



Office of An Coimisinéir Teanga

**Report under subsection 26(5) of the Official
Languages Act 2003**

to the Houses of the Oireachtas

on

**the implementation of the recommendations of an
investigation conducted under subsection 21(f) of the
Official Languages Act 2003**

**Department of the Environment, Climate and
Communications**

(formerly the Department of Communication, Energy and Natural Resources)

September 2021

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CHAPTER 1 – Background

In accordance with subsection 26(5) of the Official Languages Act 2003, I am permitted, as Coimisinéir Teanga, to lay a report before both Houses of the Oireachtas if I am of the opinion that a public body did not implement any part of the recommendations contained in a report on an investigation I had undertaken.

This report concerns an investigation made by my Office on the Department of the Environment, Climate and Communications (formerly the Department of Communications, Energy and Natural Resources) which was completed in December 2015. The investigation concerned the implementation of the Department's language scheme, insofar as it concerned a provision in Chapter 2 of that scheme, which relates to Gaeltacht Placenames in the case of the new Eircode system. The report on the investigation is provided as **APPENDIX A** to this report.

After a reasonable period of time has passed and having completed the appropriate enquiries, I have reached the conclusion that the Department of the Environment, Climate and Communications has failed to satisfactorily implement the recommendations made by the investigation. As Coimisinéir Teanga, I am charged with taking all necessary measures under the powers granted to me to ensure that public bodies comply with the provisions of the Official Languages Act 2003. I also have the authority to conduct an investigation to determine if a public body has complied with the provisions of any other enactment relating to the status or use of an official language.

In any case where an investigative report is issued, it is emphasised that any party to the investigation, or any other person affected by the findings and recommendations of the investigation, may appeal the matter to the High Court on a point of law. No such appeal was made in respect of the investigation which is the subject of this report. After a reasonable period of time has passed, it is common practice for my Office to review the manner in which public bodies have implemented the recommendations which arose from any investigation. Through this process, an opportunity is granted to the public body to give an account of the manner in which the recommendations of the investigation were implemented.

In the period between January 2016 and December 2019, my Office conducted an audit on the implementation of the recommendations made in the investigative report by the Department of the Environment, Climate and Communications. During that process it came to light that the Department had not satisfactorily implemented the recommendations made in the investigative report. It is on that basis that this report is being laid before both Houses of the Oireachtas.

CHAPTER 2 – Summary of the Investigation

This investigation was a particularly important one which concerned how the Eircode system used place names and people's names and surnames. Indeed, this Office received more complaints on this subject alone than on any other single matter since the establishment of the Office.

The Department of the Environment, Climate and Communications breached the statutory language requirement in respect to the implementation of its language scheme insofar as it concerns Gaeltacht place names. The section in the scheme is as follows:

Gaeltacht Place Names

The Department has put in place the necessary arrangements to ensure that official Placenames of Gaeltacht areas as declared by the Minister in the (Ceantair Ghaeltachta) Placenames Order 2005 will continue to be used as the default for corporate purposes, including, where appropriate, legislative, corporate and statistical purposes.

In this case, the statutory obligation falls upon the Department of the Environment, Climate and Communications and not upon Eircode itself or An Post, which distributed the eircodes, as the Department is responsible for granting and regulating the contract.

However unnatural and unfortunate a practice it may be for a state body to use English place names for people's addresses outside the Gaeltacht despite their wish that the Irish language place name be used, there was no breach of the legislation involved. This discrepancy is another demonstration of the Official Languages Act's inadequacy in safeguarding a basic language right. The same applied to the translation of people's names from their original language, Irish, to English. I asserted in my 2016 Annual Report that *'having one's identity recognised in one's official language of choice in dealing with the State is a fundamental right'*.

RECOMMENDATIONS:

- That it is ensured that due regard be given hereafter to language scheme commitments when the Department is agreeing a contract with a third party to deliver services.
- That any other contract that was in progress in the Department at the time be examined in order to find out whether this finding has implications for any other contract.
- That a report be submitted to this Office by 12 February 2016 giving a comprehensive overview in relation to the compliance status of the other contracts with the statutory scheme commitment concerning Gaeltacht place names.
- That a comprehensive report be submitted to this Office by 30 June 2016 in relation to the progress made in updating the database on which Eircode

depends, including analysis on any discrepancy in the use of Gaeltacht place names in An Post GeoDirectory (APG).

CHAPTER 3 – The Monitoring Process

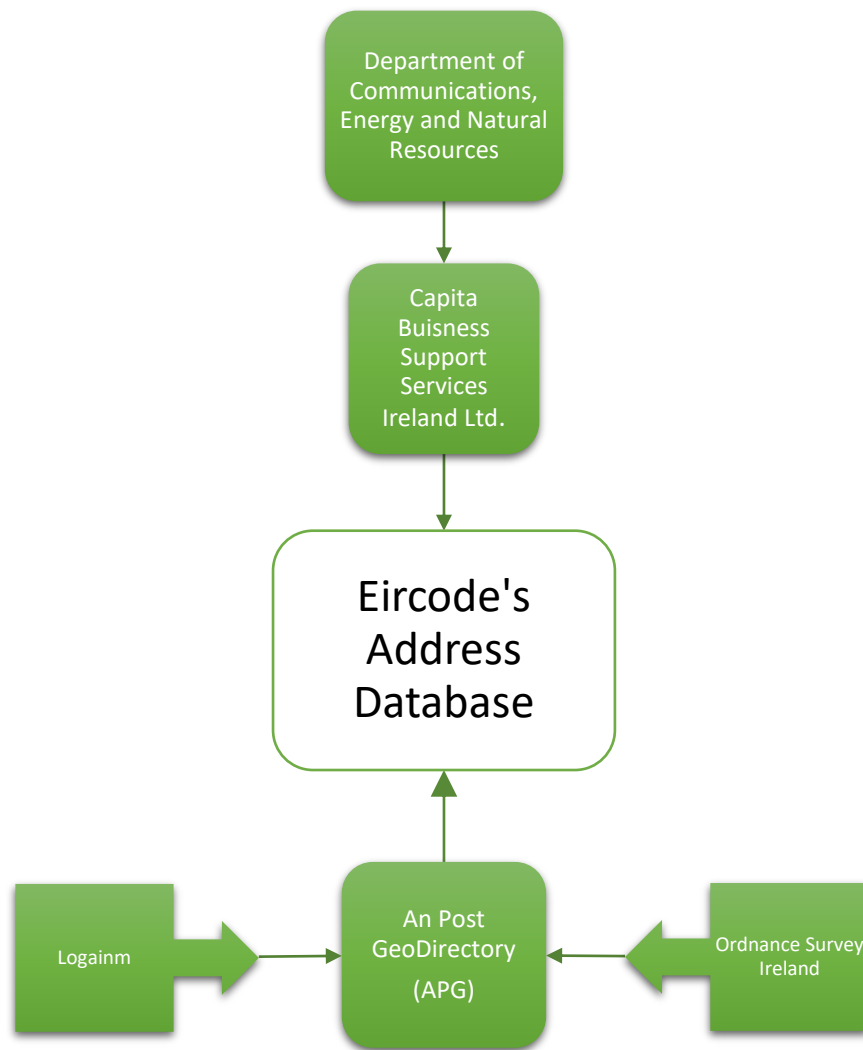
Once a reasonable period of time has passed from the date on which an investigative report has been issued, my Office examines the manner in which the public body has implemented the recommendations made by the investigation. During this process, the public body is afforded the opportunity to provide an official response as regards the steps it has taken to date to implement the investigation's recommendations.

The monitoring process of the implementation of the investigation's recommendations was initiated during 2016. There have been many contacts between my Office and the Department since that time, and those engagements are described in **APPENDIX B**.

I issued a letter to the Department on 15 April 2019 in which I acknowledged the efforts made to date. I reminded the Department that the relevant Gaeltacht place names should be in Irish only on the Eircode system in order to implement correctly the commitment in the scheme as well as the recommendations of the investigation. I notified the Department that I am still receiving complaints from members of the public regarding private bodies using their addresses in English, against their wishes, and that this is happening as a result of using the Eircode system, due to the fact that Gaeltacht addresses are bilingual on that system, instead of in Irish only.

A meeting was held between the Department and myself on 27 May 2019. I confirmed the Office's interpretation of the statutory provision, that is, that the relevant Gaeltacht place names should be in Irish only on the Eircode system. I informed it, in a letter two days later, that it was my understanding from the meeting that the Department accepted this interpretation. I acknowledged what was said at the meeting in relation to the determination of the Department to fulfil its statutory language obligation insofar as possible but I warned that I could not accept further delay in implementing the recommendations of the investigation. I sought a final response within 30 days.

