



Regulation of Lobbying Act 2015: Guidance for Designated Public Officials

Revised October 2024

Contents

<i>Regulation of Lobbying Act 2015: Guidance for Designated Public Officials</i>	1
1) Introduction	3
2) Objectives of the Act	3
3) Central Role of Lobbying in a Healthy Democracy	4
4) What communications are covered by the Act?	4
a) Who is within scope of the Act?	6
b) Who are the Designated Public Officials (DPOs)?	6
c) What is a relevant matter?	7
d) What are the “excepted” (exempt) communications?	8
5) “Relevant Bodies” and the Transparency Code	10
a) The Transparency Code	11
b) Timeliness of Publication	12
c) Steps to consider in relation to the Transparency Code	12
d) Central repository or list of “relevant bodies”	13
6) Publication of Details of DPOs	13
7) Recommended format for publishing details of DPOs and “relevant bodies”.	13
8) Cooling-off Period	14
9) Former or Current DPOs Employed by or Providing Services to a Lobbyist	15
10) Code of Conduct for Persons carrying on lobbying activities	16
11) How public bodies and DPOs can assist with the Implementation of the Act	16
a) Become familiar with the requirements of the Act	16
b) Openness in Identifying Designated Public Officials	16
c) Good record keeping	17
d) Check the Accuracy of the Register	17
12) Summary	17
a) Key points to remember	18
b) Best Practices for Designated Public Officials	18
13) Further Information	18

1) Introduction

The *Regulation of Lobbying Act 2015* (no 5 of 2015) (the Act) was signed into law in March 2015. Parts 1, 2, 3 and 5 of the Act commenced on 1 September 2015. Part 4 of the Act (Enforcement provisions) commenced on 1 January 2017.

The *Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Act 2023* was passed into law on 22 June 2023.

These guidelines have been drafted to ensure that public bodies and Designated Public Officials (DPOs) understand how the system works, how they fit in to it and how they can assist in supporting the effective implementation of the legislation. DPOs are not subject to rules regarding the registration and reporting of lobbying. Their interactions when lobbied must, however, be reported by the lobbyists in accordance with the Act. Section 4(b) of these guidelines sets out who the DPOs are.

2) Objectives of the Act

The Act is designed to provide information to the public about:

- Who is lobbying;
- Who is being lobbied;
- On whose behalf is lobbying being carried out;
- What are the issues involved in the lobbying;
- What is the intended result of the lobbying.

The Act provides for:

- The Standards in Public Office Commission (the Commission) to be the regulator of lobbying;
- The establishment and maintenance of a publicly accessible online Register of Lobbying (the Register). (The Register is available at www.lobbying.ie.);
- Persons carrying on lobbying activities to register and to provide information regularly about their lobbying activities, including, in the case of professional lobbyists, information about their clients;
- The introduction of a “cooling off” period during which lobbying activity may not be carried out by some former DPOs;
- Offences and Penalties for certain contraventions of the Act.

3) Central Role of Lobbying in a Healthy Democracy

Lobbying is an essential part of the democratic process. Organisations such as interest groups, representative bodies, industry, NGOs, charities and third party professional lobbyists all provide necessary input and feedback through communication of their views and concerns to government. This interaction is a welcome and necessary element of policy development. Public bodies should continue to actively facilitate and encourage such communications to the greatest extent possible. The purpose of the Act is to make the process of carrying out lobbying activities more transparent while supporting the interaction of public bodies with their stakeholders. The Act does not seek to prevent or inhibit lobbying activity and public bodies or DPOs should not use the Act as a reason to refuse engagement with persons carrying on lobbying activities. It is important that engaging in lobbying activity and registering and submitting returns to the Register should not have, or be perceived to have, any negative impact on a person's interaction with public bodies or their officials. There may already be rules in place in relation to certain matters where lobbying is inappropriate and may disqualify one for consideration. In those instances, the Act does not affect such arrangements other than to identify that such communications have taken place (if they constitute 'relevant communications' as defined in the Act (see below)).

4) What communications are covered by the Act?

