in question, ([https://twitter.com/Section37\(1\)PersonalInformation](https://twitter.com/Section37(1)PersonalInformation)) we have conducted an internal examination related to this matter. After review, it appears that the information concerned may relate to matters of public interest and free expression, as it relates to child protection and surrounding controversies. The use of the hashtag Section37(1)PersonalInformation supports that the purpose of the Tweet is to encourage citizens to make their voices heard, stand up for their individual rights and beliefs, to both the mainstream media and respective governments. As such, Twitter determined that the content will not be removed from the platform.

Handwritten note: "Twitter Safe" with a checkmark.

Twitter International Company

One Cumberland Place
Fenian St.
Dublin 2, 002 AX.07
Ireland

Registered Number:
509351

Directors:
L. O'Brien, S. McSweeney, S. Edgett
(US)

Handwritten mark: a stylized signature or initials.

Handwritten mark: a stylized signature or initials.



We trust this answers your concerns, however, we remain at your disposal should you have further questions.

Sincerely,

Office of Data Protection
Twitter International Company

170

Twitter International Company

One Cumberland Place
Fenian St.
Dublin 2, 002 AX.07
Ireland

Registered Number:
503351

Directors:
L. O'Brien, S. McSweeney, S. Edgett
(US)

8.



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Twitter,
Complaints Department,
1 Cumberland St. S,
Fenian St,
Dublin 2,
D02 AX07.
By Courier

Ref: ONL001/0001(Post #2)

Date: 26 October 2021

Date: 25th Sept. 21 @ 10.52
Possible Poster: Party Style of - "Section 37(1) Personal Information"
Content: Video Direct to Camera
Victim: Individuals Named
Post #1 [https://twitter.com/Section 37\(1\) Personal Information](https://twitter.com/Section 37(1) Personal Information)

Dear Sirs,

I refer to the above matter and your letter of the 19th inst..

. We suggest that you reconsider your decision to allow this post remain on your platform. It is clear that a justifiable demand has been issued and the legal basis upon which same is based has been fully explained.

For the sake of completeness, you are reminded that your organisation is subject to the *Data Protection Act, 2018*, the *Child Care Act, 1991* and the decisions issued in *Payam Tamiz –v- Google Inc. [2013] ECCA Civ 681991* and *Godfrey –v- Daemon Internet Ltd. [2001] QB 201*. This Agency will rely on same to ground any further necessary actions, it considers necessary.

As you are aware, this Agency is charged with the protection and vindication of the welfare of vulnerable children. The contents of this offending posting presents a real and tangible impediment to the execution of this duty. Further, the posting seeks to incite intimidation and harassment of specific Agency personnel. In particular, the Poster seeks to induce a protest outside the homes of private citizens. Accordingly, it is impossible to accept your characterisation of the posting as being in the public interest. Rather, it is clear that the subject post seeks to incite unlawful harassment of Tusla staff.

We do not accept your view of the post and we cannot agree that the ^{Section 37(1)} ~~Personal Information~~ is in the public interest. In our view, this group is inciting harassment at the homes of private citizens and that by continuing to allow this post remain on your platform, Twitter is implicitly supporting such harassment and Tusla intends to bring your interpretation of this group and their intended actions to the public's attention.

Yours faithfully,

Arthur Denny,
Solicitor,
The Office of Legal Services,
TUSLA.

153
10.



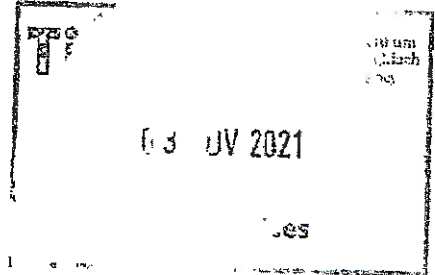
Child and Family Agency
Floors 2-5,
Brunel Building,
Heuston South Quarter,
Dublin 8

1 November 2021

BY MAIL

RE: Removal Request (Ref ONL001/0001)

Dear Mr. Denny:



We write in response to your letter dated 26 October 2021.

Per your request for reconsideration, we have conducted an additional internal examination related to the Tweet in question, ([https://twitter.com//status/Section 37\(1\) Personal](https://twitter.com//status/Section 37(1) Personal)). After the additional review, we continue to believe that the information concerned may relate to matters of public interest and free expression, as it relates to child protection and surrounding controversies.

The use of the hashtag [Section 37\(1\) Personal Information](https://twitter.com/Section 37(1) Personal Information) supports that the purpose of the Tweet is to encourage citizens to make their voices heard, stand up for their individual rights and beliefs, to both the mainstream media and respective governments. [Section 37\(1\) Personal Information](https://twitter.com/Section 37(1) Personal Information) shows many Tweets ([https://twitter.com/Section 37\(1\) Personal Information](https://twitter.com/Section 37(1) Personal Information)) covering the movement going back to early 2019. It was also covered in various newspapers such as the Irish Mail Sunday ([https://twitter.com/Section 37\(1\) Personal Information](https://twitter.com/Section 37(1) Personal Information)) and an online blog ([https://www.Section 37\(1\) Personal Information](https://www.Section 37(1) Personal Information)) such, Twitter determined that the content will not be removed from the platform.

We trust this answers your concerns, however, we remain at your disposal should you have further questions.

Sincerely,

Office of Data Protection
Twitter International Company

2020

25/10/21

Twitter International Company

One Cumberland Place
Fenian St.
Dublin 2, 002 AX.07
Ireland

Registered Number:
503351

Directors:
L. O'Brien, S. McSweeney, S. Edgett
(US)

11.134

FW:***Urgent

From: Arthur Denny (arthur.denny@tusla.ie)

To: **Section 37(1) Personal**

Date: Tuesday 2 February 2021, 15:04 GMT

From: Arthur Denny
Sent: Tuesday 2 February 2021 15:04
To: 'dmca@vimeo.com' <dmca@vimeo.com>
Subject: ***Urgent

Dear Sirs,

I refer to the above.

Please find attached.

Kind regards,

Arthur Denny,

Solicitor.

TUSLA.

When we go through tough time, little things like talking about our problems, getting regular exercise, drinking less alcohol and being involved in activities we enjoy can make a big difference to how we feel. Find the little things that work for you at yourmentalhealth.ie

"Tá an fhaisnéis sa ríomhphost seo (ceangaltáin san áireamh) faoi rún. Bainneann sé leis an té ar seoladh chuige amháin agus tá sé ar intinn go bhfaighfidh siadsan amháin é agus gurb iadsan amháin a dhéanfaidh breithniú air. Más rud é nach tusa an duine ar leis é, tá cosc iomlán ar aon fhaisnéis atá ann, a úsáid, a chraobhscaoileadh, a scalpeadh, a nochtadh, a fhoilsiú, ná a chóipeáil. Seáins gurb iad tuairimí pearsanta an údar atá san ríomhphost agus nach tuairimí FSS iad.

Má fuair tú an ríomhphost seo trí dhearmad, bheadh muid buíoch dá gcuirfeá in iúl don Deasc Seirbhíse ECT ar an nguthán ag +353 1 6352757 nó ar an ríomhphost chuig service.desk@hse.ie agus ansin glan an ríomhphost seo ded' chóras."

"Information in this email (including attachments) is confidential. It is intended for receipt and consideration only by the intended recipient. If you are not an addressee or intended recipient, any use, dissemination, distribution, disclosure, publication or copying of information contained in this email is strictly prohibited. Opinions expressed in this email may be personal to the author and are not necessarily the opinions of the HSE.

If this email has been received by you in error we would be grateful if you could immediately notify the ICT Service Desk by telephone at +353 1 6352757 or by email to service.desk@hse.ie and thereafter delete this e-mail from your system"



Vemotr#1.docx
47.3kB

189



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.

