



An Roinn Dlí agus Cirt,
Gnóthaí Baile agus Imirce
Department of Justice,
Home Affairs and Migration



Oifig an Scrúdaitheora
Neamhspleách um
Reachtaíocht Slándála
Office of the Independent
Examiner of Security Legislation

Corporate Governance Assurance Agreement 2026-28

**between the Office of the Independent
Examiner of Security Legislation and
the Department of Justice, Home
Affairs and Migration**

1. Introduction

1.1 Scope of this Agreement

This Corporate Governance Assurance Agreement has been drawn up by the Department of Justice, Home Affairs and Migration (“the Department”) in consultation with the Office of the Independent Examiner of Security Legislation (“the Office”), in accordance with the Code of Practice for the Governance of State Bodies (“the Code of Practice”).

This Agreement sets out the broad governance framework within which the Office operates, and defines the key roles, responsibilities and commitments that underpin its relationship with the Department. This Agreement does not in any way impinge upon the independence of the Independent Examiner explicitly provided for under Section 234 (4) of the Policing, Security and Community Safety Act 2024, or on the Independent Examiner’s statutory obligation to report to the Taoiseach on security matters relating to his activities in the performance of his functions. The Agreement will be formally reviewed by both parties as soon as practicable after the first anniversary of its signature, with a revised version to be agreed in the event that both parties consider this to be warranted.

1.2 Background and Context

The Office of the Independent Examiner is a statutory body under the aegis of the Minister for Justice, Home Affairs and Migration (“the Minister”) and was established under section 232 of the Policing and Community Safety Act 2024 (“the Act”) on 2 April 2025.

The purpose of the Office is to enhance the national security infrastructure by providing an independent review of security legislation and security arrangements, and ensuring they are necessary, effective and compliant with human rights.

Objectives

The Independent Examiner is guided by statutory objectives under the Act designed to balance the protection of the State with the preservation of public trust. These include promoting confidence in security legislation, supporting the Government in safeguarding national security, and maximising transparency about the Independent Examiner’s work wherever possible without endangering the State’s security, defence or international relations. The objectives also emphasise the importance of carrying out the role in a timely, efficient and effective manner.

Functions

The Independent Examiner’s statutory functions involve keeping Ireland’s security legislation under review, assessing whether it operates effectively, proportionately, and with sufficient human-rights safeguards, and considering whether such legislation remains necessary. The Independent Examiner also evaluates the efficiency and effectiveness of security services, defined in the 2024 Act as “*services related to protecting the security of the State*”, undertakes specific reviews and issues recommendations, and prepares annual, special and other reports for the Taoiseach. Additional functions may be conferred

by law, ensuring that the Independent Examiner's role can adapt to developments in security and oversight requirements.

1.3 Strategic Fit within the Security Sector

The Independent Examiner's statutory objective to support the Government in protecting the security of the State corresponds directly to Goal 1 of the Department's Statement of Strategy 2025-2028, which is "*Protecting our Security*". The OIE is specifically mentioned in the Goal 1 objectives:

"A strong and effective Office of the Independent Examiner of Security Legislation reviewing the operation and effectiveness of security legislation and services."

2. Governance and Oversight – key roles and responsibilities

2.1 The Minister, Accounting Officer and the Department

2.1.1 The Minister

With monies voted by the Oireachtas, the Minister provides the Office of the Independent Examiner with the resources that it requires to function. While day-to-day responsibility for managing the Office is vested in its Head of Office, the Minister and the Government are ultimately accountable to the Oireachtas for the performance of the Office as a publicly funded State body under the aegis of the Minister.

2.1.2 Accounting Officer

The Office is funded under the Justice Vote (Vote 24), for which the Secretary General of the Department is the Accounting Officer. The Accounting Officer is responsible for safeguarding public funds and property under the Department's control, for the efficiency and economy of administration by the Department and for the propriety of all transactions in the appropriation account. Further external scrutiny and governance is provided through the submission and analysis of the Appropriation Accounts to the Comptroller and Auditor General and ultimately to the Oireachtas through the Public Accounts Committee.

2.1.3 Core areas of Departmental interaction with the Office

While various areas of the Department, including the Transparency and Corporate functions, have dealings with the Office, Criminal Justice Governance leads on governance issues, and there is considerable engagement with Security and Northern Ireland, Criminal Justice Policy, Criminal Justice Legislation and the National Cyber Security Centre on relevant policy and operational matters.