The Act sets out the categories of person to which the meaning of "carrying on lobbying activities applies". We refer to such persons as being within scope of the Act. A person is lobbying if the person is within scope of the Act and makes a "relevant communication". A person makes a relevant communication if communicating personally (directly or indirectly) with a DPO about a "relevant matter".

In other words, a person is regarded as carrying on lobbying activities (making a "relevant communication") if the persons meets all of the following conditions:

- a. The person is within scope of the Act and makes, manages or directs the making of a relevant communication.
- b. The communication is either directly or indirectly with a DPO.
- c. The communication is about a relevant matter.
- d. The communication is not an excepted communication.

The Act makes no distinctions regarding where the communication takes place and can include "relevant communications" which take place outside of the State. The Act also does not make any distinctions regarding the level of formality of a communication; an informal, unplanned encounter may be considered to be lobbying just as a more formal meeting.

a) Who is within scope of the Act?

Persons within scope of the Act are as follows:

- A person with more than 10 full-time employees
- A body that exists primarily to represent the interests of its members, and which has one or more full-time employees, and the relevant communications are made on behalf of any of the members. We refer to such bodies as “representative bodies”. Representative bodies might include, for example, a trade union, professional body, industry association or sporting body.
- A body which exists primarily to take up particular issues, and which has one or more full-time employees, and the relevant communications are concerned with any of these issues. We refer to such bodies as “advocacy bodies”. Advocacy bodies might include, for example, organisations promoting the arts or campaigning for childrens’ rights.
- A third party (individual or organisation) who is paid to lobby on behalf of a person who fits within one of the categories of persons above. (The payment can be in money or money’s worth.)
- Any person (individual or organisation) making a "relevant communication" concerning the development or zoning of land which is not their principal private residence. (“Principal private residence” is defined in section 5(9) of the Act.)

Individuals and Representative /Advocacy bodies composed entirely of volunteers will generally be outside the scope of the Act unless they are lobbying about the zoning/development of land.

b) Who are the Designated Public Officials (DPOs)?

DPOs under the Act are:

- Ministers and Ministers of State;
- TDs and Senators;
- MEPs for Irish constituencies;
- Members of Local Authorities;
- Special Advisers to Ministers and Ministers of State who have been appointed under section 11 of the Public Service Management Act 1997;
- Public Servants as prescribed;
- Other categories of persons as prescribed.

In relation to “public servants as prescribed” the Minister for Finance and Public Expenditure and Reform has made regulations (The Regulation of Lobbying Act 2015 (Designated Public Officials)

Regulations 2015 and The Regulation of Lobbying Act 2015 (Designated Public Officials) Regulations 2016) which together provide details of the positions that are prescribed as DPOs for the purposes of the Act.

In relation to the Civil Service a public servant in a position of Secretary General, Second Secretary, Deputy Secretary, Assistant Secretary or Director in a public service body specified in Schedule 1 of the 2015 Regulations is prescribed as a DPO. A public servant in a position specified in Schedule 2 of the 2015 Regulations is also prescribed as a DPO.

In relation to Local Authorities, the 2015 Regulations provide that persons in the following positions in Local Authorities are prescribed as DPOs:

- Chief Executives and equivalent grades
- Assistant Chief Executive (Dublin City Council only)
- Directors of Services
- Heads of Finance
- Head of Human Resources (Dublin City Council only)
- Under the 2016 regulations, which came into effect from 1 September 2016, a public servant in Cork County Council in a position of Divisional Manager is prescribed as a DPO.

Full details of the positions above, which are prescribed in the Regulations, are available on our website www.lobbying.ie. The list of positions prescribed as DPOs may be extended by Ministerial Order to other categories over time.

c) What is a relevant matter?

A relevant matter is any matter relating to

- The initiation, development or modification of any public policy or of any public programme (for example, proposals for changes in taxation, proposals for changes in agricultural policy, proposals for changing entitlement to health services).
- The preparation or amendment of any law (including secondary legislation such as statutory instruments and bye-laws) (for example, proposals to change the law on adoption, proposals to change bye-laws relating to traffic).
- The award of any grant, loan or other financial support, contract or other agreement, or of any licence or other authorisation involving public funds (for example, the criteria for the award of housing grants for people with disabilities, the purchase or sale of a property or other assets by the government).

