

The Legal Quality Standard of Ireland



OCTOBER 2025 - ARTICLES & ITEMS OF INTEREST

DPC REPORT – RECURRING ISSUES – LESSONS TO BE LEARNED

In the October edition of the Law Society Gazette, Elaine Morrissey, chair of the Law Society’s IP and Data Protection Law Committee looks at the lessons to be learnt from the DPC’s annual report and how the recurring issues highlight the need for continuous learning in this area.

7,781 data-breach notifications (up 11% from 2023) - half the reported breaches were caused by **communications to the wrong person**. This means that approximately 3,890 breaches handled by the DPC were as a result of correspondence being sent to an incorrect individual. This occurs where post or emails are sent to the wrong person and/or address. Breaches range from minor disclosures (for example, name and contact info) to trusted parties, to more serious breaches, where financial or medical details are available to unknown parties, particularly free email accounts.

There is no ability to successfully recall an email sent to Gmail and similar email services. Consideration needs to be given to the postal process, checking attachments, password protecting attachments, and other methods to share documents, such as file-sharing tools.

Lack of appropriate technical and organisational measures (TOMs) are an ongoing issue. Maynooth University’s breach of employee email accounts highlighted insufficient TOMs and late-breach notification to the DPC. The university was ordered to put in place TOMs, including multifactor authentication and a robust password management process and to complete “mandatory data-protection and cybersecurity training for all staff, appropriate to their role and level of risk, and updated as the risk landscape changes”.

An example of practical training is that, when an employee fails a test phishing email, they must complete specific phishing email training. Such a test and training are practical and targets the employees who are vulnerable to falling for such emails.

DSARs accounted for 34% of complaints received by the DPC. This demonstrates that data subjects (individuals) are aware of and willing to invoke their rights. Common issues on DSRRs, particularly on DSARs are:

- Failure of the organisation to respond on time (within a month).
- Documents provided with redactions that are insufficiently explained to data subjects or where redactions have been excessively used.
- Reliance on exemptions – “The reason the exemption is being applied should be clearly explained to the individual”; “any exemptions applied should be documented”; and “organisations must always be able to explain to the DPC why they have applied specific exemptions”.
- The need for organisations to request proof of identity from a data subject before they will proceed with a DSRR.

The report and case studies are useful reminders of how best to approach DSRRs, for example, appropriate training of staff, effective communication with data subjects, and robust analysis of legal basis, rights, and exemptions.

The article also discusses the area of **CCTV** given the volume of complaints regarding CCTV, the DPC has issued several guidance documents. The lesson is to check cameras to ensure their range is within the perimeter of the property. From a commercial perspective, organisations must ensure adequate signage and transparency, use CCTV appropriately rather than have blanket coverage, remember that CCTV images are personal data, subject to DSRRs, and implement proper retention schedules with deletion processes.

One of the themes throughout the report and case studies is the importance **of timely and transparent communication**.

The article also discusses **marketing emails** and the European Data Protection Board opinion on the processing of **personal data in the context of AI models**, which resulted from a request by the DPC. It is expected that the 2025 annual report will have an even greater focus on AI.

The above is a brief synopsis, to view this article in full see <https://www.lawsociety.ie/globalassets/documents/gazette/gazette-pdfs/gazette-2025/october-2025-gazette.pdf#page=41>

NATIONAL AUTOMATIC ENROLMENT RETIREMENT SAVINGS AUTHORITY ESTABLISHED

On the 14 October 2025, the Department of Social Protection published a press release confirming the formal establishment of the National Automatic Enrolment Retirement Savings Authority (NAERSA), which will oversee the rollout of the Government’s new retirement savings system, *MyFutureFund*, from 1 January 2026.

The establishment of NAERSA is a significant step to ensure around 750,000 workers, who currently are not actively paying into a pension through payroll, will have access to quality assured retirement savings from 1 January 2026.

Separately, the department has been advised that some employers are incorrectly informing staff that because of a change in legislation they are now obliged to join an employer sponsored pension scheme before the end of 2026.

The department wishes to clarify that there has been no change in legislation that obliges a worker to join an employer sponsored pension scheme, nor is there any change that obliges an employer to enrol their employees into such a scheme.

Employees who are being advised that they must join an employer sponsored scheme should check if this is a condition of their employment contract. If it is not, they are encouraged to carefully consider the terms of membership and the benefits of the employer sponsored scheme.

In particular they should check if the terms of the scheme are more beneficial to them than those of the new *MyFutureFund* scheme that is due to commence from January 1st.