URGENT*****

11 November 2021
FB1012/0001

Date:	16 th Oct. 21 @ 23.10	Section 37(1) Personal Information	Post #1
Poster:	Person Under Style		
Content:	Video to Camera Name SW		
Victim:	Section 37(1)	Section 31, Child Care Act, 1991	
	https://m.facebook.com/story.php Section 37(1) Personal Information		
Date:	17 th Oct. 21 @ 13.24	Section 37(1) Personal Information	Post #2
Poster:	Person Under Style		
Content:	Video to Camera Name SW		
Victim:	Section 37(1)	Section 31, Child Care Act, 1991	
	https://m.facebook.com/story.php Section 37(1) Personal Information		
Date:	17 th Oct. 21 @ 16.47	Section 37(1) Personal Information	Post #3
Poster:	Person Under Style		
Content:	Video to Camera Name SW		
Victim:	Section 37(1)	Section 31, Child Care Act, 1991	
	https://m.facebook.com/story.php Section 37(1) Personal Information		

Dear Sirs,

We refer to the above and to our recent letter to you in this regard. As a courtesy, this office is willing to afford your offices a further period of 5 days within which you must to remove the offending post. It is respectfully suggested that you re-examine the contents of our previous letter. Therein a justifiable demand has been issued and legal basis upon which same is based has been explained. We do not propose citing same again.

Your organisation is subject to the General Data Protection Regulation, Data Protection Act, 2018, the Child Care Act, and the decisions issued in Payam Tamiz –v- Google Inc. [2013] ECCA Civ 681991 and Godfrey –v- Daemon Internet Ltd. [2001] QB 201.

We are instructed to apply the full weight of this State Agency behind a vigorous pursuit of this matter. You have been placed on notice of the seriously defamatory nature of the comments complained. You have made an editorial decision to continue to post the comments. You are accordingly fully liable for same as a Publisher. Your service will not be permitted to masquerade as a "Platform" when it suits them and then proceed to make editorial decisions as a "Publisher" when the occasion so fits.

Kindly have this post removed within 5 days from the date hereof. The matter will proceed no further if this is done.

This, and related correspondence, will be exhibited to The Court in support of any application issued.

Yours faithfully,

Arthur Denny,
Solicitor,
The Office of Legal Services,
TUSLA.

A handwritten signature in blue ink, appearing to be 'AD', is located in the bottom right corner of the page.



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.

URGENT*****

01 November 2021
FB1012/0001

Date: 16th Oct. 21 @ 23.19 Section 37(1) Personal Information Post #1
Poster: Person Under Style '
Content: Video to Camera Name SW
Victim: Section 37(1) Personal Information SW – Section 31, Child Care Act 1991
[https://m.facebook.com/story/Section 37\(1\) Personal Information](https://m.facebook.com/story/Section 37(1) Personal Information)

Date: 17th Oct. 21 @ 13.24 Section 37(1) Personal Information Post #2
Poster: Person Under Style "
Content: Video to Camera Name SW
Victim: Section 37(1) Personal Information SW – Section 31, Child Care Act. 1991
[https://m.facebook.com/story.php/Section 37\(1\) Personal Information](https://m.facebook.com/story.php/Section 37(1) Personal Information)

Date: 17th Oct. 21 @ 16.47 Post #3
Poster: **Section 37(1) Personal**
Content: Video to Camera Name SW
Victim: Section 37(1) Personal Information SW – Section 31, Child Care Act 1991
[https://m.facebook.com/story/Section 37\(1\) Personal Information](https://m.facebook.com/story/Section 37(1) Personal Information)

Dear Sirs,

I refer to the above and confirm that I act for and on behalf of TUSLA in this matter.

The above cited postings contain false, defamatory and malicious material that must be removed forthwith. Additionally, the posting of such material may breach Section 31 of the Child Care Act, 1991 for which, your office as publisher, are liable. It is this offices intention to hold your offices fully liable for all damages and any other Proceedings, of whatsoever nature, as may arise.

Further, the identifying data contained in said posts are personal data / special categories of personal data, as defined by Article 4(1) / 9(1) of the General Data Protection Regulation. Per Article 6(1) / 9(1) of the General Data Protection Regulation, processing of personal data shall be lawful only if and to the extent that at least one lawful basis applies. Your lawful basis for the processing of the relevant personal data is not immediately apparent, however I note also that the relevant personal data appear to have been obtained without the prior authority of TUSLA. Section 145 of the Data Protection Act 2018 provides that a person who obtains and discloses personal data without the prior authority of the controller or processor shall be guilty

of an offence. As TUSLA has granted you no such authority, you are committing a wilful and deliberate offence in breach of the said section.

We hereby call upon you, within 5 days of the date hereof, to immediately remove the aforementioned content. For the avoidance of doubt, this request is being made within the context of our Client's equitable, legal and constitutional right to their good name. If you fail to comply with this request within 5 days of this date, immediate Injunctive Proceedings will be commenced, the costs of which will be borne by you.

This letter has been delivered by registered post and will be used as evidence in all Injunctive Proceedings going forward.

Yours faithfully,

Arthur Denny,
Solicitor,
The Office of Legal Services,
TUSLA.

A handwritten signature in blue ink, appearing to be 'AD', is located in the bottom right corner of the page.



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Twitter,
Complaints Department,
1 Cumberland St., S.,
Fenian St.,
Dublin 2.
D02 AX07
000805/0001(Twitter #1)

October 5, 2021

Date:	4th Oct. 21	Post #1
Possible Poster:	Party Style of - "Section 37(1) Personal Information"	
Content:	Breach of Section 31 of the Child Care Act, 1991	
Victim:	Section 31 of Child Care Act, 1991	
Post #1	Section 37(1) Personal Information	
Post#2		

Dear Sirs,

I refer to the above and confirm that I act for and on behalf of TUSLA in this matter.

The above cited postings contain false, defamatory and malicious material that must be removed forthwith. Additionally, the posting seeks to direct protests outside the home of private citizen's residences without justification or authority. It is clear that your Service is being used to facilitate ongoing harassment. Such content is not acceptable and does not come within the parameters of free speech.

Please also note that the posting of such material *may* breach Section 31 of the Child Care Act, 1991 for which, your office as publisher, are liable. It is an offence to publish any information that potentially could lead to the identification of a child in care.

Further, the identifying data contained in said posts are personal data / special categories of personal data, as defined by Articles 4(1) & 9(1) of the General Data Protection Regulation. As per same, the processing of personal data shall be lawful only if and to the extent that at least one lawful basis applies. Your lawful basis for the processing of the relevant personal data is not immediately apparent, however I note also that the relevant personal data appear to have been obtained without the prior authority of TUSLA. Section 145 of the Data Protection Act 2018 provides that a person who obtains and discloses personal data without the prior authority of the controller or processor shall be guilty of an offence. As TUSLA has granted you no such authority, you are committing a wilful and deliberate offence in breach of the said section.

no 2

We hereby call upon you, within 2 days of the date hereof, to immediately remove the aforementioned content. For the avoidance of doubt, this request is being made within the context of our Client's equitable, legal and constitutional right to their good name. If you fail to comply with this request within 5 days of this date, immediate Injunctive Proceedings will be commenced, the costs of which will be borne by you.

This letter has been delivered by courier and will be used as evidence in all Injunctive Proceedings going forward.

Yours faithfully,

Arthur Denny,
Solicitor.
The Office of Legal Services,
TUSLA.