APART FROM the implementation of any such policy, programme, enactment or award or any matter of a technical nature.

Some examples of the difference between what might be regarded as relevant matters and “implementation” matters or matters of a technical nature are as follows:

- Communications seeking to introduce or amend a particular tax policy or law would be regarded as communications concerning a **relevant matter**. Where a policy has been decided and the tax law has subsequently been enacted, communications regarding application of the law would most likely be regarded as **implementation matters**.
- Communications relating to the inclusion of certain criteria in a public tender would be regarded as a communication on a **relevant matter**. When the criteria are agreed and a Request for Tenders is published, communications such as the submission of a tender; queries regarding the tender specifications and feedback on the outcome of the tender would be regarded as **implementation matters**.
- As regards matters of a technical nature an example might be where the Government is proposing policy or legislation to reduce motor car emissions. Communications regarding the proposed policy or legislation would be regarded as concerning a **relevant matter**. For example, where the Government consults with scientific experts on the level of emissions that may cause harm to the environment, it would be a technical matter. When the legislation is in place, queries to the regulatory department concerning how to conform with the new requirements would also most likely be **technical matters**.

d) What are the “excepted” (exempt) communications?

It is worth noting that not all communication is considered lobbying for the purposes of the Act. A communication must meet each of the criteria at a, b and c above to be considered a lobbying activity. In addition, the following “excepted” (exempt) communications are not regarded as relevant communications (lobbying):

- **Private affairs:** Communications by or on behalf of an individual relating to his or her private affairs. (*For example, communications in relation to a person’s eligibility for, or entitlement to, a social welfare payment, a local authority house, or a medical card are not relevant communications*). Individual communications relating to the development or zoning of any land **are not** exempt **unless** the individual is communicating about land which is his/her principal private residence and the area of land does not exceed one acre.
- **Diplomatic relations:** Communications by or on behalf of a foreign country or territory, the European Union, the United Nations or any other international intergovernmental organisation. Note that this exemption only applies to communications sanctioned by the

officials from the country or territory; simply being resident in another country does not qualify for the exemption.

- **Factual information:** Communications requesting factual information or providing factual information in response to a request for the information (*for example, a company asking a public servant how to qualify for an enterprise grant and getting an answer; a person asking about the rules in relation to planning and getting an answer; factual information provided to a government department by a representative body in response to a request from the department*).
- **Published submissions:** Communications requested by a public service body and published by it (*for example, submissions received in response to a public consultation process which are subsequently published by the public body.*) The Commission has published more detailed guidance in [the FAQ section of its website](#) on the matter of public consultation processes. Public bodies are encouraged to have regard to the requirements of the Act when considering a public consultation process and to refer to these requirements and the Commission’s FAQ when preparing a call for submissions.
- **Trade union negotiations:** Communications forming part of, or directly related to, negotiations on terms and conditions of employment undertaken by representatives of a trade union on behalf of its members. It should be noted that this particular exemption applies to a trade union as defined in the Act. The definition of a trade union set out in the Act, and consequently the exemption, may not apply to all employee representative bodies.
- **Safety and security:** Communications the disclosure of which could pose a threat to the safety of any person or to the security of the State.
- **Oireachtas committees:** Communications which are made in proceedings of a committee of either House of the Oireachtas. It should be noted that this exemption only applies to formal proceedings of a committee which are generally recorded and/or minuted. It does not apply to communications outside of formal proceedings.
- **Communications by DPOs or public servants:** Communications by a DPO in his or her capacity as such are exempt. (*For example, communications by County Councillors to Local Authority Chief Executives or other public servants does not constitute lobbying.*) Similarly communications by public servants (or those engaged on contract by a public service body) made in that capacity and relating to the functions of the public service body are exempt. Public servants are employed by or hold office in public service bodies. A “public service body” is defined in section 7 of the Act. In general, these are State bodies other than commercial State bodies.
- **Governance of commercial State bodies:** Communications by or on behalf of a commercial State body made to a Minister who holds shares in, or has statutory functions in relation to, the body, or to DPOs serving in the Minister’s department, **in the ordinary course of the business of the body.** (*For example, certain communications between Irish Rail and the Minister for Transport, Tourism and Sport.*) The Commission has published more detailed