To view this press release in full see <https://www.gov.ie/en/department-of-social-protection/press-releases/minister-calleary-formally-establishes-naersa-the-national-automatic-enrolment-retirement-savings-authority/>

Detailed information in respect of *MyFutureFund* is available at www.gov.ie/ae.

ADVICE IN RESPECT OF OPENING AND CLOSING A PRACTICE

In the October edition of the Law Society Gazette, Sorcha Hayes head of practice regulation at the Law Society has written a very informative article on setting up a practice and bringing a practice to an orderly close.

Opening the door.

Opening a firm well means getting the essentials right from day one – clear governance, robust client-care and complaints pathways, professional indemnity in place, and disciplined financial and records systems.

Any solicitor may open a solicitor's firm with a current practicing certificate (PC), a qualifying policy of professional indemnity insurance (PII) confirmed by your broker using our online PII portal, and a completed 'commencement in practice' form filed with the Law Society.

In addition, a copy of your firm's proposed letterhead and notepaper, information on the solicitors in the firm, your proposed financial year-end, and reporting accountant details will need to be provided with your application.

Under opening a practice Sorcha Hayes also discusses: - Firm letterhead and notepaper – Partners and responsibility – Client accounts – PII – succeeding practice and phoenix firms.

Closing the door.

Succession planning, file and data-retention strategies, insurance cover, and transparent client communication ensure that, when closure arrives, it is orderly, safe, and respectful of the trust your clients have placed in you and your firm.

Plan your cessation at least 12 months in advance, whether it be a wind-up retirement, sale, transfer, merger, partnership dissolution or change in structure.

Under closing a practice Sorcha Hayes discusses: - Vital information to be provided to the Law Society e.g. proposed date of cessation, home/correspondence address, contact mobile and email etc. - Run-off cover compliant and non-compliant firms – succeeding practices – phoenix firms – Client files – Deeds – Wills – Ensuring Powers of Attorney – Undertakings - File a closing reporting-accountant’s report.

If you are just **undergoing a structure change** – for example, from a sole principal to a partnership – you should close existing bank accounts and open new ones. Alternatively, submit a closing report within the required period and include a banker’s letter noting the change date, a copy of the new bank mandate, and your reporting accountant’s written confirmation of the change.

And finally, she looks at Emergency planning.

She concludes by stating ‘*Starting well is a matter of form and systems. Finishing well is a matter of planning and discipline. If closure is on your horizon, even tentatively, engage early with your broker, your accountant, the SPF manager, and the Law Society to keep the process clean, compliant and client focused.*’

To view this article in full see <https://www.lawsociety.ie/globalassets/documents/gazette/gazette-pdfs/gazette-2025/october-2025-gazette.pdf#page=49>

WRC PUBLISHED GUIDANCE FOR LITIGANT IN USING AI TOOLS

On the 30 October 2025, the Irish Legal News website reported that the Workplace Relations Commission (WRC) has published new guidance for litigants on the use of generative AI tools like ChatGPT.

To view the article see <https://www.irishlegal.com/articles/workplace-relations-commission-publishes-ai-guidance>

To view the guidance see https://www.workplacerelations.ie/en/complaints_disputes/adjudication/guidance-for-litigants-on-the-use-of-ai-before-wrc/guidance-on-the-use-of-ai-tools-to-prepare-material-for-submission-to-the-wrc.html

LAW SOCIETY PROGRESS ON PRIORITIES IN 2024

On the 30 October 2025, the Law Society of Ireland, top stories published an article titled ‘Law Society ‘progress’ on priorities in 2024’.

These included commitments to investing in the courts system, a review of the *Assisted Decision-Making (Capacity) Act 2015*, developing a solicitor’s portal for enduring-power-of-attorney applications, the restoration of criminal legal-aid fees, reforming property law, and promoting diversity in the profession.

Financial support for trainees

- The report shows that the Law Society’s Professional Practice (PPC) welcomed 542 trainee solicitors, while 2,604 candidates took the FE-1 entrance exams.
- Attendance at CPD courses and events increased during the year, with 26,412 registrations for 176 courses.
- The report also shows that 65% of trainees who joined the PPC Hybrid course were based outside Dublin, while more than one-third were aged 30 or older, and 74% were female.
- There are currently 203 individuals participating in the Law Society’s Access Scholarship Scheme, which aims to reduce barriers for those seeking to enter, return to, or progress within the solicitors’ profession.
- During the year, 22 trainees qualified as solicitors with support from the Access programme.
- In total, 113 people are receiving financial support for FE-1 exams, while 90 are being supported in respect of the full-time and hybrid PPC.