211

3
3



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brumel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook
Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.
URGENT*****

Ref: 0009590001/AD/(Post #50)

September 28, 2021

Date:	26 th Sept. 21	<small>Section 37(1) Personal Informa</small>	
Possible Poster:	Party Style of		Post #1
Content:	ID of SW and Breach of Section 31 of Child Care Act, 1991		
Victim:	Section 31 of Child Care Act, 1991		
https://www.facebook.com/permalink Section 37(1) Personal Information			

Dear Sirs,

I refer to the above and confirm that I act for an on behalf of TUSLA in this matter.

The above cited posting(s) contains false, defamatory and malicious material that must be removed forthwith. Additionally, the posting of such material may breach Section 31 of the Child Care Act, 1991 for which, your office as publisher, are liable. It is this offices intention to hold your offices fully liable for all damages and any other Proceedings, of whatsoever nature, as may arise.

Further, the identifying data contained in said posts is Personal Data in accordance with Section 69(1) of the Data Protection Act, 2018. Therefore, this data can only be published with the consent of the Data Subject. You have no such consent. You are therefore committing a wilful and deliberate offence in breach of Article 145 of the Data Protection Act, 2018.

We hereby call upon you, within 5 days of the date hereof, to immediately remove the aforementioned content. For the avoidance of doubt, this request is being made within the context of our Clients equitable, legal and constitutional right to their good name but also in accordance with Articles 90-95 of the Data Protection Act, 2018. If you fail to comply with this request within 5 days of this date, immediate Injunctive Proceedings will be commenced. The costs of which will be borne by you.

This letter has been delivered by registered post and will be used as evidence in all Injunctive Proceedings going forward.

Yours faithfully,

Arthur Denny,

237

Arthur Denny

From: Facebook <case++aazqh6uxrbzdg2@support.facebook.com>
Sent: Monday 12 July 2021 18:22
To: Arthur Denny
Subject: Your Correspondence to Facebook Ireland
Attachments: KPmvmI

Hi,

Thank you for your correspondence to Facebook Ireland dated 2021.07.05, which has come to our team's attention. A copy of your correspondence is attached for your reference.

It appears that the content you reported has already been removed from Facebook. We understand this to resolve your report.

If you have questions or want to report something else, please visit the Help Center:
<https://scanner.topsec.com/?d=1823&u=https%3A%2F%2Fwww.facebook.com%2Fhelp%2Freportlinks%3Fref%3Dcr&t=66609c970e8c5517ad70517cb9f05c199800ed91&r=show>

Thanks,

Facebook

>On Mon Jul 12, 2021 10:18:05, TUSLA Child and Family Agency wrote:
 >

TÚSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook
Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.

URGENT*****

Ref: 0009590001/AD/(Post #49)

June 5, July, 2021

Date: 28th March 2021 @ 00:17
Possible Poster: Party Style of Section 37(1) Personal Information
Content: Photo of SW and breach of Section 31 of Child Care Act, 1991
Victim: Section 31 of Child Care Act, 1991
<https://www.facebook.com> Section 37(1) Personal Information

Dear Sirs,

We refer to the above and your email of the 5th inst. in respect of same. As a courtesy, this office is willing to afford your offices a further period of 5 days within which you must to remove the offending post. It is respectfully suggested that you re-examine the contents of our previous letter. Therein a justifiable demand has been issued and legal basis upon which same is based has been explained. We do not propose citing same again.

Your organisation is subject to the General Data Protection Regulation, Data Protection Act, 2018, the Child Care Act, and the decisions issued in *Payam Tamiz –v- Google Inc. [2013]* *ECCA Civ 681991* and *Godfrey –v- Daemon Internet Ltd. [2001] QB 201*.

We are instructed to apply the full weight of this State Agency behind a vigorous pursuit of this matter. You have been placed on notice of the seriously defamatory nature of the comments complained. You have made an editorial decision to continue to post the comments. You are accordingly fully liable for same as a Publisher. Your service will not be permitted to masquerade as a "Platform" when it suits them and then proceed to make editorial decisions as a "Publisher" when the occasion so fits.

Kindly have this post removed within 5 days from the date hereof. The matter will proceed no further if this is done.

243

This, and related correspondence, will be exhibited to The Court in support of any application issued.

Yours faithfully,

Arthur Denny,
Solicitor,
The Office of Legal Services,
TUSLA.

see

TUSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 - 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook
Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.
URGENT*****

Ref: 0009590001/AD/(Post #49)

June 25, 2021

Date: 28th March 2021 @ 00.17
Possible Poster: Party Style of **Section 37(1)**
Content: Photo of SW and Breach of Section 31 of Child Care Act, 1991
Victim: Section 31 of Child Care Act, 1991
[https://www.facebook.com/Section 37\(1\) Personal Information](https://www.facebook.com/Section 37(1) Personal Information) **Section 37(1) Personal Information**

Dear Sirs,

I refer to the above and confirm that I act for an on behalf of TUSLA in this matter.

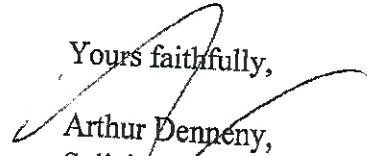
The above cited posting(s) contains false, defamatory and malicious material that must be removed forthwith. Additionally, the posting of such material may breach Section 31 of the Child Care Act, 1991 for which, your office as publisher, are liable. It is this offices intention to hold your offices fully liable for all damages and any other Proceedings, of whatsoever nature, as may arise.

Further, the identifying data contained in said posts is Personal Data in accordance with Section 69(1) of the Data Protection Act, 2018. Therefore, this data can only be published with the consent of the Data Subject. You have no such consent. You are therefore committing a wilful and deliberate offence in breach of Article 145 of the Data Protection Act, 2018.

We hereby call upon you, within 5 days of the date hereof, to immediately remove the aforementioned content. For the avoidance of doubt, this request is being made within the context of our Clients equitable, legal and constitutional right to their good name but also in accordance with Articles 90-95 of the Data Protection Act, 2018. If you fail to comply with this request within 5 days of this date, immediate Injunctive Proceedings will be commenced. The costs of which will be borne by you.

This letter has been delivered by registered post and will be used as evidence in all Injunctive Proceedings going forward.

Yours faithfully,


Arthur Denny,
Solicitor.
TUSLA

257

Arthur Denny

From: Facebook <case++aazqkcoqp2rbzu@support.facebook.com>
Sent: Monday 5 July 2021 04:39
To: Arthur Denny
Subject: Re: Your Correspondence to Facebook Ireland
Attachments: fh183E

Hi,

Thank you for your correspondence to Facebook Ireland dated 2021-06-25, which has come to our team's attention. A copy of your correspondence is attached for your reference.

It appears you provided a URL for a video. In order for us to continue reviewing your request, please reply to this message with the timestamp(s) of when the allegations you are reporting appear in the video. Also, please explain why you believe the reported content is unlawful.

Once we receive this information we will be able to continue our review.

Thanks,

Section
37(1)
Facebook

>On Thu Jul 1, 2021 03:33:35, TUSLA Child and Family Agency wrote:
>

253



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook
Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.
URGENT*****

Ref: 0009590001/AD/(Post #48)

July 12, 2021

Date: 12th June 21
Possible Poster: **Section**
Victim: SW & Section 31 of Child Care Act, 1991
[https://Section 37\(1\) Personal Information](https://Section 37(1) Personal Information)

Dear Sirs,

We refer to the above and your email of the 8th inst. in respect of same. You are, once more, referred to the decisions issued in *Payam Tamiz –v- Google Inc. [2013] ECCA Civ 681991* and *Godfrey –v- Daemon Internet Ltd. [2001] QB 201*. We trust you will adhere to the notice and take down principle applied therein.

Kindly have this post removed within 5 days from the date hereof. The matter will proceed no further if this is done.

This, and related correspondence, will be exhibited to The Court in support of any application issued.

Yours faithfully,

Arthur Denny,
Solicitor,
The Office of Legal Services,
TUSLA.