I received a response dated 24 June 2019, indicating that the Department had written to An Post, who own the IP rights of all the addresses used in the Eircode system (that is the numerical address used as an internet protocol for every address), requesting that it amend its address database so that every relevant Gaeltacht place name is in Irish only. It was confirmed, as was mentioned earlier, that every address that the Eircode system provides is derived exclusively from the GeoDirectory database. This database is made available to Capita under licence from An Post GeoDirectory (APG). APG is a cooperative enterprise between An Post and Ordnance Survey Ireland.



My Office was informed via telephone call on 8 November 2019 that An Post attested that English forms of Gaeltacht addresses cannot be removed from its database as they are required to ensure correct delivery of letters. The reason given for this was that a good deal of people use English addresses in the Gaeltacht. An Post stated at the meeting that it has a statutory obligation under ComReg to adhere to certain distribution objectives and that this would be impossible without the English version of the addresses in its database. We were informed that An Post is focusing on introducing technology for postal workers so that in future a hand-held device could assist in recognising addresses.

The Department also notified us that it was in discussion with APG again and that it confirmed that it is in contact with the Logainm.ie working group and that gradual progress is being made in relation to updating the database on which Eircode depends, including analysis of any discrepancy between the use of Gaeltacht place names in APG. We were previously informed (in a letter dated 27 July 2016) that information

was being exchanged between APG and the Logainm.ie working group in order to ‘*resolve any discrepancy between their databases*’. We were notified also that the matching of the aforementioned organisations’ databases was completed in the case of a few sample counties and that the Logainm.ie working group was willing to provide further details to assist APG. From this it was understood that Logainm.ie’s and APG’s databases were being brought into line with each other.

A written response was received from the Department on 27 November 2019, in which it was claimed that this matter was part of a wider question, that is, that there is no legal form or version of addresses in Ireland and that a significant disparity exists in the form used for English and Irish addresses alike. The result of this was said to be that at least 35% of Irish properties share their address with another property – i.e. properties that do not have unique addresses.

The letter elaborated on what was said in the telephone call on 8 November in relation to An Post’s database. The reason that an address in Eircode’s database must correspond with the address in An Post’s database was said to be that significant difficulties could arise in relation to delivering post to those customers if the addresses varied. It said that Eircode does not have the option, therefore, of changing the addresses in its own database unilaterally, without reference to An Post’s database.

The Department informed us that it commits to the following in order to fulfil its language scheme: ‘*The Department has put in place the necessary arrangements to ensure that official Placenames of Gaeltacht areas as declared by the Minister in the (Ceantair Ghaeltachta) Placenames Order 2005 will continue to be used as the default for corporate purposes, including, where appropriate, legislative corporate and statistical purposes*’ and that this encompasses Capita, the body responsible for providing Eircode (Holder of the Licence to Manage Postcodes), to provide new Eircodes to Gaeltacht regions once every quarter, only using the Irish address.

It was said that this includes the webtool Eircode/Finder, where the Irish form of the address will appear by default when searching Gaeltacht place names by address or by Eircode. This does not, however, fulfil the statutory obligation, as the Department committed to use the official Gaeltacht place name, that is the Irish form of the place name, ‘*as the default for corporate purposes, including, where appropriate, legislative corporate and statistical purposes*’. As a result, we would expect that only the Irish form would be used for those purposes in any case which the Minister has made a place names order.

We were informed that Eircode’s website and the Eircode Finder website are available in Irish. The Department stated that it was satisfied that its language scheme requirements were being met and that it is fulfilling the provisions relating to place name orders in the Official Languages Act. A copy of this letter is available at

APPENDIX C.

Monitoring Report

My Office issued a Monitoring Report in August 2020, which encompassed an account of the monitoring process which had been carried out to date in this case. A copy of the Report was provided to the Department.

On the 1 March 2021, I wrote to Minister of State with Special Responsibility for Postal Policy and Eircodes and advised that I intended presenting a report to each of the Houses of the Oireachtas on the matter. I offered an opportunity to revert to me with any new information or any new measures by the Department to fulfil the statutory obligations. Although an acknowledgement of that letter was issued I have not received any further reply.

It is apparent to me that the Department of the Environment, Climate and Communications has made a genuine effort to come to a solution in this case by attempting to compel An Post to amend the addresses in its database so that every relevant Gaeltacht place name is in Irish only. These efforts have been to no avail, however. As a result, Gaeltacht place names continue to be used in English by Eircode. The investigation showed that the Department is responsible for this.

As is the case with any investigative report that is issued, any party to the investigation or any other person affected by the findings or recommendation has a right of appeal to the High Court on a point of law. The Department did not avail of the opportunity, but neither did it implement all the recommendations I had made.

CHAPTER 4 – The Next Step

As Coimisinéir Teanga, it is my responsibility to take all necessary measures within my sphere of authority to ensure that public bodies comply with the provisions of the Official Languages Act. This is achieved by monitoring public bodies, providing advice to the public regarding their rights under the Act, and providing advice to public bodies regarding their obligations under the Act.

When it appears to me that public bodies may be neglecting their obligations under the Official Languages Act or under other enactments relating to the status or use of Irish, I have the authority to initiate an investigation on the matter.

The report issued by me at the conclusion of an investigation contains both findings and recommendations. The public body in question is obliged to implement those recommendations within a reasonable period of time, or within a specific period of time as may be set out in the recommendations.

Once a reasonable period of time had passed from the issuing of the investigative report, my Office examined the measures undertaken by the Department of the Environment, Climate and Communications to implement the various recommendations. During this process, the public body was afforded the opportunity to respond in respect of the implementation of those recommendations. A copy of that response is attached as **APPENDIX C** to this report. Having issued a monitoring report on the matter in August 2020, I wrote to the Minister in March 2021, offering an opportunity to revert to me with any new information or any new measures by the Department to fulfil the statutory obligations. That opportunity was not availed of. In the interim, my Office has received over 20 new additional complaints on the matter, 10 of which relate specifically to Gaeltacht addresses.

After reviewing the case in its entirety, I believe that the recommendations made in the investigative report have not been appropriately implemented by the Department of the Environment, Climate and Communications and I cannot, under the powers granted to me, undertake any additional measures to impress upon them to do so.

It is on that basis that I lay this report before both Houses of the Oireachtas.

It falls to the Houses of the Oireachtas to take whatever additional measures they deem appropriate.

APPENDIX A

Tuarascáil faoi Alt 26 d'Acht na dTeangacha Oifigiúla 2003 ar

Imscrúdú faoi Alt 21(c) d'Acht na dTeangacha Oifigiúla 2003

An Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádurtha

IM-003B

Ábhar an Imscrúdaithe

Ar sháraigh An Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádurtha an dualgas reachtúil teanga atá daingnithe i bhfo-alt 18(1) d'Acht na dTeangacha Oifigiúla 2003 maidir le cur i bhfeidhm a scéim teanga chomh fada is a bhaineann sé le mír i gCaibidil 2 den scéim sin, a bhaineann le Logainmneacha Gaeltachta?

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AGUISÍN A

AGUISÍN B

CAIBIDIL 1

Cúlra

Ba ar an 13 Iúil 2015 a sheol an tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha, Alex White T.D., an córas nua postchóid d'Éirinn, Eircode. Tugadh le fios ag an tráth sin go mbeadh postchóid nua á seachadadh chuig gach áitreabh sa tír sna seachtainí amach romhainn. Go gairid ina dhiaidh sin, ag tosú i mí Iúil 2015 agus sa dá mhí ina dhiaidh sin chomh maith, rinneadh gearáin le m'Oifig ar an ábhar, nuair a seachadadh na postchóid nua.

Bhain na gearáin a fuair m'Oifig le trí phríomh ábhar:

- (1) go raibh litreacha leis an Eircode nua á fháil ag baill don phobal agus nach raibh na logainmneacha Gaeltachta a bhí in úsáid ar na litreacha sin i gcomhréir leis an Ordú Logainmneacha (Ceantair Ghaeltachta)
- (2) go raibh litreacha leis an Eircode nua a fháil ag baill don phobail agus nach raibh an gnáth leagan den seoladh a úsáideann na daoine céanna, sé sin seoladh i nGaeilge, á úsáid agus
- (3) go raibh litreacha leis an Eircode nua á fháil ag baill don phobal lena n-ainm agus sloinne i mBéarla nuair nach mba gnách leo sin a úsáid, nó go deimhin nár úsáid siad riamh ach a n-ainm agus a sloinne i nGaeilge.

Nuair a fhaigheann m'Oifig aon ghearán ina líomhnaítear nár cuireadh seirbhísí ar fáil i nGaeilge is gá dom a mheas an bhféadfadh gur sárú a bhí sa mhéid sin ar aon chuid d'Acht na dTeangacha Oifigiúla idir forálacha dhíreacha, rialacháin nó míreanna de scéim teanga. Is féidir liom freisin aon fhoráil a bhaineann le húsáid nó stádas teanga oifigiúil atá in aon achtachán eile a áireamh agus mé ag tabhairt mo bhreithiúnas.

