

The Legal Quality Standard of Ireland



FEBRUARY 2026 - ARTICLES & ITEMS OF INTEREST

IS YOUR FIRM'S USE OF AI TOOLS IN BREACH OF THE GDPR?

In the January/February edition of the Law Society Gazette, Louis Masterson, Barrister practising in data-protection law, technology law, and regulatory compliance has written a very informative article about the use of AI and its compliance with the GDPR and Data Protection legislation.

He states "Irish lawyers are increasingly turning to artificial intelligence (AI) tools like ChatGPT, Claude, and specialist legal AI platforms (such as Harvey AI and Legora) to enhance efficiency, research case law, draft documents, and analyse contracts. This adoption brings genuine benefits: faster document review, improved research capabilities, and the potential for significant cost savings for clients.

But the integration of AI extends beyond standalone platforms. For example, Microsoft has embedded AI functionality directly into Word, Excel, and Outlook (through Copilot), while Adobe has introduced AI features in Acrobat and other applications. Many practitioners may be using these AI-enhanced features without realising they are engaging in data processing that could have General Data Protection Regulation (GDPR)-compliance implications. A simple prompt to 'summarise this document' in Microsoft Word or 'edit this PDF' in Adobe Acrobat may involve client data being processed by AI systems.

The intersection of AI and legal practice raises fundamental questions about data protection that go far beyond simple confidentiality concerns. When a solicitor or barrister inputs client

information into an AI system, they are engaging in 'processing' that triggers specific, non-negotiable legal obligations under the GDPR.

Many lawyers ask whether uploading client personal data to an AI platform automatically breaches GDPR. The answer is 'no', but only if you comply with all relevant requirements first. Processing client data through AI is not prohibited, but it will constitute a breach if you lack the necessary compliance framework. This framework is not merely a box ticking exercise: it requires a granular analysis of how the AI tool functions. Does it learn from your data? Where is the server located? Who has access?"

To use these tools lawfully, practitioners must navigate six key areas of the GDPR:

- 1) Lawful basis, (Article 6)
- 2) Transparency, (Articles 13 and 14)
- 3) Processor contracts, (Article 28)
- 4) Security, (Article 32)
- 5) Impact assessments, (Article 35)
- 6) International transfers

The article discusses each of these six key areas in detail and are a must read for all firm's using AI tools.

Louis Masterson concludes by stating 'We must stop viewing AI tools as simple search engines and start viewing them as third-party service providers that process our most sensitive assets. To remain compliant, practitioners should take immediate steps to audit their current position. This means identifying which AI tools are currently being used by staff, whether sanctioned or unsanctioned, and understanding the data flows involved.

Firms should then implement an 'AI acceptable-use policy' that clearly prohibits the uploading of personal data to public models, and sets out the circumstances in which AI tools may be used.'

To view this article, see [Gazette Magazine](#) page 44.

IS YOUR FIRM IN COMPLIANCE WITH SECTION 14 OF THE MEDIATION ACT?

In the January/February edition of the Law Society Gazette the Alternative Dispute Resolution Committee have issued a Practice Note titled 'Section 14 Mediation Act obligations on solicitors – update'.

Practitioners are aware of their extensive obligations prior to the issue of proceedings, imposed by section 14 of the Mediation Act to advise clients about mediation before starting proceedings.

The practice note discusses how a recent High Court decision [V Media DOO & First Click Marketing Operations Management Ltd v Techads Media Ltd ([2025] IEHC 430)] has underlined the increasingly proactive role judges are taking to ensure such compliance.

The committee also states 'All solicitors are urged to ensure that their litigation practice management includes a check to ensure that no proceedings are issued in any matter without

having first complied with the obligations imposed by section 14 and that a statutory declaration has been sworn to this effect.’

The ADR Committee has drafted a sample letter to clients and a Section 14 Declaration to assist colleagues (both available at www.lawsociety.ie/alternative-dispute-resolution/mediation).

To view this practice note in full see [Gazette Magazine](#) page 61.

UK SOLICITOR FINED FOR BREACH OF CODE OF CONDUCT IN HIS REPRESENTATION OF A VULNERABLE CLIENT

On the 17 February 2026, the Law Society of England and Wales published an article setting out the circumstances where a Law firm director whose vulnerable client pleaded guilty to criminal charges when they were not fit to plead has been fined £3,800 by the Solicitors Regulation Authority.

The article states Oliver D’Sa, knew his client, ‘KI’, was diagnosed with autism spectrum disorder when he represented him in relation to criminal charges. At an online hearing which D’Sa did not attend but arranged for counsel to represent KI, his client pleaded guilty to the charges. Two months later, D’Sa received reports from a forensic psychiatrist and chartered psychologist that said KI presented with high levels of anxiety, suicidal ideation and features of a learning disability, and did not have the capacity to make a plea, form instructions for his solicitors, and would struggle to follow court proceedings.