286

Arthur Denny

From: Facebook <case++aazquce2uqekyt@support.facebook.com>
Sent: Thursday 8 July 2021 14:43
To: Arthur Denny
Subject: Re: Your Correspondence to Facebook Ireland
Attachments: AnKM6a

Hi,

Thanks for your response to Facebook Ireland dated 23.06.2021, which has come to our team's attention. A copy of your correspondence is attached for your reference.

Based on the information provided, we are not in a position to assess whether the reported content is true or false. For this reason, it is not clear whether the content is unlawful as defamation and we are therefore unable to act on your request. Additionally, based on the information provided we are unable to assess if the content may be otherwise unlawful. If you haven't done so already, you may wish to reach out to the party responsible for posting the content to resolve your issue with them directly.

Thanks,

Facebook

268

TÚSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook
Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.

URGENT*****

Ref: 0009590001/AD/(Post #48)

June 23, 2021

Date: 12th June 21
Possible Poster: Section
Victim: SW & Section 31 of Child Care Act, 1991
[https://www.facebook.com/section371personal
Information](https://www.facebook.com/section371personalinformation)

Dear Sirs,

We refer to the above and your email of the 22nd inst. in respect of same. As a courtesy, this office is willing to afford your offices a further period of 5 days within which you must to remove the offending post. It is respectfully suggested that you re-examine the contents of our previous letter. Therein a justifiable demand has been issued and legal basis upon which same is based has been explained. We do not propose citing same again.

Your organisation is subject to the General Data Protection Regulation, Data Protection Act, 2018, the Child Care Act, and the decisions issued in *Payam Tamiz –v- Google Inc. [2013] ECCA Civ 681991* and *Godfrey –v- Daemon Internet Ltd. [2001] QB 201*.

We are instructed to apply the full weight of this State Agency behind a vigorous pursuit of this matter. You have been placed on notice of the seriously defamatory nature of the comments complained. You have made an editorial decision to continue to post the comments. You are accordingly fully liable for same as a Publisher. Your service will not be permitted to masquerade as a "Platform" when it suits them and then proceed to make editorial decisions as a "Publisher" when the occasion so fits.

Kindly have this post removed within 5 days from the date hereof. The matter will proceed no further if this is done.


This, and related correspondence, will be exhibited to The Court in support of any application issued.

Yours faithfully,

Arthur Denny,
Solicitor,
The Office of Legal Services,
TUSLA.

271

Arthur Denny

From:  Facebook <case++aazsfiga56jhre@support.facebook.com>
Sent: Tuesday 22 June 2021 18:37
To: Arthur Denny
Subject: Your Correspondence to Facebook
Attachments: dVPGvR

Hi,

Thank you for your correspondence to Facebook Ireland dated 2021-06-15, which has come to our team's attention. A copy of your correspondence is attached for your reference.

It appears you provided a URL for a video. In order for us to continue reviewing your request, please reply to this message with the timestamp(s) of when the allegations you are reporting appear in the video. Also, please explain why you believe the reported content is unlawful.

Once we receive this information we will be able to continue our review.

Thanks,

Section 37(1)
Personal
Facebook





An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook
Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.
URGENT*****

Ref: 0009590001/AD/(Post #48)

Date: 15th June 21

Date: 12th June 21 @ 10.38
Possible Poster: Section
Content: Video of Breachs of Section 31 of Child Care Act, 1991
Victim: SW & Section 31 of Child Care Act, 1991
[https://Section 37\(1\) Personal Information](https://Section 37(1) Personal Information)

Dear Sirs,

I refer to the above and confirm that I act for an on behalf of TUSLA in this matter.

The above cited posting('s) contains false, defamatory and malicious material that must be removed forthwith. Additionally, the posting of such material may breach Section 31 of the Child Care Act, 1991 for which, your office as publisher, are liable. It is this offices intention to hold your offices fully liable for all damages and any other Proceedings, of whatsoever nature, as may arise.

Further, the identifying data contained in said posts is Personal Data in accordance with Section 69(1) of the Data Protection Act, 2018. Therefore, this data can only be published with the consent of the Data Subject. You have no such consent. You are therefore committing a wilful and deliberate offence in breach of Article 145 of the Data Protection Act, 2018.

We hereby call upon you, within 5 days of the date hereof, to immediately remove the aforementioned content. For the avoidance of doubt, this request is being made within the context of our Clients equitable, legal and constitutional right to their good name but also in accordance with Articles 90-95 of the Data Protection Act, 2018. If you fail to comply with this request within 5 days of this date, immediate Injunctive Proceedings will be commenced. The costs of which will be borne by you.

This letter has been delivered by registered post and will be used as evidence in all Injunctive Proceedings going forward.

278

Yours faithfully,

Arthur Denny,
Solicitor.
TUSLA

279



Barrow Street
Dublin 4, Ireland
D04 TR29
DX11 Dublin
+353 1 614 5000
dublin@mhc.ie

Bois

1, 2, 3, 4 6 + 8 removed

Arthur Denny
TUSLA
Child and Family Agency
Floors 2-5
Brunel Building
Heuston South Quarter
Dublin 8
arthur.denny@tusla.ie

7/6/21

BY EMAIL

7 June 2021

Your ref: 0009590001/AD/(Post #47) *S+785111* Our ref: GK/CFB/37079.64

MHC-25347431-1

Matter: Our Client: Facebook Ireland Limited

Dear Mr Denny

We write on behalf of our client Facebook Ireland Limited ("Facebook Ireland") in response to your letters dated 29 March 2021 and 26 April 2021, in which you request the removal of the content located at the URLs listed below (the "Reported Content"):

1. **Section 37(1) Personal Information**

2.

3.

4.

5.

6.

7.

8.

9.

Dublin

London

New York

San Francisco

MHC.ie

Partners - Declan Black (Managing) | Christine O'Donovan (Chair) | Mark Adair | Jenny Ahern | Catherine Allen | Liam Brazil | Sonya Bruen | Susan Bryson | Nicola Byrne | Vanessa Byrne | Niamh Caffrey | Niamh Callaghan | Neil Campbell | William Carmody | Rachel Carney | Eoin Cassidy | Gemma Coody | Tonya Colbert | Niall Collins | Ger Connolly | Keelin Cowhey | Melanie Crowley | Tom Davy | Mulrean Denny | Robert Dickson | William Dillon-Lesch | Shane Dolan | Michael Doran | Conor Durkin | John Farrell | James Fenelon | Helen Ferguson | Oliver FitzGerald | Rowena Fitzgerald | Jamie Fitzmaurice | Frank Flanagan | Conor Fohrrell | Karol Fox | Conall Garaghty | Stephen Gillick | Anthe Givony | Edward Gleeson | Michael Gracy | Liam Guildera | Edel Harrag | Wendy Hederman | Michaela Herron | Brian Harkin | Margaret Hughes | Brian Johnston | Peter Johnston | Lisa Joyce | Rachel Kavanagh | Martin Kelleher | Gerard Kelly | Tara Kelly | Marcus Kennedy | Niamh Keogh | Rory Kirrane SC | Claire Lord | Michael Madden | David Mangon | Robert McDonagh | Brian McElligott | Justin McKenna | Peter McLoy | Niall McIne | Colin Monaghan | Deirdre Munnely | Alice Murphy | Deirdre Nagle | Eavan Nelson | Philip Nelson | Ronald Neville | David O'Grady | David O'Donnell | Frank O'Flynn | Ian O'Leary | Nicholas Mercolle | Sara O'Reilly | Dara O'Shea | Maurice Phelan | Kevin Power | Sinéad Power | Elizabeth Quinn | Shane Reynolds | Judith Riordan | Liam Riordan | Paul Rochford | Elizabeth Ryan | Clain Tobin | Barry Walsh | Of Counsel - Una Burke | Paul Egan SC

Mason Hayes & Curran LLP is an Irish partnership authorised by the Legal Services Regulatory Authority in Ireland to operate as a limited liability partnership under the Legal Services Regulation Act 2015.