Is ar an Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádurtha a thiteann an fhreagracht i dtaobh na postchóid a sholáthar, agus tuigeadh dúinn gur comhlacht príobháideach a bhí ag obair ar chonradh don Roinn a scaip na litreacha, ag baint úsáid as bunachar sonraí.

Tagann an Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádurtha faoi scáth Acht na dTeangacha Oifigiúla 2003 agus tá scéim teanga aontaithe aici ina bhfuil gealltanais reachtúla tugtha i ndáil le seirbhísí áirithe a chur ar fáil i nGaeilge.

Faoi réir théarmaí Acht na dTeangacha Oifigiúla baineann na gealltanais a thugann comhlacht poiblí ina scéim teanga le seirbhísí a chuirtear ar fáil go díreach nó go neamhdhíreach. Is mar seo a shainmhínítear seirbhísí i dtéarmaí an Achta:

2(1) “ciallaíonn “seirbhís” seirbhís arna tairiscint nó arna soláthar (cibé acu go díreach nó go neamhdhíreach) ag comhlacht poiblí don phobal i gcoitinne nó d'aicme den phobal i gcoitinne.”

Tugtar brí don sainmhíniú seo i gcomhthéacs aontú scéim teanga:

11 (2) (a) Sonrófar i ndrucht-scéim dá dtagraítear i bhfo-alt (1) na modhanna cumarsáide atá le soláthar sa Ghaeilge amháin, sa Bhéarla amháin agus sa Ghaeilge agus sa Bhéarla araon.

(b) San alt seo, ciallaíonn “modhanna cumarsáide” na modhanna cumarsáide idir an comhlacht lena mbaineann agus an pobal i gcoitinne nó grúpaí nó daoine ar leithligh den phobal i ndáil leis na seirbhísí lena mbaineann, i ndáil le soláthar na seirbhísí agus i ndáil le faisnéis a bhaineann leis na seirbhísí nó leis an soláthar sin.

Is léir mar sin, faoi Acht na dTeangacha Oifigiúla 2003, go leagtar na dualgais céanna scéime ar chomhlachtaí príobháideacha atá ag feidhmiú ar chonradh do chomhlacht poiblí a thagann faoi scáth na reachtaíochta agus atá ar an gcomhlacht poiblí féin.

Tá gealltanas tugtha sa scéim teanga is deireanaí a d’aontaigh an Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádurtha sa bhliain 2014 maidir le húsáid logainmneacha Gaeltachta. Is mar seo a leanas atá an mhír sin den scéim:

Logainmneacha Gaeltachta

Tá na socrúcháin riachtanacha curtha in áit ag an Roinn le cinntiú go n-úsáidfear logainmneacha oifigiúla na gceantar Gaeltachta mar atá fógraithe ag an Aire in Ordú na Logainmneacha Gaeltachta 2005 mar réamhshocrú do chuspóirí corparáideacha, lena n-áirítear, mar is cuí, cuspóirí reachtúla, corparáideacha agus staidrimh.’

Mheas mé go bhféadfadh an gealltanas seo a bheith ábhartha do na gearáin a cuireadh faoi mo bhráid. Níorbh ann do macasamhail do dhualgas ábhartha maidir le húsáid seoltaí taobh amuigh don Ghaeltacht ná go deimhin d’úsáid ainm agus sloinntí i nGaeilge. Shocraigh mé go ndéanfainn tuilleadh fiosrúcháin ar an méid seo agus ag an am céanna chinn mé na gearáin sin a bhain le húsáid logainmneacha Gaeltachta a chur faoi bhráid na Roinne Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

Nuair a bhíonn scéim teanga daingnithe ag an Aire Ealaíon, Oidhreacht agus Gaeltachta le comhlacht poiblí tá dualgas ar an gcomhlacht poiblí an scéim teanga sin a chur i bhfeidhm. Is mar seo a leanas atá an mhír sin den Acht a bhaineann le cur i bhfeidhm scéim teanga:

18.- (1) I gcás ina ndaingneoidh an tAire scéim faoin Acht seo, rachaidh an comhlacht poiblí ar aghaidh leis an scéim a chur i gcrích.

Rinne m’Oifig iarracht an cheist seo agus na gearáin éagsúla ina leith a réiteach leis an Roinn tar éis do na litreacha eisiúint ach níor éirigh leis na hiarrachtaí sin. Go deimhin b’fhiú dom a lua chomh maith gur ardaigh an Oifig seo an cheist seo faoi h-úsáid logainmneacha don chóid poist nua leis an Roinn Cumarsáide siar chomh fada le mí Feabhra 2008.

Tá sé curtha mar dhualgas reachtúil ormsa in Alt 21(c) d’Acht na dTeangacha Oifigiúla 2003 *“imscrúdú a dhéanamh, cibé acu ar a thionscnamh nó ar a tionscnamh féin, ar iarraidh ón Aire nó de bhun gearán a bheidh déanta leis nó léi ag aon duine, maidir le haon mhainneachtain ag comhlacht poiblí forálacha an Achta a chomhlíonadh, ar mainneachtain í ar dóigh leis nó léi nó, de réir mar is cuí, leis an Aire, gur féidir gur tharla sí,”*

Ó tharla gearáin a bheith déanta ag baill den phobal liom i dtaobh na ceiste seo nach raibh mé in ann teacht ar réiteach sásúil leis an Roinn ina leith bheartaigh mé go raibh gá le himscrúdú le haon amhras a sheachaint.

Go bunúsach, ba mhian liom de thoradh an imscrúdaithe seo a bheith ábalta a rá an amhlaidh go raibh nó nach raibh an fhoráil i scéim teanga na Roinne á cur i bhfeidhm go cuí ag an Roinn agus ag conraitheoirí atá ag feidhmiú thar a ceann.

Cúlra reachtúil, feidhmeanna agus údarás

Leagtar amach go reachtúil in Ailt 23-29 d’Acht na dTeangacha Oifigiúla an córas le himscrúduithe a sheoladh.

Seoladh an t-imscrúdú ar an 5 Deireadh Fómhair 2015 de réir an nós imeachta atá leagtha amach chuige seo in Acht na dTeangacha Oifigiúla 2003.

Ba é an nós imeachta a bheartaigh mé don chéad chéim den imscrúdú ná litir a sheoladh chuig an Aire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha, ag lorg eolais ar leith, freagraí ar cheisteanna ar leith chomh maith le haon fhaisnéis, taifid, nó rud den sórt sin a bhain le hábhar an imscrúdaithe.

D’iarr mé go gcuirfí an t-eolas cuí sin ar fáil roimh nó ar an 27 Deireadh Fómhair 2015 agus thairg mé deis ar shoiléiriú ar aon ghné de riaradh an imscrúdaithe trí theagmháil le m’Oifig. Seoladh freagra chugam i ríomhphost dar dáta an 28 Deireadh Fómhair 2015, atá mar **AGUISÍN A** leis an tuarascáil seo. Níor cuireadh aon cháipéisí tacaíochta ar fáil.

Tá dualgas orm mar Choimisinéir Teanga in aon chás ina seolaim imscrúdú faoi Acht na dTeangacha Oifigiúla tuarascáil i scríbhinn a ullmhú agus a chur faoi bhráid an chomhlachta poiblí lena mbaineann, faoi bhráid an Aire Ealaíon, Oidhreacht agus Gaeltachta, agus i gcás ina ndéanfar gearán liom, faoi bhráid an ghearánaigh, maidir le fionnachtana an imscrúdaithe agus féadaim aon mholtaí is cuí ag féachaint don imscrúdú a áireamh sa tuarascáil.

Leagadh dréacht tuarascáil (gan fionnachtana ná moltaí) faoi bhráid na Roinne ar an 24 Samhain 2015 le deis a thabhairt don chomhlacht poiblí a léiriú dom má bhí aon mhí-bhrí bainte agam as an eolas a bhí curtha ar fáil ag an eagraíocht dom san imscrúdú. Tar éis don dréacht tuarascáil sin eisiúint, d'iarr an Roinn síneadh ama le freagra a chur ar fáil, mar go raibh eolas tagtha chun solais sa dréacht tuarascáil nach raibh tugtha faoi deara acu sna buncháipéisí imscrúduithe. Ceadaíodh síneadh ama go dtí an Luain 21 Nollaig leis an dréacht tuarascáil a fhreagairt. Cuireadh freagra faoi mo bhráid i ríomhphost den 22 Nollaig 2015. Tá cóip den fhreagra sin ag **AGUISÍN B** leis an tuarascáil seo.