guidance on this particular exemption in [the FAQ section of the lobbying.ie website](#) and, in particular, guidance on what might constitute the ordinary course of business of such a body. Not all communications would be exempt; any communications that would otherwise fall to be lobbying (*for example, seeking additional funding, or seeking a legislative change*) would be registerable. Public bodies who have commercial State bodies operating under their aegis may wish to consider this exempt communication and the Commission’s FAQ document and bring it to the attention of their DPOs and the commercial State bodies concerned.

- **Policy working groups:** Communications between members of a “relevant body” appointed by a Minister, or by a public service body, for the purpose of reviewing, assessing or analysing any issue of public policy with a view to reporting to the Minister or public service body on it. A “relevant body” is one whose members are appointed by a Minister or by a public service body and the members include one or more DPOs and one or more who are not public servants nor engaged for the purposes of a public service body. (*For example, advisory groups, expert groups, working groups, review groups or commissions.*) This exemption only applies if the relevant body conducts its activities in accordance with a Transparency Code published by the Minister for Finance and Public Expenditure & Reform. The Transparency Code is available at <https://www.lobbying.ie/help-resources/information-for-public-bodies/transparency-code/>. Further information regarding relevant bodies and the Transparency Code is at section 5 below.

5) “Relevant Bodies” and the Transparency Code

An important element of public policy formulation is that expertise, skills and knowledge from persons outside of the public service are available to Ministers and Public Bodies when required. This often takes the form of Working Groups which may consist of both public servants and non-public servants. In light of the nature of communications between public officials and non-public servants in such Working Groups it is possible that some of these communications could be captured by the definition of a lobbying activity.

As stated in Section 4 above the Act provides (section 5(5)(n)) that communications between members of Working Groups may be exempt communications (and not regarded as lobbying activities) provided they meet the definition of a “relevant body” provided for in section 5(6) of the Act. In order for the communications to be exempt the Working Group must meet the definition of a “relevant body”.

A “relevant body” is a body which:

- 1) Is appointed by a Minister of the Government or a public service body;

- 2) Has at least one DPO and at least one person who is not a public servant; and
- 3) Conducts its activities in accordance with the Transparency Code which has been published by the Minister.

Public bodies should ensure that members of a Working Group are informed of the option to adhere to the Transparency Code and avail of the exempt communications relating to “relevant bodies”. If the Working Group decides not to not adhere to the Transparency Code, then members of the group who are not public servants or representing a public service body should be informed that communications made with a DPO as part of the work of the Group may be regarded as a lobbying activity. They may be required to register and submit a return of such lobbying activities.

The public body who established the Working Group is responsible for publishing any information relating to the Working Group which is required to be published under the Transparency Code. This information must be published on the public body’s website. (Section 7 below provides further guidance as to how this information should be published.)

The Commission has published a separate guidance note for public bodies on [Working Groups and the Regulation of Lobbying](#).

a) The Transparency Code

Relevant groups must meet the criteria specified in the Transparency Code in order to be regarded as a “relevant body” (as defined in the Act) and to avail of the exemption set out in section 5(5)(n) of the Act.

In order to meet the requirements of the Transparency Code certain information relating to the Group must be published on the public body’s website as follows:

- The terms of reference of the Group
- The expected timeframe for the Group to conclude its work;
- Reporting arrangements for the Group.
- The name of the Chairperson and Members of the Group together with details of their employing organisations;
- Whether any non-public servant members were previously DPOs;
- The Agenda and Minutes of each meeting;

The above information should be in a prominent place on the website of public bodies and should be easily accessible.