292

As we have set out in previous correspondence, Facebook Ireland is neither an author nor a publisher and, as such, your references to Facebook Ireland as the "*publisher*" of the Reported Content is incorrect. Rather, Facebook Ireland operates the Facebook service on which users residing in the European region may share and upload content. It follows that, insofar as any allegedly unlawful statement(s) are posted on the Facebook platform, your request for the removal of such statement(s) should, in the first instance, be directed to the third party user(s) who posted the allegedly unlawful statement(s).

In addition, Facebook Ireland is an information society service provider within the meaning of Directive 2000/31 (the "**E-Commerce Directive**"). Under the E-Commerce Directive and subsequent case law, it has no obligation to monitor its platform for unlawful content, nor can it be legally obligated to do so.

Notwithstanding the above, we confirm that the Reported Content previously located at URL no. 1 was found to violate Facebook's Community Standards. We confirm that the content previously located at URL no. 1 is no longer accessible. As a result, the content from URL no. 1 that was shared at URLs nos. 2, 3, 4, 6, and 8 is also no longer accessible.

With regard to the Reported Content at URL no. 9, it isn't clear that the profile reported is unlawful in its entirety. If you believe that the entire profile violates the law, please explain why you believe that is the case. Alternatively, please provide a URL to each photo, post, or other piece of content on the profile that you are reporting so that our client can better understand your complaint. Please note that our client requires a specific URL in order to identify and review content with accuracy and certainty, together with an adequate explanation of why the piece of content is unlawful. To locate the specific URL for a particular piece of content created by a profile, Page, group or event on the Facebook service, click the date or time link in the post, comment, photo, share or video and copy the link in your browser's address bar. For more information, please see: <https://www.facebook.com/help/2053403608222571/>. Without this information, our client will not be in a position to keep looking into your complaint about URL no. 9.

With regard to the allegedly defamatory nature of the remaining Reported Content, and on the basis of the information you have provided, our client is not in a position to determine whether the statements made by the third party users are defamatory, or to make an assessment of the underlying facts (which may be in dispute). Your letter simply asserts that the Reported Content "*contains false, defamatory and malicious material*" and provides no further detail or evidence to support the allegation of defamation. To the extent you believe that the remaining Reported Content contains such false, defamatory and malicious material, please provide further details of same, including the precise statements concerned and any supporting evidence or information to support your complaint. Without such information, it is impossible to ascertain whether or not the content is unlawful as defamatory. In any event, we would point out that only a court of law can determine whether the Reported Content is, in fact, defamatory of TUSLA and/or its employees, and whether the third party users who posted it have acted unlawfully.

With regard to your reference to section 31 of the Child Care Act 1991, it is not apparent from your correspondence, either directly or indirectly, that a child who is or has been the subject of care proceedings under that legislation is identified in the remaining Reported Content. To the extent you believe that a child is identified in the remaining Reported Content in contravention of the Child Care Act 1991, please provide specific details of such identification.



Facebook Ireland will continue to assess specific content brought to its attention on a case by case basis and in line with its policies. As you are aware from previous correspondence, the most efficient method to use for reporting any allegedly unlawful content, or content which may violate Facebook's Community Standards, is to report it directly to Facebook Ireland through the reporting tools available on the Facebook service. You may also report such content by using the Defamation Reporting Form¹. Further information about reporting content on the Facebook platform is publicly available for your convenience at <https://www.facebook.com/help/263149623790594/>.

For the avoidance of doubt, please note that we are not authorised to accept service on behalf of Facebook Ireland. As a courtesy, you may continue to copy us on correspondence related to this matter.

Facebook Ireland expressly reserves all of its rights.

Yours faithfully

Sent by email, no signature

MASON HAYES & CURRAN LLP

¹ <https://www.facebook.com/help/contact/430253071144967>

A handwritten signature in blue ink, appearing to be "284".



Barrow Street
Dublin 4, Ireland
D04 TR29
DX11 Dublin
+353 1 614 5000
dublin@mhc.ie

Arthur Denny
TUSLA
Child and Family Agency
Floors 2-5
Brunel Building
Heuston South Quarter
Dublin 8
arthur.denny@tusla.ie

BY EMAIL

10 May 2021 **Your ref:** 0009590001/AD/(Post #47) **Our ref:** GKY/CFB/37079.64
MHC-25109705-1

Matter: Our Client: Facebook Ireland Limited

Dear Mr Denny

We refer to your letters dated 29 March 2021 and 26 April 2021 which have been passed to us by our client, Facebook Ireland Limited ("Facebook Ireland").

Please note that we are currently taking our client's instructions and will revert to you with a substantive response as soon as possible.

In the meantime, Facebook Ireland expressly reserves all of its rights.

For the avoidance of doubt, we are not authorised to accept service on behalf of Facebook Ireland.

Yours faithfully

Sent by email, no signature

MASON HAYES & CURRAN LLP

Dublin

London

New York

San Francisco

MHC.ie

Partners - Declan Black (Managing) | Christine O'Donovan (Chair) | Mark Adair | Jenny Ahern | Catherine Allen | Liam Brazi | Sonya Bruen | Susan Bryson | Nicola Byrne | Vanessa Byrne
Niamh Coffey | Niamh Collaghan | Neil Campbell | William Connolly | Rachel Corney | Eoin Cassidy | Gemma Coady | Tanya Colbert | Niall Collins | Ger Connolly | Keelin Cowhey | Melanie Crowley
Tom Davy | Maireann Denny | Robert Dickson | William Dillon-Letch | Shane Dolan | Michael Doran | Conor Durkin | John Farrell | James Fenelon | Helen Ferguson | Oliver FitzGerald
Rowena Fitzgerald | Jamie Fitzmaurice | Frank Flanagan | Conor Fortrell | Carol Fox | Conal Geraghty | Stephen Gillick | Ailbhe Givarry | Edward Gleason | Micheál Grace | Liam Guidara
Edel Hartog | Wendy Hederman | Michaela Herron | Brian Horkan | Margaret Hughes | Brian Johnston | Peter Johnston | Lisa Joyce | Rachel Kavanagh | Martin Kelleher | Gerard Kelly | Tara Kelly
Marcus Kennedy | Niamh Keogh | Rory Kieran SC | Claire Lord | Michael Madden | David Mangan | Robert McDonagh | Brian McElligott | Justin McKenna | Peter McLay
Niall Michel | Colin Monaghan | Deirdre Munnally | Alice Murphy | Deirdre Neagle | Jevon Nolan | Philip Nolan | Ronald Neville | David Ormsby | David O'Donnell | Frank O'Flynn | Ian O'Herlihy
Nicholas Metcalfe | Sara O'Reilly | Daragh O'Shea | Maurice Phelan | Kevin Power | Siobhán Power | Elizabeth Quinn | Shane Reynolds | Judith Riordan | Liam Riordan | Paul Rochford
Elizabeth Ryan | Oisín Tobin | Barry Walsh | Of Counsel - Una Burke | Paul Egan SC

290

TÚSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 - 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook
Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.
URGENT*****

Ref: 0009590001/AD/(Post #47)

Date: April 26, 2021

Date: 28th March 2021 @ 00.17
Possible Poster: Party Style of **Section 37(1)**
Content: Photo of SW and Breach of Section 31 of Child Care Act, 1991
Victim: SW & Section 31 of Child Care Act, 1991
<https://m.facebook.com/story> **Section 37(1) Personal Information**