350 inspections

- On regulation, the report shows that the Law Society’s Regulation of Practice Committee carried out 350 annual inspections, examined and processed 2,148 reporting accountants’ reports, and considered 775 items.
- During 2024, there were 112 claim payments made from the Compensation Fund, totalling over €2.6 million.
- The Law Society conducted anti-money-laundering (AML) inspections of 342 firms during 2024, of which 169 were fully compliant, 169 were partially compliant, and four were non-compliant.

Services for solicitors

- The Law Society Library handled just over 4,000 legal queries during 2024, while a dedicated solicitor-services email responded to an average of 300 queries a month.
- The Law Society also published 15 new practice notes in areas such as business law, conveyancing, and probate, administration and trusts.
- In December 2024, the organisation launched a new payment system that increased the rate of practising-certificate renewals, with 93% issued to solicitors within 48 hours and a 97% acceptance rate.

To view this article in full and find links to the report see <https://www.lawsociety.ie/gazette/top-stories/2025/october/law-society-progress-on-priorities-in-2024/>

NEW COMPLAINTS PROPOSALS

On the 1 October 2025, the Law Society of Ireland, top stories published an article titled ‘Law Society backs LSRA’s complaints proposals’.

The Law Society has welcomed a recommendation from the Legal Services Regulation Authority (LSRA) on streamlining its processes for dealing with complaints.

The recommendation was contained in an LSRA report, Review of the Operation of the Legal Services Regulation Act 2015, published last month.

The LSRA is currently required to formally investigate all complaints against legal practitioners. Under the existing act, “any person” may make a complaint in respect of a legal practitioner. The solicitors’ representative body points out that it is not necessary for the complainant to be a client, nor is it necessary to link the alleged misconduct with the provision of legal services. It adds that the lack of a filtration mechanism for complaints at the very beginning of the review process places an unnecessary administrative burden on LSRA staff and creates delays.

Law Society President Eamonn Harrington said: “The Law Society has engaged with the LSRA in an effort to improve the existing complaints process.”

“We previously recommended legislative amendments to the *Legal Services Regulation Act 2015* to allow the LSRA to dismiss complaints that are clearly baseless, without merit or foundation. We welcome this recommendation,” he stated.

“We are urging the Government to introduce the legislation and bring the LSRA’s recommendation into law,” he concluded.

To view this article in full and see the link to the LSRA report see <https://www.lawsociety.ie/gazette/top-stories/2025/october/law-society-backs-lsras-complaints-proposals/>

SOLICITORS IN ENGLAND AND WALES TOLD TO DROP DEAR SIRs

On the 13 October 2025, the Irish Legal News published an article stating Solicitors in England and Wales have been advised to stop using “Dear Sirs” at the start of correspondence.

The Law Society of Ireland abandoned the salutation in 2020 and the Law Society of Northern Ireland’s human rights and equality committee discouraged solicitors from using it in a 2023 bulletin.

The Law Society of England and Wales said in new guidance on diversity and inclusion that it now agrees it “perpetuates the assumption that the recipients of correspondence are by default men”. It said this was no longer appropriate where legal correspondence is now sent to a “broad scope of recipients including women and individuals with other gender identities including non-binary”.

Solicitors have been encouraged to “avoid gender-specific terms” by adopting greetings such as “Dear legal team”, “Dear all”, or “Good morning”. “If you know the person’s name, always use it. If not, keep it simple and neutral rather than overly formal.”

To view this article in full see <https://www.irishlegal.com/articles/england-solicitors-told-to-drop-dear-sirs>

LAW SOCIETY OF SCOTLAND – AML REPORTS

On the 27 October 2025, the Law Society of Scotland published the full results of its SARs thematic review, conducted in partnership with the UK Financial Intelligence Unit (UKFIU). Gemma Turnbull, Head of anti-money laundering at the Law Society of Scotland, said “*I urge everyone holding the role of Money Laundering Reporting Officer or working within*

compliance more generally at a Scottish legal practice to read the report and reflect on its findings. It offers valuable insights worth your attention.”

To view the SARs Thematic Review Final Report - October 2025 see <https://www.lawscot.org.uk/news-and-events/law-society-news/full-results-of-aml-sars-thematic-review/>

On the 30 October 2025, the Law Society of Scotland announced it has published its latest annual report on anti-money laundering (AML) supervision, highlighting the breadth of AML activity from April 2024 to April 2025.

To view this report see <https://www.lawscot.org.uk/news-and-events/law-society-news/aml-annual-supervisory-report-2025/>