2.2 Office Management and Organisational Structures

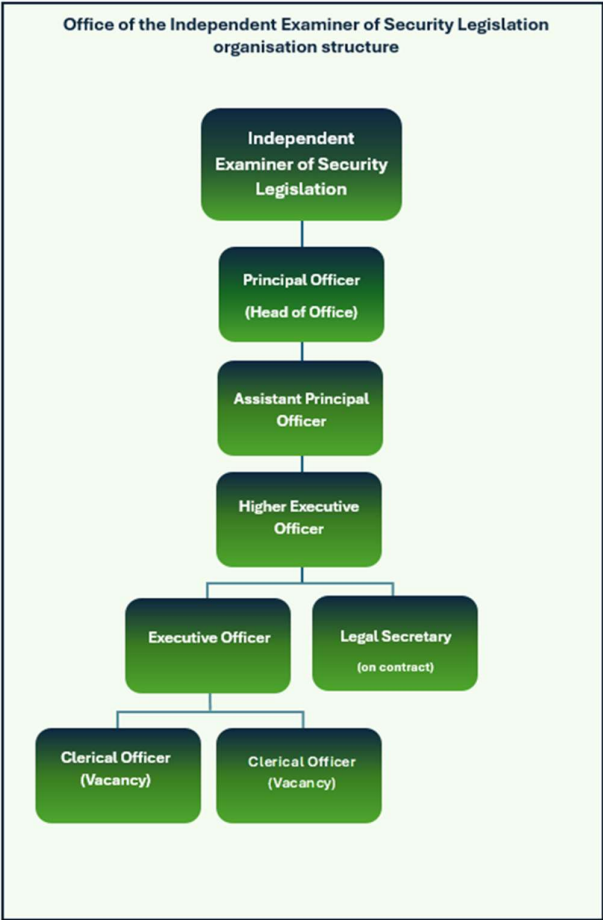
2.2.1 The Independent Examiner

The appointment of the Independent Examiner is made by Government upon the passage of resolutions by both Houses of the Oireachtas. In accordance with the Act, he is

independent in the performances of his functions. Mr Justice George Birmingham was designated by the Government as the first Independent Examiner on 15 October 2024 on a 5-year term.

2.2.2 The Office’s Staffing Structure

The current administrative team at the Office of the Independent Examiner team is led by a PO and consists of an AP, HEO (Office Manager), EO and Legal Secretary on a temporary contract. There are two CO vacancies.



Under section 241 of the Policing, Security and Community Safety Act 2024, the Independent Examiner has the power to appoint consultants if considered necessary to assist in the performance of his functions. This power is of particular support to the Examiner in performing his review and reporting functions under section 234 of the 2024 Act and when required, relevant expertise is secured with sanction from the Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation.

2.3 Adherence to Relevant Governance Codes and Standards

The Office is subject to a range of statutory and other corporate governance obligations including the applicable provisions of the Code of Practice. The Head of Office ensures compliance with all relevant obligations.

2.4 Annual Business Plan

The Office produces an annual business plan to guide its operations. The Plan includes appropriate objectives and goals along with relevant indicators and targets against which the Office can clearly measure its performance.

2.5 Risk Management and Audit

The Office has a risk management system and a risk register, which is kept under continuing review. Copies of the risk register, and updates thereto, may be provided to the Department upon request.

As a smaller body funded under the Justice Vote (Vote 24), the Office does not currently have its own internal audit function or audit committee. The Department's Internal Audit Unit (IAU) supports the Office in monitoring and reviewing the effectiveness of its arrangements for internal governance, risk management and internal control. Audit work is agreed between the Head of Office and the Head of Internal Audit, and the IAU carries out the audits within an agreed timeframe. The audit work carried out provides an additional level of assurance that there are effective governance and internal controls in operation in the Office.

The Office may consult with Criminal Justice Governance (Performance & Compliance) with regard to addressing key findings and recommendations received from the IAU or the Audit Committee.

2.6 Other key obligations and arrangements

The Office complies with the applicable statutory governance obligations and with other requirements as set out in the Code of Practice for the Governance of State Bodies, the Corporate Governance Standard for the Civil Service and relevant DPER Circulars and Guidance. The Office has set out in its Corporate Governance Framework document the arrangements in place to meet these obligations and will report on their implementation to the relevant authorities as required, including via the Office's Annual Report. Relevant matters in this regard include but are not limited to:

- Procurement and financial management obligations;
- Internal control and risk management;
- Obligations under the Ethics in Public Office legislation;
- Protected Disclosures;
- Human rights and equality obligations and initiatives;
- Quality Customer Service;
- Provision of information to Members of the Oireachtas;
- Environmental and energy management issues.

2.7 Annual Report and Head of Office's Comprehensive Report to the Minister

2.7.1 Annual Report and Strategic Vision

Section 244 of the Act requires the Independent Examiner to prepare and submit to the Taoiseach a report on his activities under the 2024 Act, and other relevant legislation, during the preceding year. The annual report will satisfy the specific requirements set out under section 244 (2) of the Act.

In addition, the first annual report will contain a section on the 3-year strategic vision for the organisation.

2.7.2 Reporting Requirements - Annual Report

In line with Appendix A of the 'Code of Practice for the Governance of State Bodies – Business & Financial Reporting Requirements', the Annual Report will include (*inter alia*):

- An explanatory note on any derogations (as agreed between the Office and the Department) from the applicable provisions of the Code of Practice.
- Confirmation that the Office has carried out an appropriate assessment of its principal risks (which should also be described) and, where appropriate, outline any associated mitigation measures or strategies.
- Confirmation of adherence to all relevant aspects of the Public Spending Code.
- A statement on the system of internal control, covering all applicable items set out in Appendix D of the 'Code of Practice for the Governance of State Bodies – Business & Financial Reporting Requirements'.