Tugadh aird chuí ar a raibh le rá ag an Roinn in ullmhú leagan críochnaitheach na tuarascála.

CAIBIDIL 2

Freagra na Roinne Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha

Ina ríomhphost den 28 Deireadh Fómhair chugam, atá mar **AGUISÍN A** leis an tuarascáil seo, shéan an Roinn go raibh aon sárú ar a dualgas reachtúil teanga i gceist sa chás seo.

Rinne an Roinn cur síos ar an ngealltanas reachtúil ina scéim teanga mar seo a leanas:

'Bealaí Cumarsáide leis an Phobal' is teideal do Chaibidil 2 den Scéim thuasluaite agus tá an gealltanas seo a leanas inti maidir le seirbhís Ghaeilge a sheachadadh: 'Tá na socrúcháin riachtanacha curtha in áit ag an Roinn le cinntiú go n-úsáidfear logainmneacha oifigiúla na gceantar Gaeltachta mar atá fógraithe ag an Aire san Ordú Logainmneacha (Ceantair Ghaeltachta) 2004 mar réamhshocrú do chuspóirí corparáideacha, lena n-áirítear, mar is cuí, cuspóirí reachtúla, corparáideacha agus staidrimh.'

D'áitigh an Roinn, áfach, gur bronnadh an conradh chun córas na bpostchód a dhearadh, a scaipeadh agus a chothabháil ar chuideachta phríobháideach theoranta, i mí na Nollaig 2013, agus go raibh sí den tuairim nach comhlacht poiblí a bhí sa gconraitheoir chun críocha Acht na dTeangacha Oifigiúla 2003.

"Níl Conraitheoir na bPostchód sainithe ag an Aire Ealaíon, Oidhreacht agus Gaeltachta mar chomhlacht poiblí de réir Sceideal 1, Alt 1(5) den Acht. Tá an Roinn den tuairim dá bhrí sin nach bhfuil Conraitheoir na bPostchód faoi réir fhorálacha Acht 2003" a dúirt an Roinn.

Thagair an Roinn do mhír eile ina scéim teanga reachtúil a bhain le hábhar, mar seo a leanas:

"In ainneoin a bhfuil ráite thuas, is mian leis an Roinn béim a leagan ar an gclásal deireanach i gCaibidil 3 dá Scéim Teanga 2014-2017 ina bhforáiltear an méid seo: 'Cuirfear tríú páirtithe a dhéanann obair ar son na Roinne ar an eolas faoin scéim de réir mar is cuí agus spreagfar iad chun spiorad na scéime a léiriú sna seirbhísí a chuireann siad ar fáil'.

Tá spiorad na scéime léirithe ag Conraitheoir na bPostchód agus é ag cur na seirbhísí ar fáil faoina chonradh leis an Aire.

Rinne an Roinn cur síos ar an méid a bhí déanta ag an gconraitheoir le spiorad na scéime a léiriú, i gcomhairle le Conradh na Gaeilge agus Foras na Gaeilge. Luaigh sí go raibh ábhar bolscaireachta dátheangach agus litreacha fógartha postchóid dátheangacha curtha i dtoll a chéile ag Eircode agus suíomh gréasáin Eircode dátheangach forbartha. Cuireadh ar a súile don imscrúdú go raibh baill foirne dátheangacha earcaithe ag Eircode freisin le haghaidh a lárionaid glaonna agus

Cód Cleachtais forbartha acu ina leagtar amach an chaoi a gcuirfear an Córas Náisiúnta Postchóid ar fáil don phobal.

Dúirt an Roinn gur chóir a thabhairt faoi deara gur ón mbunachar sonraí GeoDirectory agus uaidh sin amháin a tháinig na seoltaí, seoltaí Gaeilge san áireamh, i mBunachar Sonraí Seoltaí Eircode, agus dúirt:

Tá an bunachar sonraí sin á chur ar fáil faoi cheadúnas ag An Post GeoDirectory (APG) do Capita. Tá An Post freagrach as a scéim féin mar chomhlacht sainithe faoi Acht 2003. Tá sé curtha in iúl dúinn ag APG go bhféachann siad leis na logainmneacha Gaeilge oifigiúla deimhnithe ar sheoltaí a chur san áireamh taobh istigh den bhunachar sonraí nuair a bhíonn siad ar fáil, agus aistriúcháin ó Logainm agus ó Shuirbhéireacht Ordanáis Éireann in úsáid. Sa chás go bhfuil logainmneacha deimhnithe ar fáil ó APG, cuirtear le bunachar sonraí Eircode iad.

Mar fhocal scoir, shoiléirigh an Roinn go raibh Logainm ag obair i gcomhar le APG chun aon difríocht idir a mbunachair shonraí a réiteach, mar thoradh ar roinnt fadhbanna a bheith aimsithe maidir leis an aistriúcháin Gaeilge ar sheoltaí i mbunachar sonraí GeoDirectory. *“Is é mo thuiscint go bhfuil an obair mheaitseála curtha i gcrích ag Logainm le haghaidh dhá chontae shamplacha agus go raibh cruinniú eile acu le GeoDirectory an mhí seo chun torthaí na hoibre sin a phlé, agus go bhfuil Logainm sásta litriú ceart logainmneacha atá ann cheana féin a sholáthar do GeoDirectory. Arís, sa chás go bhfuil aistriúcháin bhreise ar logainmneacha Gaeilge ar fáil ó APG, cuirfear iad sin le bunachar sonraí Eircode”* a dúirt an Roinn.

Sa tuairisc ar an dréacht tuarascáil a leagadh faoi mo bhráid ar an 22 Nollaig, atá mar AGUISÍN B leis an tuarascáil seo, thug an Roinn le fios nach raibh an chúis go dtagann conraitheoir atá ag oibriú de bhun conradh leis an Roinn faoi scáth Acht na dTeangacha Oifigiúla soiléir di sna buncháipéisí imscrúduithe.

Thug an Roinn le fios sa bhfreagra sin go dtuigeann sí *‘dearcadh an Choimisinéara Teanga agus aithníonn go bhféadfadh conraitheoir atá ag oibriú de bhun conradh leis an Roinn bheith faoi réir Scéim Teanga na Roinne de réir léirmhíniú an Choimisinéara ar an forálacha thuasluaite.’*

Mhaígh an Roinn go raibh ‘spiorad na scéime’ léirithe ag Conraitheoir na bPostchód agus é ag cur na seirbhísí ar fáil faoina chonradh leis an Aire. *‘Ina theannta sin’* a dúirt an Roinn *‘is ón mbunachar sonraí GeoDirectory agus uaidh sin amháin a thagann na seoltaí i mBunachar Sonraí Seoltaí Eircode. Tá an bunachar sonraí sin á chur ar fáil faoi cheadúnas ag An Post GeoDirectory (APG) do Capita. Tá An Post freagrach as a Scéim Teanga féin mar chomhlacht sainithe faoi Acht 2003.’*

Thug an Roinn le fios go bhfuil cruinnithe tar éis a bheith ag APG le Brainse na Logainmneacha lena gcinntiú go gcuirtear logainmneacha oifigiúla dearbhaithe Gaeilge san áireamh i mbunachar sonraí GeoDirectory agus go soláthraíonn APG uasdáta ar an mbunachar sonraí do Capita uair sa ráithe, a chuimsíonn aon leasú a dhéantar de bhun a chuid cruinnithe le Brainse na Logainmneacha, agus go n-uasdátaítear

Bunachar Sonraí Seoltaí Eircode dá réir.

Maidir leis na gearáin a fuair m'Oifig i ndáil le haistriú ainmneacha agus sloinnte go Béarla nuair a bhí na postchód á sheachadadh, bhí an méid seo le rá ag an Roinn:

“Foráiltear le hAlt 65A(2)(c) den Acht um Rialáil Cumarsáide (Seirbhísí Poist), 2011 (arna leasú) gur 'gníomhaíocht postchód bhailí' é seo:

'postchód a scaipeadh (lena n-áirítear trí phróiseáil sonraí pearsanta arna rialú ag An Post, ag soláthraí seirbhíse poist uilíche nó ag duine eile is dóigh leis an Aire is cuí), thar ceann an chonraitheora postchód nó an Aire, chuig a sheoladh comhfhreagrach ag An Post, ag soláthraí seirbhíse poist uilíche nó ag duine eile is dóigh leis an Aire is cuí'.