Date: 28th March 2021 @ 00.28
Possible Poster: **Section 37(1)**
Content: SW Named & Section 31 of Child Care Act, 1991
Victim: Sect & Section 31 of Child Care Act, 1991
<https://m.facebook.com/story> **Section 37(1) Personal Information**

Date: 28th March 2021
Possible Poster: **Section 37(1)**
Content: SW Photo Defamatory Comments
Victim: SW
<https://m.facebook.com/story> **Section 37(1) Personal Information**

Date: 26th March 2021
Possible Poster: **Section 37(1)**
Content: Photo of SW un-Solicited & Defamatory Comments
Victim: SW
<https://m.facebook.com/story.php> **Section 37(1) Personal Information**

Date: 26th March 2021
Possible Poster: **Section**
Content: Photo of SW & Possible Section 31 Breach
Victim: SW & Section 31 of Child Care Act, 1991
<https://m.facebook.com/story.php> **Section 37(1) Personal Information**

292

Date: 25th March 2021 @ 18.28
 Possible Poster: Section 37(1)
 Content: Photo of SW & Defamatory Comment
 Victim: SW
<https://m.facebook.com/story> Section 37(1) Personal Information
 Section 37(1) Personal Information

Date: 26th of March 2021
 Possible Poster: Section
 Content: Photo of SW & Defamatory Posts
 Victim: SW
<https://m.facebook.com/story.php> Section 37(1) Personal Information
 Section 37(1) Personal Information
 Section 37(1) Personal Information

Date: Screen Grab on the 29/3/21
 Possible Poster: Full Facebook Profile
 Content: Defamation and Section 31 Breaches
 Victim: SW
<https://www.facebook.com> Section 37(1) Personal Information
 Section 37(1) Personal Information

Date: 25th March 2021
 Possible Poster: Section 37(1)
 Content: Defamatory Comment & Section 31 of Child Care Act, 1991 breach
 Victim: SW & Section 31 of Child Care Act, 1991
<https://m.facebook.com/story> Section 37(1) Personal Information
 Section 37(1) Personal Information
 Section 37(1) Personal Information

Dear Sirs,

We refer to the above and your email of the 23rd inst. in respect of same. As a courtesy, this office is willing to afford your offices a further period of 5 days within which you must to remove the offending post. It is respectfully suggested that you re-examine the contents of our previous letter. Therein a justifiable demand has been issued and legal basis upon which same is based has been explained. We do not propose citing same again.

Your organisation is subject to the General Data Protection Regulation, Data Protection Act, 2018, the Child Care Act, and the decisions issued in *Payam Tamiz -v- Google Inc. [2013] ECCA Civ 681991* and *Godfrey -v- Daemon Internet Ltd. [2001] QB 201*.

We are instructed to apply the full weight of this State Agency behind a vigorous pursuit of this matter. You have been placed on notice of the seriously defamatory nature of the comments complained. You have made an editorial decision to continue to post the comments. You are accordingly fully liable for same as a Publisher. Your service will not be permitted to masquerade as a "Platform" when it suits them and then proceed to make editorial decisions as a "Publisher" when the occasion so fits.

Kindly have this post removed within 5 days from the date hereof. The matter will proceed no further if this is done.

297


This, and related correspondence, will be exhibited to The Court in support of any application issued.

Yours faithfully,

Arthur Denny,
Solicitor,
The Office of Legal Services,
TUSLA.

294

Arthur Denny

From:  Facebook <case++aazqy3u4lzbq4g@support.facebook.com>
Sent: Friday 23 April 2021 15:46
To: Arthur Denny
Subject: Re: Your Correspondence to Facebook Ireland
Attachments: TgG8p7

Hi,

Thank you for your correspondence Facebook Ireland dated 2021-03-29, which has come to our team's attention. A copy of your correspondence is attached for your reference.

Based on the information you've provided, it isn't clear to us that the content you've reported constitutes defamation. For this reason, we're unable to act on your report at this time.

If you haven't already done so, you may wish to reach out to the party responsible for posting the content to resolve your issue with them directly.

Further, after reviewing your report, it isn't clear to us that the content you reported is unlawful or violates our Community Standards. We're not in a position to act on your report at this time.

If you haven't already done so, you may wish to reach out to the party responsible for posting the content to resolve your issue with them directly.

If you have questions, please visit the Help Center:

<https://scanner.topsec.com/?u=https%3A%2F%2Fwww.facebook.com%2Fhelp%3Fref%3Dcr&d=1823&t=27b194343f54a005260167d44fed7e5bf4658f16&r=show>

Thanks,

Section
Facebook

>On Wed Apr 7, 2021 23:05:02, Arthur Denny wrote:
>

296

TÚSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 - 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook
Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.

URGENT*****

Ref: 0009590001/AD/(Post #47)

Date: March 29, 2021

Date: 28th March 2021 @ 00:17
Possible Poster: Party Style of "Section 37(1)"
Content: Photo of SW and Breach of Section 31 of Child Care Act, 1991
Victim: SW & Section 31 of Child Care Act, 1991
<https://m.facebook.com/story> Section 37(1) Personal Information

Section 37(1)
Personal Information

Date: 28th March 2021 @ 00:28
Possible Poster: Section 37(1)
Content: SW Named & Section 31 of Child Care Act, 1991
Victim: Secti & Section 31 of Child Care Act, 1991
<https://m.facebook.com/story.php> Section 37(1) Personal Information

Date: 28th March 2021
Possible Poster: Section 37(1)
Content: SW Photo Defamatory Comments
Victim: SW
<https://m.facebook.com/story> Section 37(1) Personal Information

Date: 26th March 2021
Possible Poster: Section 37(1)
Content: Photo of SW un-Solicited & Defamatory Comments
Victim: SW
<https://m.facebook.com/story.php> Section 37(1) Personal Information

Date: 26th March 2021
Possible Poster: Section
Content: Photo of SW & Possible Section 31 Breach
Victim: SW & Section 31 of Child Care Act, 1991
<https://m.facebook.com/story.php> Section 37(1) Personal Information

298

Date: 25th March 2021 @ 18.28
 Possible Poster: Section
 Content: Photo of SW & Defamatory Comment Section 37(1) Personal Information
 Victim: SW Section 37(1) Personal Information
<https://m.facebook.com/story>

Date: 26th of March 2021
 Possible Poster: Section 37(1)
 Content: Photo of SW & Defamatory Posts Section 37(1) Personal Information
 Victim: Section 37(1) Personal Information
<https://m.facebook.com/story>

Date: Screen Grab on the 29/3/21
 Possible Poster: Full Facebook Profile
 Content: Defamation and Section 31 Breaches
 Victim: SW Section 37(1) Personal Information
<https://www.facebook>

Date: 25th March 2021
 Possible Poster: Section 37(1)
 Content: Defamatory Comment & Section 31 of Child Care Act, 1991 breach Section 37(1) Personal Information
 Victim: SW & Section 31 of Child Care Act, 1991 Section 37(1) Personal Information
<https://m.facebook.com/story.php>

Dear Sirs,

I refer to the above and confirm that I act for an on behalf of TUSLA in this matter.

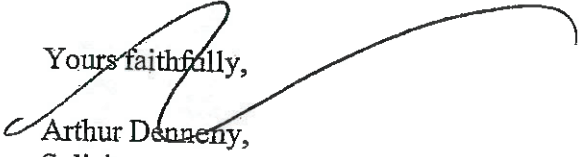
The above cited posting(s) contains false, defamatory and malicious material that must be removed forthwith. Additionally, the posting of such material may breach Section 31 of the Child Care Act, 1991 for which, your office as publisher, are liable. It is this offices intention to hold your offices fully liable for all damages and any other Proceedings, of whatsoever nature, as may arise.