2.7.3 Reporting Requirements – Financial Statements

As a smaller body funded under the Justice Vote, the Office is not currently required to produce annual financial statements. The Office liaises with the Department's Financial Management Unit, the monthly management reports of which include details of the Office's income and expenditure.

2.8 Head of Office's Comprehensive Report to the Minister

The Head of Office shall furnish a Comprehensive Report to the Minister in line with the applicable provisions of section 1.9 and Appendix C of the 'Code of Practice for the Governance of State Bodies – Business & Financial Reporting Requirements'. The purpose of the Comprehensive Report is to provide assurance that the necessary systems of internal control, risk management and other areas of compliance are operating effectively. As prescribed by the Code of Practice, the above-mentioned statement on the system of internal control is to be included in the Head of Office's Comprehensive Report as well as in the Office's Annual Report.

3. Monitoring Arrangements and Interactions

3.1.1 Formal interactions

Criminal Justice Governance will hold at least two formal governance meetings with the Office per annum (and more if deemed necessary). The meetings will consider, as required and inter alia:

- Compliance with the Office's statutory and corporate obligations;
- Financial management and budgetary matters;
- Human resource issues including staffing, training and industrial relations;
- Data protection and governance;
- ICT and cybersecurity;
- Risk management and other internal controls;
- Any matter relating to the Office that might have been the subject of, or might give rise to, public commentary or scrutiny;
- Any matter that might adversely affect the reputation of the Office or, by extension, the Department;
- Any other matter comprehended in, or arising from, this Agreement.

3.1.2 Informal engagement

Outside of the aforementioned governance meetings there will continue to be regular, less formal interaction between Criminal Justice Governance and the Office in line with their respective business needs and commitments. In this context, informal and unscheduled contact forms an integral part of the governance relationship.

3.1.3 'No Surprises'

More generally, subject to the obligations of the Independent Examiner to carry out his statutory functions to the best of his ability, the relationship between the two parties will be underpinned by a principle of 'no surprises', with both parties informing and/or consulting each other in a timely manner on matters of mutual interest or concern. In this regard the Office will, as soon as it becomes aware of same, immediately inform the appropriate area(s) of the Department of:

- Any evidence or allegation of a significant governance or performance issue having occurred within the Office, or of serious misconduct by a member of its staff;
- Any other incident or issue that appears reasonably likely to generate public commentary or scrutiny in connection with the management of the Office, or that might otherwise affect its reputation more generally.

4. Commitments

4.1 Mutual Commitments

Both parties will:

- Be proactive and timely in communicating on (a) relevant matters including significant public announcements, media engagements and publications and (b) specific

information requests and responses to meet the Minister's obligations to the Oireachtas or to inform Ministerial responses to representations, media queries etc.

- Engage in a timely and constructive manner on strategic, policy and data-related initiatives of relevance, including initiatives to support the development of enhanced outcome-based performance metrics.

4.2 The Office's Commitments

The Office will:

- Provide, in its annual Estimates submission and in any other business cases for additional resources/funding, detailed and measurable information, supported by data and evidence, as to what new or enhanced outputs and outcomes it expects to deliver in return.
- Return relevant and appropriately detailed performance information for inclusion in the Revised Estimates for Public Services volume and the related Performance Reports produced annually by D/PENDR.
- Ensure that expenditure in any individual year will not exceed the allocated budget except in exceptional circumstances, having engaged with Finance & Capital Resources, and with the agreement of the Department's Financial Management Unit.

4.3 Departmental Commitments

The Department will:

- Provide for and resource the annual budget for the Office based on a data and evidence led business case supplied by the Office for the Estimates process.
- Liaise with D/PENDR to ensure timely sanction for expenditure and staffing in line with public financial procedures and policies on public service numbers.
- Provide ICT services and supports through the Managed Service.
- Provide, via its HR Division, services encompassing recruitment, employee relations, workforce development, performance management and liaison with (HR) shared services as required.
- Provide any necessary guidance/direction on procurement and expenditure rules, government accounting and governance generally.
- Provide invoice processing and other accounting services through the Department's Financial Shared Services.
- Liaise with the Office on public service reform/engagement initiatives as appropriate.

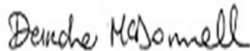
5. Comply or Explain

The Office is a small body under the Justice Vote with limited corporate resources. As such, both parties have agreed the following:

- A separate Performance Delivery Agreement is not required. The Independent Examiner is statutorily independent and reports annually to the Taoiseach in relation to his activities in the preceding year.
- The Office is not required to produce a Customer Charter or associated Action Plan. The Head of Office and staff of the Office follow the principles and procedures set out in the Department's Customer Charter.

6. Duration and Signatories to the Agreement

Deirdre McDonnell, Assistant Secretary, Department of Justice, Home Affairs and Migration, and Layla de Cogan Chin, Head of Office, Office of the Independent Examiner, affirm that this Oversight Agreement will be in effect until 31st December 2028.



*Deirdre McDonnell
Assistant Secretary
Department of Justice, Home Affairs
and Migration*



*Layla de Cogan Chin
Head of Office
Office of the Independent
Examiner*

Date: 21 January 2026