De bhun na forála thuas, scaip An Post postchóid ar fud na tíre agus, i gcásanna áirithe, bhí próiseáil sonraí pearsanta arna rialú aige i gceist. Tá 35% ar a laghad de sheoltaí na hÉireann neamhuathúil, rud a chiallaíonn go roinneann siad seoladh le réadmhaoín amháin eile ar a laghad. Bhí dúshlán ann dá bharr sin ó thaobh cinnte a dhéanamh de gur sannadh an postchód ceart ar gach seoladh aonair, agus gur seachadadh an postchód ceart sin chuige. Chun é sin a éascú, bhain An Post úsáid as 'tuairisceoirí foirgnimh'. An t-aon chuspóir amháin a bhí leis sin ná an postchód a sheachadadh go cruinn. Dealraíonn sé gurb é an leagan Béarla d'ainm úinéir an tí a bhí sna 'tuairisceoirí foirgnimh' i gcásanna áirithe. Is féidir leis an Roinn a dhearbhu gur chun críocha postchóid a sheachadadh amháin a baineadh úsáid as tuairisceoirí den sórt sin.”

Ar deireadh thall, dhearbhaigh an Roinn cé go raibh comhfhreagras acu le m'Oifig ar an ábhar seo chomh fada siar le 2008, gur bhain sé den chuid is mó leis an bpostchód féin a bheith i mBéarla nó i nGaeilge, agus gur thug an Roinn freagra ar comhfhreagras a sheol m'Oifig chuici. Cuireadh in iúl gur cuireadh aon cheist nó gearán a bhain le cásanna ar leith chuig conraitheoir Eircode chun deileáil leo dá réir.

CAIBIDIL 3

Osradharc ar an imscrúdú

D'eascair an t-imscrúdú seo as líon substaintiúil gearáin a rinne baill den phobail le m'Oifig ar an ábhar. San iomlán, fuair m'Oifig os cionn 60 gearáin ón bpobal i dtaca le seachadadh na litreacha Eircode. Bhain 17 acu sin le ceist logainm oifigiúil Gaeltachta a bheith i mBéarla nó míchruinn.

Leag m'Oifig an t-eolas i dtaca le gach ceann de na gearáin sin, a tugadh cead ina leith é sin a dhéanamh, faoi bhráid na Roinne. In ainneoin cur agus cúiteamh ar an ábhar, agus meabhrúcháin a bheith eisithe chuig an Roinn ina leith, níor cuireadh freagra ar fáil ach i gcás líon an-bheag de na gearáin sin.

Chinn mé go raibh gá le himscrúdú a sheoladh sa chás, toisc go raibh sé á thabhairt le tuiscint ón méid seo nach raibh an Roinn den tuairim go raibh aon dualgas reachtúil orthu i leith an ábhar seo. Bheartaigh mé, mar sin, an t-imscrúdú a sheoladh le cur ó amhras an raibh nó nach raibh dualgas reachtúil ar an Roinn sa chás seo.

Is fíor, mar a dúirt an Roinn ina freagra, nach comhlacht poiblí chun críocha an Achta é Capita Business Support Services Ireland Limited, an comhlacht príobháideach ar a bronnadh an conradh chun córas na bpostchód a dhearadh, a scaipeadh agus a chothabháil.

Ach ní gá gur comhlacht chun críocha an Achta a bheadh ag soláthar na seirbhíse faoi chonradh thar cheann na Roinne chun go dtabharfaí faoi choimirce na reachtaíochta é – is leor go mbeadh aon chomhlacht nó eagraíocht ag soláthar seirbhíse faoi chonradh thar ceann na Roinne le go leagfaí na dualgais reachtúla céanna orthu is a leagan a scéim teanga ar an Roinn. I measc na ndualgais sin, tá an gealltanas soiléir i dtaca le Logainmneacha Gaeltachta oifigiúla a úsáid chun críocha corparáideacha.

Cé go bhfuil mír ar leith sa scéim teanga a bhaineann le soláthraí seirbhíse a bheith á spreagadh le cloí le 'spiorad na scéime', tógann foráil san Acht féin a bhaineann leis an ábhar seo ceannas ar an ngealltanas sin. Tá forlámhas ag foráil dlíthiúil atá daingnithe ag reachtaíocht ag an Oireachtas, agus ní féidir le haon ghealltanas i scéim teanga leasú, maolú nó cealú a dhéanamh ar fhoráil in aon Acht.

Leagann an fhoráil san Acht dualgas sonracha ar an gcomhlacht poiblí a chinntiú go gcloíonn aon conraitheoir atá ag feidhmiú thar a cheann le forálacha a scéim teanga i gcás seirbhísí atá á gcur ar fáil faoi chonradh thar a cheann, mar a deir an reachtaíocht *“ciallaíonn ‘seirbhís’ seirbhís arna tairiscint nó arna soláthar (cibé acu go díreach nó go neamhdhíreach) ag comhlacht poiblí don phobal i gcoitinne nó d'aicme den phobal i gcoitinne.”*

Dhearbhaigh an Roinn gurb shin go baileach a tharla, sé sin go raibh seirbhís á gcur ar fáil thar a ceann nuair a dúirt sí sa litir freagartha don imscrúdú... *“Bronnadh an conradh chun córas na bpostchód a dhearadh, a scaipeadh agus a chothabháil ar chuideachta phríobháideach theoranta, Capita Business Support Services Ireland Limited (dá ngairfear ‘Conraitheoir na bPostchód’ anseo ina dhiaidh seo) i mí na Nollag 2013.*

Tá sé soiléir don imscrúdú gur beartas de chuid na Roinne Cumarsáide, Fuinnimh agus Acmhainní Nádurtha a bhí i bhforbairt córas postchóid don tír. Níl aon amhras ach an oiread ach gur bronnadh conradh ar chomhlacht príobháideach chun an tseirbhís sin a sholáthar. Ní féidir a shéanadh mar sin ach gur seirbhís é seo a bhí á chur ar fáil thar cheann na Roinne agus dá réir gur bhain gealltanais na scéime teanga le soláthar na seirbhíse sin, gealltanais maidir le húsáid logainmneacha Gaeltachta san áireamh.

Tugadh le fios don imscrúdú gur oibrigh an conraitheoir i gcomhairle le Foras na Gaeilge agus Conradh na Gaeilge chun cur le raon agus caighdeán na seirbhíse a bheadh ar fáil trí Ghaeilge le linn den tseirbhís nua postchóid a bheith á sholáthar. Tacaím agus fáiltím roimh an gcur chuige sin. Is bun riachtanas é áfach go gcomhlíontar dualgais reachtúla teanga agus ní féidir le haon socraithe eile teacht in áit na ndualgais sin nó na dualgais sin a mhaolú ar aon bhealach. Ba bun riachtanas é sa chás seo go dtabharfaí aird ar an ngealltanais a bhí tugtha maidir le húsáid logainmneacha Gaeltachta.

Ina bhfreagra ar an imscrúdú thug an Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádurtha le fios go raibh Logainm agus Geodirectory, úinéirí an bhunachair sonraí a bhí in úsáid, ag oibriú le chéile anois chun réiteach a fháil ar na difríochtaí a bhain le logainmneacha éagsúla. Léiríonn an méid seo dom go bhféadfadh an fhadhb a bhain le húsáid logainmneacha Gaeltachta a bheith seachanta ach an phleanáil cheart a bheith déanta roimh ré.

Ardaíodh an cheist seo i dtaca le dualgais scéime a bheith ar conraitheoir atá ag soláthar seirbhísí thar ceann na Roinne leis an Roinn cheana i gcomhthéacs seirbhísí leathanbhanda a bheith á chur ar fáil ag conraitheoir thar cheann na Roinne. Ghlac an Roinn leis sa chás sin, ina litir den 1 Márta 2010, go raibh dualgas ar an Roinn féachaint chuige go mbeadh seirbhís i nGaeilge á sholáthar ag aon dream a bheadh ag soláthar seirbhísí thar a ceann i gceantar Gaeltachta de bharr an ghealltanais i scéim teanga na Roinne ina leith sin.

Luadh an cheist ag cruinniú faireacháin leis an Roinn ar an 2 Meitheamh 2015 chomh maith.

B’ábhar díomá dom é, mar sin, nár cosúil go raibh aon ghlacadh ag an Roinn leis ar dtús gur lean dualgais scéime chuig seirbhísí a bhí á gcur ar fáil go neamhdhíreach sa chás áirithe seo, nuair a bhí an pointe géillte cheana.

Agus í ag freagairt don dréacht tuarascáil, thug an Roinn le fios in athuair go raibh an comhlacht Capita ag léiriú ‘spiorad na scéime’. Ní hé ‘spiorad na scéime’ a bhí faoi chaibidil anseo, áfach, ach an dualgas reachtúil a bhí ar an Roinn cloí go

hiomlán leis an gealltanas a bhí tugtha sa scéim teanga maidir le húsáid logainmneacha oifigiúla Gaeltachta. Dhearbhaigh an Roinn gur thuig sí dearcadh na hOifige agus d'aithnigh sí go bhféadfadh conraitheoir atá ag oibriú de bhun conradh leis an Roinn bheith faoi réir Scéim Teanga na Roinne de réir léirmhíniú na hOifige ar forálacha an Achta.