In addition the Chairperson of the Group is responsible for overseeing and conducting the work of the Group in a manner which ensures that the Group operates in accordance with its terms of reference and in the public interest. The Chairperson will include with the final or annual report of the Group a statement confirming its compliance with the Transparency Code.

The requirements of the Transparency Code also apply to sub-groups of the principal group where the membership of the sub-group consists of at least one DPO and at least one person from outside of the public service.

b) Timeliness of Publication

Ideally the information should be published in as timely a fashion as possible, having regard to the public interest in safeguarding the integrity of the deliberative process. At a minimum, the information on the public bodies' website must be updated at least every 4 months in relation to each such group. This timeframe is in line with the reporting requirements for returns of lobbying activities under the Act.

It is important to note that only communications which are made within the terms of reference of the Group may enjoy the exemption provided for by the Transparency Code, and only communications made during proceedings of the Group can be exempted. Communications made during breaks or outside of committee proceedings would not enjoy the exemption.

c) Steps to consider in relation to the Transparency Code

Public bodies should take the following steps having regard to the Transparency Code:

1. Consider whether any Groups operating under the aegis of the public body meet the three conditions of a "relevant body" as set out above;
2. If so, consult with the Chairperson and membership of the Group as to whether the Group should operate in accordance with the Transparency Code;
3. If the Group wishes to operate in accordance with the Code, make appropriate arrangements for the information identified in section 5(a) above to be published on the public body's website. (Further information in relation to how such information should be published is provided in section 7 below.);
4. If the Group does not wish to operate in accordance with the Code, the members of the Group who are not public servants should be reminded that they will need to consider whether any communications with DPOs who are part of the group might be captured by the definition of lobbying activities set out in the Act. If such communications are lobbying

activities, then those members will need to be aware of the requirements to register and submit returns to the Register.

d) Central repository or list of “relevant bodies”

A recommendation contained in the Report of the first review of the Act, published by the Department of Public Expenditure and Reform suggested that the Commission might maintain a central repository or list of “relevant bodies” so that persons lobbying will know whether they must register communications made within meetings of the body. The Commission has established such a list and public bodies are requested to forward to the Commission the details of any “relevant body” under their aegis that is adhering to the Transparency Code.

6) Publication of Details of DPOs

Section 6(4) of the Act) requires each public body with DPOs prescribed to publish on its website, an up-to-date list showing the name, grade and brief details of the role and responsibilities of each DPO prescribed for the body. The Commission requests that public bodies regularly review and update their list of DPOs. The list serves a number of purposes, including the following:

- 1) It allows members of the public identify those persons who are DPOs.
- 2) Persons lobbying must record and submit returns of lobbying activities to the Register. As returns of lobbying activities must identify any DPOs lobbied, it is important, therefore, that persons submitting returns are able to access up-to-date lists of DPOs within the public bodies with which they are communicating.
- 3) It enables the Commission to ensure that the “drop down” list of DPOs on the Register’s Return of Lobbying Activities form is up to date.
- 4) It enables the Commission to ensure that a person referred to on a return of lobbying activities as having been lobbied is in fact a DPO.

Under Section 22 (6) of the Lobbying Amendment Act 2023 provision is made that every public service body must inform relevant designated public officials of their obligations under Section 22. Furthermore, under 22 (7) the public service body must inform the Standards in Public Office Commission when a relevant designated public official is leaving his or her employment. (Commenced on 1 January 2024)

7) Recommended format for publishing details of DPOs and “relevant bodies”.