Further, the identifying data contained in said posts is Personal Data in accordance with Section 69(1) of the Data Protection Act, 2018. Therefore, this data can only be published with the consent of the Data Subject. You have no such consent. You are therefore committing a wilful and deliberate offence in breach of Article-145 of the Data Protection Act, 2018.

We hereby call upon you, within 5 days of the date hereof, to immediately remove the aforementioned content. For the avoidance of doubt, this request is being made within the context of our Clients equitable, legal and constitutional right to their good name but also in accordance with Articles 90-95 of the Data Protection Act, 2018. If you fail to comply with this request within 5 days of this date, immediate Injunctive Proceedings will be commenced. The costs of which will be borne by you.

This letter has been delivered by registered post and will be used as evidence in all Injunctive Proceedings going forward.

Yours faithfully,



Arthur Denny,
Solicitor.
TUSLA

300

TUSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook
Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.
URGENT*****

000959/0001
(Post #46) February 15, 2021

Date: 9th of February 2021
Poster: Party under stvie of Section 37(1) Personal Infor
Content: **Section 37(1) Section 37(1) Section 37(1) Personal**
Victim: Section 31 of Child Care Act, 1991 breach Information
<https://www.facebook.com> **Section 37(1) Personal Information**

Dear Sirs,

I refer to the above and confirm that I act for an on behalf of TUSLA in this matter.

Facebook has been continuously used to facilitate the posting defamatory, false and malicious comments about this organization and specific staff members. The above video is most objectionable. This is a pattern of behaviour engaged in by the Poster and published you. As the publisher of these posts, are fully liable for the defamatory and abusive comments thereon. It is this offices intention to hold your offices fully liable for all damages arising.

Please note that the above cited postings contravene Section 31 of the Child Care Act, 1991. This is so as the video makes it possible to identify a child in Care. Further, the identifying data contained in said posts is Personal Data in accordance with Section 69(1) of the Data Protection Act, 2018. Therefore, this data can only be published with the consent of the Data Subject. You have no such consent. You are therefore committing a wilful and deliberate offence in breach of Article 145 of the Data Protection Act, 2018.

We hereby call upon you, within 5 days of the date hereof, to immediately remove the aforementioned Facebook Page and delete any and all reference to TUSLA or TUSLA Employees. For the avoidance of doubt, this request is being made within the context of our

Clients equitable, legal and constitutional right to their good name but also in accordance with Articles 90-95 of the Data Protection Act, 2018. If you fail to comply with this request within 5 days of this date, immediate Injunctive Proceedings will be commenced. The costs of which will be borne by you.

This letter has been delivered by registered post and will be used as evidence in all Injunctive Proceedings going forward.

Yours faithfully,

Arthur Denny,
Solicitor.
TUSLA

A handwritten signature in blue ink, appearing to be 'A. Denny', is located in the bottom right corner of the page.

TÚSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook
Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.

URGENT*****
000959/0001

(Post #44) February 1, 2021

Date:	25 th of Jan. 21	Post# 1
Poster:	Section 37(1)	
Content:	SW Named and Indirectly referred to a	Section 37(1) Personal Information
Victim:	Section 37(1)	
	https://m.facebook.com/story.php	Section 37(1) Personal Information
Date:	11th Jan. 21	Post #2
Poster:	Section 37(1)	
Content:	Social Worker defamed.	
Victim:	Section 37(1)	
	https://m.facebook.com/story.php	Section 37(1) Personal Information
Date:	11 th Nov. 2020	Post #3
Poster:	Section	
Content:	Video of SW being harassed	Section 37(1)
Victim:	Section 37(1) Personal	
	https://m.facebook.com/story.php	Section 37(1) Personal Information
Date:	12 th of January 2021	Post# 4
Poster:	Section 37(1)	
Content:	Video of SW being Harassed	
Victim:	Section 37(1)	
	https://m.facebook.com/story.php	Section 37(1) Personal Information
Date:	22 nd January 2021	Post# 5
Poster:	Section 37(1)	
Content:	Photo of SW with Defamatory Comments	
Victim:	Section 37(1)	
	https://m.facebook.com/story.php	Section 37(1) Personal Information

319

Date: 31st Jan. 2021 **Section 37(1)** Post # 6
 Poster: **Section 37(1) Personal**
 Content: **Personal Information**
 Victim: **Section 37(1) Personal Information**
<https://m.facebook.com/stor>

Dear Sirs,

I refer to the above and confirm that I act for an on behalf of TUSLA in this matter.

Facebook has been continuously used to facilitate the posting defamatory, false and malicious comments about this organization and specific staff members. The above posts are most objectionable. This is a pattern of behaviour engaged in by the Poster and published you. As the publisher of these posts, are fully liable for the defamatory and abusive comments thereon. It is this offices intention to hold your offices fully liable for all damages arising.

Please note that the above cited postings contravene Section 31 of the Child Care Act, 1991. Further, the identifying data contained in said posts is Personal Data in accordance with Section 69(1) of the Data Protection Act, 2018. Therefore, this data can only be published with the consent of the Data Subject. You have no such consent. You are therefore committing a wilful and deliberate offence in breach of Article 145 of the Data Protection Act, 2018.

We hereby call upon you, within 5 days of the date hereof, to immediately remove the aforementioned Facebook Page and delete any and all reference to TUSLA or TUSLA Employees. For the avoidance of doubt, this request is being made within the context of our Clients equitable, legal and constitutional right to their good name but also in accordance with Articles 90-95 of the Data Protection Act, 2018. If you fail to comply with this request within 5 days of this date, immediate Injunctive Proceedings will be commenced. The costs of which will be borne by you.

This letter has been delivered by registered post and will be used as evidence in all Injunctive Proceedings going forward.

Yours faithfully,

Arthur Denny,
 Solicitor.
 TUSLA

319



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook
Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.

URGENT*****
000959/0001

(Post #43)

January 19, 2021

Date: 17th Jan. 2021 @ 11.26 1
Poster: Section 37(1)
Content: Video of Section 37(1) Personal Information
Victim: Section 37(1) 1 SW being videoed leaving Section 37(1) Personal Information
<https://m.facebook.com/story> Section 37(1) Personal Information

Date: 14th Jan. 2021 @ 20.33 3
Poster: Section 37(1)
Content: Video of Section 37(1) Personal Information
Victim: Section 37(1) 1 SW being videoed leaving Section 37(1) Personal Information
<https://m.facebook.com/stor> 37(1) Personal Information

Dear Sirs,

I refer to the above and confirm that I act for an on behalf of TUSLA in this matter.

Facebook has been continuously used to facilitate the posting defamatory, false and malicious comments about this organization and specific staff members. The above posts are most objectionable. This is a pattern of behaviour engaged in by the Poster and published you. As the publisher of these posts, are fully liable for the defamatory and abusive comments thereon. It is this offices intention to hold your offices fully liable for all damages arising.

Please note that the above cited postings contravene Section 31 of the Child Care Act, 1991. Further, the identifying data contained in said posts is Personal Data in accordance with Section 69(1) of the Data Protection Act, 2018. Therefore, this data can only be published with the consent of the Data Subject. You have no such consent. You are therefore committing a wilful and deliberate offence in breach of Article 145 of the Data Protection Act, 2018.

We hereby call upon you, within 5 days of the date hereof, to immediately remove the aforementioned Facebook Page and delete any and all reference to TUSLA or TUSLA

Employees. For the avoidance of doubt, this request is being made within the context of our Clients equitable, legal and constitutional right to their good name but also in accordance with Articles 90-95 of the Data Protection Act, 2018. If you fail to comply with this request within 5 days of this date, immediate Injunctive Proceedings will be commenced. The costs of which will be borne by you.

This letter has been delivered by registered post and will be used as evidence in all Injunctive Proceedings going forward.