Mhaígh an Roinn chomh maith gur thug sí freagra ar roinnt comhfhreagras a sheol m'Oifig chuici roinnt uaireanta agus gur tugadh an freagra ba dhéanaí ar an 17 Lúnasa 2015. Thug sí le fios freisin gur cuireadh aon cheist nó gearán a bhain le cásanna ar leith chuig conraitheoir Eircode chun déileáil leo dá réir.

Gan aon fhreagra sásúil a bheith faighte ag m'Oifig ón Roinn nó ó Eircode i leith na ngearáin aonarach sin, ní raibh an dara rogha ar fáil dom ach imscrúdú a thionscain ar an ábhar.

Ainm, Sloinne agus Seoladh

Bhí ábhar eile gur thagair mé dó agus mé i mbun comhfhreagras leis an Roinn i dtaca leis na gearáin agus arís sa litir a d'eisigh mé chuig an Aire agus mé ag seoladh an imscrúdaithe, is í sin an méid a tharla i dtaca le haistriú ainmneacha agus sloinntí go Béarla agus na hEircode á seachadadh. Rinne 48 duine gearán chuig m'Oifig ar an ábhar seo, agus ba léir gurb í an cheist ba mhó a ghoill ar dhaoine i dtaca leis an seachadadh.

Tar éis dóibh an dréacht tuarascáil a fháil, thug an Roinn freagra ar an gceist seo, ag tabhairt le fios gur bhain An Post úsáid as 'tuairisceoirí foirgnimh' chun an dúshlán i dtaca le cinnte a dhéanamh de gur sannadh an postchód ceart ar gach seoladh aonair agus gur seachadadh an postchód ceart chuige sin a sharú. Dúirt sí gurb é an t-aon chuspóir amháin a bhí leis sin ná an postchód a sheachadadh go cruinn, agus dúirt go ndealraíonn sé gurb é an leagan Béarla d'ainm úinéir an tí a bhí sna 'tuairisceoirí foirgnimh' i gcásanna áirithe. Níor thug sí aon mhíniú ar an gcúis a bhí leis an aistriúcháin go Béarla a rinneadh ná níor ghlac sí aon leithscéal as gur dearnadh é.

Glacaim leis nach bhfuil aon reachtaíocht teanga ann i láthair na huaire a chinntíonn go bhfuil dualgas ar an Stát glacadh le rogha an tsaoránaigh maidir lena (h)ainm agus dá bharr sin níl sí áirithe mar cheist reachtúil go bhfuil fionnachtain le déanamh ina leith san imscrúdú seo. Ach is cuid dhílis de chéannacht duine a ainm agus a sloinne. Níl aon leithscéal ann go ndéanfaidh aon duine, comhlacht nó eagraíocht, ní áirím foras de chuid an Stáit, galldú ar an gcéannacht sin trí sonraí a chlárú i mBéarla nuair nach é sin a dtoil ná a rogha.

Is dóigh liom gur cheist thábhachtach í seo agus léiríonn an méid a tharla le linn eisiúint na bpostchóid an gá follasach atá ann do reachtaíocht a chosnaíonn ceart an tsaoránaigh go mbeadh a ainm agus a sloinne ina rogha teanga oifigiúil. Tá a leithéid molta ag m'Oifig go deimhin chomh fada siar le 2011 i gcomhthéacs an athbhreithnithe ar an Acht agus ag Coistí Oireachtais ina dhiaidh sin. Tá molta

agam chomh maith go mbeadh stádas reachtúil ag leagan Gaeilge do sheoladh lasmuigh don Ghaeltacht mar chuid don fhoráil céanna san Acht.

Le tamall de bhlianta anuas, tá socruithe á ndéanamh le dlí a choscann ar saoránaigh aon leagan dá n-ainm a úsáid seachas an leagan atá ar a teastas breithe, gan fianaise de ghnáth úsáid, mar shampla, úsáid den leagan eile ar feadh tréimhse dhá bhliana ar a laghad, a chur faoi bhráid an Stát. Is ait liom, mar sin, go dtabharfaí cead do chomhlacht stáit aistriúcháin Béarla a úsáid d'ainm duine ar bith chun críocha oifigiúla.

Is féidir go mbeadh ceist ann i dtaobh cosanta sonraí, sa chás go raibh sonraí pearsanta mí-chruinne á gcoinneáil i mbunachar sonraí ag eagraíocht stáit i ngan fhios do na daoine ar bhain na sonraí sin leo. Tá an cheist ghinearálta sin curtha faoi bhráid an Choimisinéara Cosanta Sonraí agam.

CAIBIDIL 4

Tuarascáil, fionnachtana agus moltaí

Tá dualgas orm mar Choimisinéir Teanga in aon chás ina sheolfaidh mé imscrúdú faoi Acht na dTeangacha Oifigiúla tuarascáil i scríbhinn a ullmhú agus a chur faoi bhráid an chomhlachta phoiblí lena mbaineann, faoi bhráid an Aire Ealaíon, Oidhreacht agus Gaeltachta, agus i gcás ina ndéanfar gearán liom, faoi bhráid an ghearánaigh, maidir le fionnachtana an imscrúdaithe agus féadfaidh mé aon mholtaí is cuí liom ag féachaint don imscrúdú a áireamh sa tuarascáil.

Fionnachtana an imscrúdaithe

Is í seo a leanas fionnachtain an imscrúdaithe –

Gur sháraigh An Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádurtha an dualgas reachtúil teanga atá daingnithe i bhfo-alt 18(1) d'Acht na dTeangacha Oifigiúla 2003 maidir le cur i bhfeidhm a scéim teanga chomh fada is a bhaineann sé le mír i gCaibidil 2 den scéim sin, a bhaineann le Logainmneacha Gaeltachta.

Moltaí an imscrúdaithe

- (1) Go n-eiseofar meamram chuig gach ball foirne sinsearach sa Roinn á gcur ar an eolas faoi fhionnachtana na himscrúduithe seo laistigh de sé seachtaine ó dháta eisiúna na tuarascála seo, agus go gcuirfí cóip den mheamram sin ar fáil don Oifig seo.
- (2) Go gcinnteofar feasta go dtabharfar aird cuí ar ghealltanais scéime teanga nuair atá conradh á aontú ag an Roinn le tríú páirtí do sheachadadh seirbhísí.
- (3) Go ndéanfar aon chonradh eile atá idir láimhe ag an Roinn i láthair na huaire a scrúdú d'fhonn a fhiosrú an bhfuil ciallachais ag an bhfionnachtain seo d'aon chonradh eile.
- (4) Go gcuirfear tuairisc faoi bhráid na hOifige seo faoin 12 Feabhra 2016 ag tabhairt léargas chuimsitheach i dtaca le stádas géilliúlachta na gconarthaí eile don ghealltanais reachtúil scéime i dtaca le logainmneacha Gaeltachta.
- (5) Go gcuirfear tuairisc chuimsitheach faoi bhráid na hOifige seo faoin 30 Meitheamh 2016 i dtaca leis an dul chun cinn atá déanta leis an uasdátú ar an mbunachar sonraí ar a bhfuil an Eircode ag braith, ag áireamh anailís ar aon bhearna idir úsáid logainmneacha Gaeltachta i Geodirectory.

- (6) Go gcuirfear traenáil cuí in áit chun a chinntiú go bhfuil gach ball foirne ar an eolas faoi dhualgais reachtúla teanga na Roinne.
- (7) Go gcuirfear san áireamh aon sheirbhísí atá á gcur ar fáil go neamhdhíreach agus monatóireacht á dhéanamh ar chur i bhfeidhm gealltanais na scéime teanga.

CAIBIDIL 5

Achomhairc chuig an Ard-Chúirt

Meabhraítear anseo go bhfuil sé de cheart ag páirtí in imscrúdú faoi Acht na dTeangacha Oifigiúla 2003, nó ag aon duine eile a ndéanann fionnachtana agus moltaí an Choimisinéara tar éis imscrúdaithe den sórt sin difear dó nó di, achomharc a dhéanamh chuig an Ard-Chúirt ar phonc dlí i gcoinne an chinnidh. Is ceart a thabhairt faoi deara gur gá achomharc a thionscnamh tráth nach déanaí ná 4 seachtaine tar éis fógra maidir leis na fionnachtana agus na moltaí iomchuí a bheith tugtha don duine a bheidh ag tionscnamh an achomhairc. Féach freisin IR 14 de 2007.