In order to meet the requirements of section 6(4) of the Act, and to assist the Commission generally in maintaining an up to date list of DPOs and a central repository/list of relevant bodies, the Commission has asked the public bodies with DPOs prescribed to take the following steps:

- Create a dedicated page entitled “Regulation of Lobbying” (RoL page) in the “About Us” section of their website.
- Include a link on their RoL page to www.lobbying.ie.
- Provide the Commission with the exact address/URL of their RoL page so that the Commission may include a link to that page on its online central repository for “relevant bodies”. (<https://www.lobbying.ie/help-resources/information-for-lobbyists/dpo-list/>)
- Publish and maintain on their RoL page an up-to-date list of the organisation’s DPOs. In addition to those DPOs who have been prescribed, the page should include the following:
 - a) In the case of Government Departments, details of Ministers, Ministers of State and Special Advisers and,
 - b) In the case of Local Authorities, details of their elected members or a link to the elected members’ page.
- Publish on their RoL page details of any “relevant bodies” i.e. Working Groups that are operating under the Transparency Code.
- In relation to each relevant body, publish the information required to be provided under the Transparency Code.
- Nominate a liaison person in the organisation who will be responsible for maintaining and updating the RoL page on the website and with whom the Commission may liaise regarding the organisation’s DPOs and relevant bodies.

8) Cooling-off Period

The Act provides that certain DPOs are restricted from being engaged in lobbying in certain circumstances for a year after they leave their employment or office. In effect, they are subject to a “cooling-off” period in respect of involvement in particular lobbying activities.

The DPOs concerned are Ministers and Ministers of State, special advisers to Ministers and Ministers of State and prescribed public servants. (These are referred to hereafter as “relevant DPOs”.) Others who are DPOs for the purposes of the lobbying registration requirements are not covered by this provision, that is, TDs, Senators, MEPs and Local Authority members.

The public officials who are covered by this provision may not

- carry on lobbying activities or
- be employed by, or provide services to, a person carrying on lobbying activities in certain circumstances.

These circumstances are where the lobbying activity

- Involves any public service body with which the relevant DPO was connected, that is, employed or held an office or other position in the year prior to his/her leaving, or
- Is to a person who was also a DPO connected with that public service body in the year prior to the relevant DPO's leaving.

Relevant DPOs may apply to the Commission for consent to engage in such lobbying. The Commission may decide to give consent unconditionally or give consent with conditions attached or refuse the application for all or part of the period.

A relevant DPO who is unhappy with the decision may appeal the decision of the Commission to an independent Appeal Officer.

The Commission has published [a guidance note on Section 22 of the Act](#). The guidance note sets out the requirements of Section 22; the information the Commission may seek when it receives an application for consent; and the criteria which the Commission may take into account when considering an application for consent.

For a relevant contravention under Section 22(1) of the Regulation of Lobbying Amendment Act 2023 i.e. Not seeking a waiver of the cooling-off period, a minor or a major sanction may be imposed. A Minor sanction will be advice, reprimand or caution. A Major sanction will be a financial sanction not exceeding €25,000, a prohibition on the person from registering on the Register for no more than two years, and a prohibition on the person from making or having a return made for no more than two years. These sanctions apply from 1 June 2024.

9) Former or Current DPOs Employed by or Providing Services to a Lobbyist

Section 12 of the Act provides that if a person is or was a DPO (whether before or after the passing of the Act), and

- is employed by or providing services to a lobbyist, and
- was engaged in lobbying communications during a relevant reporting period,

the person's name is required to be included in a return of lobbying activities submitted by the lobbyist for that period. The person's name will, therefore, appear on the Register as a person who

carried out lobbying activities relating to the return. This requirement does not apply where a person asks an elected representative to communicate on their behalf in their capacity as an elected representative (e.g. to make representations to a Minister or to arrange a meeting with a public body). In such cases the elected representative is being lobbied and should be included on the return as a DPO who has been lobbied. If, however, an elected representative is communicating in another capacity e.g. as Chairperson of a representative body or advocacy group which is within scope, then the elected representative would need to be included in a return of lobbying activities as a person who carried out lobbying activities relating to the return.

10) Code of Conduct for Persons carrying on lobbying activities

In accordance with section 16 of the Act, the Commission has published a [Code of Conduct for persons carrying on lobbying activities](#). The Code came into effect on 1 January 2019. The purpose of the Code is to govern the behaviour of persons carrying on lobbying activities. The Code sets out principles by which persons carrying on lobbying activities may conduct their lobbying activities transparently and ethically. Persons carrying on lobbying activities are required to have regard to the Code of Conduct.