Yours faithfully,

Arthur Denny,
Solicitor.
TUSLA

325

TÚSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook
Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.

URGENT*****
000959/0001

(Post #41)

January 8, 2021

- Date: 7/1/21@15.05
Poster: Section 37(1) 1.
Content: Photo of SW & Ref. Child in Care. S. 31 Child Care Act, 1991
Victim: Section 37(1)
<https://m.facebook.com/story>, Section 37(1) Personal Information
- Date: 7/1/21
Poster: Section 37(1) 2.
Content: Photo of SW possible to Identify Child In Care. (S.31)
Victim: Section 37(1)
<https://m.facebook.com/> Section 37(1) Personal Information
- Date: 7/1/21
Poster: Section 37(1) 3
Content: Photos of SW Defamatory Comments
Victim: Sec
<https://m.facebook.com/story> Section 37(1) Personal Information
- Date: 7/1/21
Poster: Section 37(1) 4
Content: Photo of SW caption defaming.
Victim: Section 37(1)
<https://m.facebook.com/story>, Section 37(1) Personal Information
- Date: 7/1/21
Poster: Section 37(1) 5
Content: Photo Caption & S.31 Breach.
Victim: Section 37(1)
<https://m.facebook.com/story>, Section 37(1) Personal Information
- Date: 8/1/21
Poster: Section 37(1) 6
Content: Photo of SW
Victim: Section 37(1)
<https://m.facebook.com/> Section 37(1) Personal Information

329

Date: 7/1/21
 Poster: Section 37(1)
 Content: Caption Defamatory Content
 Victim: Section 37(1)
<https://m.facebook.com/story> Section 37(1) Section 37(1) Personal Information
 Personal

7

Out of Scope

8

Date: 7/1/21
 Poster: Section 37(1)
 Content: Section 37(1) Personal Information
 Section 37(1) Personal Information
 Victim: Section 37(1) Personal Information
<https://m.facebook.com/story>

9

Date: 7/1/21
 Poster: Section 37(1)
 Content: Photo of SW & Video Link to Video Section 37(1) Personal
 Victim: Section 37(1) Child In CARE
 Section 37(1) Personal Information
<https://m.facebook.com/stor>

10

Date: 7/1/21
 Poster: Section 37(1)
 Content: Section 37(1) Personal Section 37(1) Personal Information
 Victim: Child in Care & Section 37(1)
<https://m.facebook.com/story> Section 37(1) Personal Information

11

Date: 7/11/21
 Poster: Section 37(1)
 Content: Photo of SW without Consent
 Victim: Section 37(1) Section 37(1) Personal Information
<https://m.facebook.com> Section 37(1) Personal

12

Date: 7/1/21
 Poster: Section 37(1)
 Content: SW Named and accused of Section 37(1) Personal Information
 Victim: Section 37(1) Section 37(1) Personal Information
<https://m.facebook.com/story> Section 37(1) Personal Information

13

Out of Scope

14

Date: 7/1/21
 Poster: Section 37(1)
 Content: Photo of SW & Link to Video Section 37(1) Personal Information
 Victim: Section 37(1) Personal Information Section 37(1) Personal Information
<https://m.facebook.com>

15

Date: 7/1/21
 Poster: Section 37(1)
 Content: Phot of SW without Consent.

16

320

Victim: Section 37(1) Personal Information
<https://m.facebook.com> Section 37(1) Personal Information

Date: 7/1/21 17
 Poster: Section 37(1)
 Content: - Unauthorised Photo of SW.
 Victim: Section 37(1) Personal Information
<https://m.facebook.com> Section 37(1) Personal Information

Date: 8/1/21 18
 Poster: Section 37(1)
 Content: - Unauthorised Photo of SW
 Victim: Section 37(1)
<https://m.facebook.com> Section 37(1) Personal Information

Date: 7/1/21 19
 Poster: Section 37(1)
 Content: - Comment directed to SW
 Victim: Section 37(1)
<https://m.facebook.com/story> Section 37(1) Personal Information

Date: 7/1/21 20
 Poster: Section 37(1)
 Content: - Photo with Defamatory Tag
 Victim: Section 37(1) Personal Information
<https://m.facebook.com/> Section 37(1) Personal Information

Dear Sirs,

I refer to the above and confirm that I act for an on behalf of TUSLA in this matter.

Facebook has been continuously used to facilitate the posting defamatory, false and malicious comments about this organization and specific staff members. The above posts are most objectionable. This is a pattern of behaviour engaged in by the Poster and published you. As the publisher of these posts, are fully liable for the defamatory and abusive comments thereon. It is this offices intention to hold your offices fully liable for all damages arising.

Please note that the above cited postings contravene Section 31 of the Child Care Act, 1991. Further, the identifying data contained in said posts is Personal Data in accordance with Section 69(1) of the Data Protection Act, 2018. Therefore, this data can only be published with the consent of the Data Subject. You have no such consent. You are therefore committing a wilful and deliberate offence in breach of Article 145 of the Data Protection Act, 2018.

331

We hereby call upon you, within 5 days of the date hereof, to immediately remove the aforementioned Facebook Page and delete any and all reference to TUSLA or TUSLA Employees. For the avoidance of doubt, this request is being made within the context of our Clients equitable, legal and constitutional right to their good name but also in accordance with Articles 90-95 of the Data Protection Act, 2018. If you fail to comply with this request within 5 days of this date, immediate Injunctive Proceedings will be commenced. The costs of which will be borne by you.

This letter has been delivered by registered post and will be used as evidence in all Injunctive Proceedings going forward.

Yours faithfully,

Arthur Denny,
Solicitor.
TUSLA

372



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency
Floors 2 – 5,
Brunel Building,
Heuston South Quarter,
Dublin 8.
Phone: (01) 7718500
Fax: (01) 7718610

Facebook
Complaints Department,
Facebook Ireland,
4 Grand Canal Square,
Dublin 2.

URGENT*****
000959/0001

(Post #42)

January 18, 2021

Date: 11th January 2021 @ 15.08

Poster: **Section 37(1)**

Content: **Personal Inf** Section 37(1) Personal Information

Victim: **Section 37(1)** Making reference to child in care. Section 31 of Child Care Act, 1991
<https://m.facebook.com/story.1> **Section 37(1) Personal Information**

Dear Sirs,

I refer to the above and confirm that I act for an on behalf of TUSLA in this matter.

Facebook has been continuously used to facilitate the posting defamatory, false and malicious comments about this organization and specific staff members. The above posts are most objectionable. This is a pattern of behaviour engaged in by the Poster and published you. As the publisher of these posts, are fully liable for the defamatory and abusive comments thereon. It is this offices intention to hold your offices fully liable for all damages arising.

Please note that the above cited postings contravene Section 31 of the Child Care Act, 1991. Further, the identifying data contained in said posts is Personal Data in accordance with Section 69(1) of the Data Protection Act, 2018. Therefore, this data can only be published with the consent of the Data Subject. You have no such consent. You are therefore committing a wilful and deliberate offence in breach of Article 145 of the Data Protection Act, 2018.

We hereby call upon you, within 5 days of the date hereof, to immediately remove the aforementioned Facebook Page and delete any and all reference to TUSLA or TUSLA Employees. For the avoidance of doubt, this request is being made within the context of our

338

Clients equitable, legal and constitutional right to their good name but also in accordance with Articles 90-95 of the Data Protection Act, 2018. If you fail to comply with this request within 5 days of this date, immediate Injunctive Proceedings will be commenced. The costs of which will be borne by you.

This letter has been delivered by registered post and will be used as evidence in all Injunctive Proceedings going forward.

Yours faithfully,

Arthur Denny,
Solicitor.
TUSLA

326