Seo a leanas mar atá na forálacha sin d'Acht na dTeangacha Oifigiúla 2003:

Alt 28(1)

Féadfaidh páirtí in imscrúdú faoin Acht seo nó aon duine eile a ndéanann fionnachtana agus moltaí an Choimisinéara tar éis imscrúdú den sórt sin difear dó nó di, achomharc a dhéanamh chuig an Ard-Chúirt ar phonc dlí i gcoinne an chinnidh.

Alt 28(2)

Déanfar achomharc faoi fho-alt (1) a thionscnamh tráth nach déanaí ná 4 sheachtain tar éis fógra maidir leis na fionnachtana agus na moltaí iomchuí a thabhairt don duine a bheidh ag tionscnamh an achomhairc.

Alt 28(3)(a)

I gcás ina ndéanfaidh an Ard-Chúirt achomharc faoin alt seo ag duine, seachas ag ceann, a dhíbhe, féadfaidh an Chúirt sin, má mheasann sí gur ghabh tábhacht phoiblí eisceachtúil leis an bponc dlí lena mbaineann, a ordú go ndéanfaidh an comhlacht poiblí lena mbaineann cuid de chostais an duine i ndáil leis an achomharc, nó iad go léir, a íoc.

Alt 28(3)(b)

Féadfaidh an Ard-Chúirt a ordú go ndéanfaidh an comhlacht poiblí lena mbaineann cuid de chostais duine, seachas ceann, i ndáil le tarchur faoin alt seo, nó iad go léir, a íoc.

Alt 28(4)

Maidir le cinneadh ón Ard-Chúirt tar éis achomhairc faoi fho-alt (1), sonrófar ann, i gcás inar cuí sin, an tréimhse ar laistigh di a thabharfar éifeacht don chinneadh.

CAIBIDIL 6

Tuairimí á lorg

Faoi Alt 26(4) d'Acht na dTeangacha Oifigiúla 2003 iarraim mar Choimisinéir Teanga ar An Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha aon tuairimí a bheadh ag an eagraíocht maidir le fionnachtana agus moltaí atá ar áireamh sa tuarascáil seo a chur faoi mo bhráid laistigh de thréimhse 6 seachtaine tar éis fógra maidir leis na fionnachtana agus na moltaí atá sa tuarascáil a bheith faighte ag an Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

Rónán Ó Domhnaill
An Coimisinéir Teanga

Dáta: _____

APPENDIX B

Monitoring Timeline

31 December 2015: Investigation report issued.

2016

11 February 2016: E-mail received from the public body requesting an extension of time to provide the report. The extension was granted.

16 March 2016: Further extension sought.

24 March 2016: E-mail received from the Department of Communications, Climate Action and Environment in respect of the compliance of the Department's contracts with the commitments in respect of place names.

6 April 2016: Clarification sought from the Department, along with a copy of the attachment which had not been provided.

13 April 2016: Additional information and attachment received informally.

18 April 2016: Formal response requested in conversation with the Department.

09 May 2016: Formal letter received.

30 June 2016: Response due from the Department regarding one recommendation – telephone call received seeking an extension of time. Voicemail message left seeking proposed date for the extension of time.

18 July 2016: Voicemail message left with the Department seeking a response.

27 July 2016: Response received from the Department giving an account of the way Eircode, APG and the Logainm.ie working group operate.

2018

30 January 2018: E-mail sent to the Department of Communications, Climate Action and Environment seeking up-to-date information, especially regarding the initiative between An Post and the Logainm.ie working group.

2 February 2018: Acknowledgement received.

16 March 2018: Reminder sent to the Department of Communications, Climate Action and Environment.

26 March 2018: E-mail received from the Department of Communications, Climate Action and Environment apologising for the delay and advising a response is almost ready.

3 April 2018: E-mail sent to the Department of Communications, Climate Action and Environment seeking a specific date by which the response would be provided.

10 April 2018: Telephone call made to the Department of Communications, Climate Action and Environment advising of the importance and urgency of this matter.

12 April 2018: E-mail received from the Department of Communications, Climate Action and Environment advising the response was being translated. Acknowledgement issued.

16 April 2018: E-mail received from the Department of Communications, Climate Action and Environment with a response to the letter from this Office in relation to the details of GeoDirectory. Acknowledgement issued to the Department.

22 June 2018: Letter sent to the Department of Communications, Climate Action and Environment seeking clarification on two specific points. A response by 18 July was requested.

18 July 2018: Reminder sent to the Department in relation to the letter dated 22 June 2018. Response received advising the report was almost complete.

3 August 2018: Response received from the Department.

8 & 9 October 2018: Attempts made, via email, to reach a suitable date for a meeting.

12 October 2018: Date of 16 November 2018 confirmed for meeting.

16 November 2018: Meeting with the Department to assess progress.

2019

15 April 2019: Letter sent to Secretary-General of the Department advising that the Office was of the opinion, having reviewed the Department's responses, that it had no choice but to present a report on the matter to the Houses of the Oireachtas. Meeting offered as a final attempt to reach agreement.

8 May 2019: Letter received from the Department of Communications, Climate Action and Environment accepting the offer.

10 May 2019: Voicemail left by OCT with the Department of Communications, Climate Action and Environment advising An Coimisinéir Teanga would be available for the meeting.

13 May 2019: E-mail sent by OCT to the Department of Communications, Climate Action and Environment advising An Coimisinéir Teanga would be available on specific dates.

15 May 2019: Meeting between OCT and the Department of Communications, Climate Action and Environment confirmed for 27 May 2019.

16 May 2019: E-mail sent to the Department of Communications, Climate Action and Environment stating the date and time is suitable for An Coimisinéir Teanga.

16 May 2019: Telephone call to the Department of Communications, Climate Action and Environment – it was confirmed the Secretary-General or the Assistant Secretary would be in attendance at the meeting.

27 May 2019: Meeting held between OCT and the Assistant Secretary of the Department of Communications, Climate Action and Environment.

29 May 2019: Letter from An Coimisinéir Teanga to the Assistant Secretary of the Department of Communications, Climate Action and Environment.

4 June 2019: Acknowledgement received from the Department of Communications, Climate Action and Environment.

24 June 2019: Letter received by An Coimisinéir Teanga from the Assistant Secretary of the Department of Communications, Climate Action and Environment informing that it had written to An Post, as was agreed at the meeting.

3 July 2019: Acknowledgement sent to the Department.

6 August 2019: Voicemail left with the Department seeking more information in relation to progress to date.

7 August 2019: Telephone call received from the Department of Communications, Climate Action and Environment advising it had received a response from An Post, that it must examine it and will revert then. A deadline was requested.

14 August 2019: Telephone call received from the Department. It was advised that the Assistant Secretary would be on holidays until 17 September 2019 and therefore a response would be issued by the end of September 2019.

30 September 2019: Voicemail left for the Department and telephone call received in return. It was stated that An Post advised in its response that technical difficulties had arisen with the arrangements that were being sought, but the Department did not envisage any difficulty. A meeting was being sought with An Post to discuss the matter. It was stated that a complete response was promised by 30 September 2019. The Department was asked to revert the following day with information on a date for the meeting.

1 October 2019: Telephone call received from the Department. A request was made for a meeting with An Post. No date had been arranged as yet. An e-mail will be sent to us when a date is available and the Department will revert to OCT after the meeting with information on the proposed arrangements or the technical difficulties identified by An Post.

4 October 2019: Telephone call received by OCT from the Department of Communications, Climate Action and Environment. A meeting will be held with An Post on 8 October 2019 to nominate someone who will be dealing with this matter on

its behalf. An Post is advising that technical difficulties are preventing a solution which will ensure that Gaeltacht placenames are in Irish only. Further explanation is required. The Department hopes to have a meeting with An Post before the end of the following week.

10 October 2019: Telephone call from the Department of Communications, Climate Action and Environment. Meeting with An Post is scheduled for 29 October 2019.

8 November 2019: Telephone call received from the Department of Communications, Climate Action and Environment. The Department had the meeting with An Post. It was stated that An Post confirmed the English version of Gaeltacht addresses could not be removed from its database as it is a requirement for ascertaining precise delivery of letters, as many people use English addresses in the Gaeltacht. It says it has a statutory obligation under ComReg to comply with certain delivery targets and this would be impossible without having the English version of the addresses in its database. The Department stated that An Post was focusing on introducing new technology for its postal workers and that they could perhaps in future have a hand-held device which could assist in recognising addresses.

The Department of Communications, Climate Action and Environment stated also that it had another discussion with GeoDirectory and it was confirmed that it is now engaging with the Logainm.ie working group, and matters are progressing slowly in relation to amending the database, to ensure accuracy. It was stated that pressure will continue to be applied.

The Department indicated it would issue OCT with a written reply.

27 November 2019: Written response received from the Assistant Secretary stating that it was their view the Department of Communications, Climate Action and Environment is complying with the statutory obligations of the scheme.