11) How public bodies and DPOs can assist with the Implementation of the Act

a) Become familiar with the requirements of the Act

Public bodies and DPOs are encouraged to become familiar with the requirements of the Act; with the requirements of the Code of Conduct for persons carrying on lobbying activities; and with these guidelines. This will enable public bodies and DPOs to direct persons engaged in lobbying where to find out further information on the Act, if requested.

b) Openness in Identifying Designated Public Officials

Public servants should be proactive in advising possible lobbyists when attending a meeting, participating in a conference call, etc., of their status as a DPO. This may be particularly useful in meetings where there are large numbers of officials present and the identity and grade of each official may not be known to those outside of the public service.

Other means of being proactive for a DPO would be to include a line in his or her business card or email signature stating:

“Designated Public Official under *Regulation of Lobbying Act, 2015*. See www.lobbying.ie.”

c) Good record keeping

Information contained in a return of lobbying activities is effectively a summary of relevant communications which have taken place between a person carrying on lobbying activities and a DPO/Public Body. The information contained in a return may prompt further enquiries or Freedom of Information requests regarding the communications. Public bodies and DPOs should, therefore, ensure that a proper record is maintained of all correspondence with a lobbyist on a particular matter. This might also include a record or account of casual or social encounters where the DPO considers a lobbying activity to have occurred.

d) Check the Accuracy of the Register

It is recommended that DPOs check the lobbying register on a periodic basis to ensure that their name is associated with the correct lobbying activities and the information is factually correct. Persons have a right to seek correction from the Commission where information published on the Register relating to the person is inaccurate, out of date or misleading.

It is important to note that the fact that a DPO’s name appears on a lobbying return does not mean that they agree with the position of the person lobbying them. A person who undertakes lobbying activities may do so in various ways: through emails, phone calls, written submissions, meetings, etc. Some of these activities may be in the form of mass communications (for example, an email sent to all members of the Oireachtas). Others may be more targeted (for example, a meeting with a particular DPO).

It is the responsibility of public officials to seek out and hear from a range of views on issues of public policy, and meeting with organisations or persons who may seek to lobby them on a matter is part of that process. However, the presence of a DPO’s name on a lobbying return simply indicates that the DPO has been lobbied on a matter. It does not imply agreement on the part of the DPO with the position of the person lobbying, and should not be interpreted as such.

12) Summary

a) Key points to remember

- Meeting with lobbyists is a legitimate and valid part of your role.
- The Act should not be used as a reason or means to refuse engagement with a person carrying on lobbying activities.
- It is important that lobbying activities are conducted in an open, transparent way.
- It is important that proper records of lobbying communications are maintained.
- The obligation to register and submit returns rests with the person lobbying, not you.
- Not all communication is considered a lobbying activity under the Act.
- Not all lobbying takes place in a formal setting. Casual encounters, social settings, even social media may be used to lobby you.
- Communications between you (in your capacity as a DPO) and other DPOs or public servants are exempt.
- Certain task forces and working groups are exempt, if they adhere to the Transparency Code.
- DPOs' names will appear on the Register as a result of lobbying communication. This does not imply agreement with or acceptance of the views of the person lobbying you.
- You have the right to seek correction of any inaccurate information relating to you.

b) Best Practices for Designated Public Officials

- Be aware of the requirements of the Act, the Code of Conduct for persons carrying on lobbying activities and these guidelines for DPOs when meeting with lobbyists.
- Determine if working groups you participate in should operate under Transparency Code
- Self-identify as a DPO at meetings and on emails, business cards etc..
- Maintain good record keeping habits
- Check the Register from time to time and seek correction of any inaccurate information on the Register relating to you.
- Guide people lobbying you to www.lobbying.ie for more information on their obligations
- Continue to engage with lobbyists

13) Further Information

Further information on the Act is available at www.lobbying.ie.

The Commission provides regular briefing sessions on the requirements of the Act. Any public body or DPO who wishes to attend a briefing session on the Act can register their interest by emailing info@lobbying.ie

Revised October 2024