12 August 2020: 2019 Monitoring Report issued, encompassing an account of the monitoring which was carried out on the implementation of the investigation's recommendations.

1 Márta 2021: Letter issued to Minister of State Hildegard Naughton, advising of the intention to lay a report before both Houses of the Oireachtas on the matter.

1 March 2021: Acknowledgment received from Minister of State Naughton's office.

3 March 2021: Acknowledgment received from the Office of the Assistant Secretary of the Department of the Environment, Climate and Communications in respect of the aforementioned letter dated 1 March 2021.

20 July 2021: A copy of the Office's Monitoring Report for 2020-2021 was sent to the Secretary General of the Department. The Monitoring Report reported on the decision of An Coimisinéir Teanga to lay a report before both Houses of the Oireachtas on the matter.

APPENDIX C

Roinn Cumarsáide, Gníomhaithe
ar son na hAeráide & Comhshaoil
Department of Communications,
Climate Action & Environment



Rónán Ó Domhnaill
An Coimisinéir Teanga
Oifig Choimisinéir na dTeangacha Oifigiúla
An Spidéal
Co. na Gaillimhe
H91 VK23



27 Samhain 2019

Tag: Imscrúdú IM003-B

A Rónáin, a chara,

Tagraim don chruinniú a bhí againn Dé Luain, an 27 Bealtaine 2019 chun iarracht a dhéanamh teacht ar réiteach i ndáil le Capita, Sealbhóir an Cheadúnais chun Postchóid a Bhainistiú, a bheith ag cur logainmneacha Gaeltachta ar fáil i nGaeilge amháin i gcóras Eircode agus an gníomh a comhaontaíodh ag an gcruinniú sin go scríobhfadh an Roinn chuig An Post, ionas gurb é an leagan Gaeilge de logainmneacha Gaeltachta a bheadh i mbunachar sonraí GeoDirectory le haghaidh an leagain Gaeilge agus an leagain Béarla de sheoladh logainm.

Ar an gcéad dul síos, maidir leis an gceist a tharraing tú aníos, is cuid í de cheist níos leithne, is é sin nach bhfuil aon fhoirm dhlíthiúil de sheoltaí ann in Éirinn agus go bhfuil éagsúlacht mhór san fhoirm a úsáidtear le haghaidh seoltaí Béarla agus Gaeilge araon. An toradh atá air sin ná go roinneann 35% ar a laghad d'ionaid réadmhaoine na hÉireann seoladh le hionad réadmhaoine eile, i.e. ionaid réadmhaoine nach bhfuil seoladh uathúil acu. Is féidir leis An Post seoltaí a shainmhíniú chun críocha seachadadh poist agus, ag eascairt as an bhfeidhm sin, is é an t-aon fhoirne amháin é de sheoltaí údarásacha sa stát agus is ag An Post, a thiomsaíonn agus a choimeádann na seoltaí sin, atá úinéireacht (maoin intleachtúil san áireamh). Cé is moite den chás sin, tá cead ag daoine aonair agus ag cuideachtaí foirmeacha difriúla de sheoladh a úsáid. Go deimhin tá a gcuid foirmeacha éagsúla féin de sheoltaí ag cuideachtaí ina mbunachair sonraí, mar aon le foirmeacha iomadúla de sheoltaí don ionad réadmhaoine céanna. Chun an fhadhb seo, go mbíonn foirmeacha iomadúla de sheoltaí ann, a réiteach, ní bhíonn le déanamh ag cuideachtaí ach éirchóid a chur leis na seoltaí atá ina mbunachar sonraí cheana féin, bídis i nGaeilge nó i mBéarla nó sa dá theanga.

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Ag eascairt as ár gcruinniú, scríobh an Roinn chuig An Post i mí an Mheithimh agus d'iarraomar go n-athrófaí go Gaeilge amháin na seoltaí Gaeilge i gceantair Ghaeltachta atá i mBunachar Sonraí Náisiúnta Foirgneamh An Post, i.e. seoltaí i nGaeilge amháin i ngach fearann agus tábla sonraí Gaeilge agus Béarla agus go gcuirfí na sonraí sin ar fáil do An Post GeoDirectory lena n-úsáid i gcóras Eircode. Ach seoltaí i mbunachar sonraí An Post a athrú go Gaeilge amháin, líonfaí bunachar sonraí Eircode freisin le seoltaí i nGaeilge amháin.

Ina bhfreagra ar ár litir, dúirt An Post gurb é príomhchuspóir a mbunachair sonraí ná riachtanais inmheánacha An Post, i ndáil le córas poist náisiúnta a chur ar fáil, a chomhlíonadh. Dúirt siad nach féidir leo a mbunachar sonraí a athrú sa mhodh a iarradh mar go gcruthódh an t-athrú sin deacrachtaí teicniúla tromchúiseacha sna córais sórtála poist agus i seachadadh an phoist feadh bealaí sa Ghaeltacht. D'fhéadfadh sé sin tionchar a imirt ar mhéadrachtaí caighdeán seirbhíse i ndáil le seachadadh poist, méadrachtaí arna socrú ag an rialtóir poist ComReg. Déantar post a bhfuil seoladh air a mheaitseáil leis an seoladh i mbunachar sonraí An Post lena chinntiú go seachadtar go dtí an seoladh ceart é. Mura mbaintear meaitseáil amach, d'fhéadfadh moill a bheith ar an bpost nó d'fhéadfadh go seolfaí ar ais chuig an seoltóir é. Má bhíonn seoladh Gaeilge ar litir, caithfidh an iontráil chomhfhreagrach i mbunachar sonraí An Post a bheith i nGaeilge freisin le go mbainfear meaitseáil amach. Mura dtarlaíonn sé sin, beidh baol ann nach seachadtar an post. Más i nGaeilge atá an seoladh i mbunachar sonraí An Post, is léir nach mbeidh aon deacracht ann.

Maidir le bunachar sonraí Eircode, is é an fáth a gcaithfidh an seoladh i mbunachar sonraí Eircode a bheith ag teacht leis an seoladh i mbunachar sonraí An Post ná go bhféadfadh deacrachtaí suntasacha a bheith ann ó thaobh post a sheachadadh chuig na custaiméirí sin dá mbeadh na seoltaí difriúil lena chéile. Dá bhrí sin, níl sé de rogha ag Eircode na seoltaí i mbunachar sonraí Eircode a athrú go haontaobhach gan tagairt do bhunachar sonraí An Post.

Mar a dúradh cheana, geallann an Roinn an méid seo chun ár Scéim Teanga a chomhlíonadh: *"Tá na socrúcháin riachtanacha curtha in áit ag an Roinn le cinntiú go n-úsáidfear logainmneacha oifigiúla na gceantar Gaeltachta mar atá fógartha ag an Aire san Ordú Logainmneacha (Ceantair Ghaeltachta) 2005 mar réamhshocrú do chuspóirí corparáideacha, lena n-áirítear, mar is cuí, cuspóirí reachtúla, corparáideacha agus staidrimh."* Cuimsíonn sé sin Capita a bheith ag cur éirchóid nua ar fáil do cheantair Ghaeltachta uair sa ráithe agus gan ach an seoladh Gaeilge in úsáid. Cuimsíonn sé an uirlis ghréasáin Eircode / Aimsitheoir freisin, áit a dtiocfaidh an leagan Gaeilge den seoladh aníos mar réamhshocrú nuair a chuardaítear logainmneacha Gaeltachta de réir seolta nó éirchóid. Nuair is gá logainmneacha Gaeltachta a chuardach ar léarscáil, ní úsáideann an suíomh gréasáin Eircode / Aimsitheoir ach na léarscáileanna is déanaí atá foilsithe ag Suirbhéireacht Ordanáis Éireann ina dtaispeántar an leagan Gaeilge de na logainmneacha Gaeltachta tríd an tseirbhís mapála MapGenie. Tá suíomh gréasáin Eircode agus suíomh gréasáin Aimsitheoir Eircode ar fáil i nGaeilge agus tá saoráidí i bhfeidhm ag Capita lena chinntiú go dtabharfar freagra i nGaeilge ar cheisteanna i nGaeilge a fhaightear ó chustaiméirí tríd an ríomhphost, sa phost agus ar an nguthán. Táimid sásta mar



sin go bhfuilimid ag cloí le riachtanais ár scéime teanga, agus go bhfuilimid ag comhlíonadh na bhforálacha in Acht na dTeangacha Oifigiúla a bhaineann le hOrduithe Logainmneacha.

Má theastaíonn aon soiléiriú breise uait nó más féidir linn cabhrú leat a thuilleadh, cuir é sin in iúl dúinn le do thoil.

Le gach dea-ghuí,

Patricia Cronin,

Rúnaí Cúnta