The SRA said D’Sa put forward the findings of the reports to be factored into the sentencing, but did not ask the court to set aside KI’s plea. In 2022, KI’s new solicitors appealed against the convictions on the basis he was not fit to plead and his legal representatives failed in their representation of him. The appeal succeeded.

D’Sa admitted breaching the SRA’s code of conduct on taking account his client’s attributes, needs and circumstances.

To view this article in full see [SRA fines law firm director over representation of client with autism | Law Gazette](#)

FORMER SENIOR PARTNER SUSPENDED FOR A YEAR AND FINED £30,000 COSTS FOR SEXUAL COMMENTS MADE TO COLLEAGUES AT A CHRISTMAS PARTY

On the 18 February 2026, an article was published on the Law Society of England and Wales website setting out the circumstances where the tribunal suspended a Norfolk solicitor after he repeatedly made sexual comments to colleagues at a Christmas party.

To view this article see [Tribunal suspends veteran Norfolk solicitor after he repeatedly made sexual comments to colleagues at Christmas party | Law Gazette](#)

TWO NEWS ARTICLES DETAILING AWARDS MADE FOR DISCRIMINATION

On the 11 February 2026, the Irish Legal News published an article about a former employee of PwC, who brought an age and disability discrimination case against the company with support from the Equality Commission for Northern Ireland, to receive a £150,000 settlement.

‘The woman had worked for PricewaterhouseCoopers Services Ltd for more than 40 years and held the position of executive support assistant.

She said that a senior colleague unexpectedly raised concerns about her knowledge of new technology, and that she was asked if training was something she was interested in at her age.

She also reported being told that, because of her length of service, she was just working towards her pension, and that she looked tired and should consider taking time off for caring responsibilities.

Stunned and upset by what she believed were unfair and discriminatory remarks, she submitted a formal grievance.’

To view this article in full see [Former PwC employee settles age and disability discrimination case for £150,000 | Irish Legal News](#)

On the 18 February 2026, the Irish Legal News published another article titled ‘Deaf man awarded more than the statutory limit after discrimination’

Brief synopsis - Mr O’Connell applied for an Irish Sign Language (ISL) advisor role with the NCSE in 2022. The NCSE did not shortlist him for the role because he lacked a formal qualification in ISL, despite ISL being his first and native language. A formal review by the Commission for Public Service Appointments later found that he met the requirements for the role. However, he was informed by the NCSE at that stage that the recruitment process had closed.

The Workplace Relations Commission (WRC) has awarded €40,000 to a Deaf man who faced discrimination in a recruitment process after finding that a statutory €13,000 limit on compensation was inadequate under EU law. Noel O’Connell, who was represented by FLAC, succeeded in a disability discrimination complaint against the National Council for Special Education (NCSE) under the Employment Equality Acts.

Mr O’Connell added: “I hope that this case will prompt all employers to reflect on their recruitment practices and policies and to ensure that they are compliant with the rights of people with disabilities.

To view this article in full see [Deaf man awarded more than statutory limit after discrimination | Irish Legal News](#) to view the details of the case in full see [ADJ-00042837 - Workplace Relations Commission](#)

IMPLEMENTATION OF THE RIGHT TO ERASURE BY CONTROLLERS

On the 20 February 2026, the Data Protection Commission published a news item stating that the DPC welcomed the publication of the European Data Protection Board's (EDPB) report on the implementation of its Coordinated Enforcement Framework (CEF) action on the right to be forgotten.

The report summarises the outcome of a series of coordinated national actions carried out in 2025 under the CEF, listing some issues that were observed for some controllers, along with a series of recommendations to help controllers implement the right of erasure.

To view this news item and for links to the report see [DPC welcomes publication of EDPB CEF implementation report on right to be forgotten | 20/02/2026 | Data Protection Commission](#)

LAW SOCIETY OF SCOTLAND WARNS ABOUT SCAM EMAILS

Earlier this year the Law Society of Scotland published a news item advising that they had been alerted to a spate of scam emails from fraudsters pretending to be legitimate solicitors at law firms.

The scam emails all follow an identical pattern of sharing a folder from a named solicitor at a law firm.

The article offers advice what firms should do. "Do not click on any links in emails you are unsure about, for example if you are not expecting correspondence from the solicitor named in the file, or there are unusual spellings or errors. Do not share these emails with colleagues. You may wish to block the domain to ensure you do not receive further emails. If you have concerns, contact the firm by phone or send a separate email (not reply) to check if the email is legitimate.

Solicitors can help clients and contacts protect themselves by being consistent in your communications and ensuring that clients know what to expect from your firm. Ask clients and contacts to call your office to confirm details, if they receive any communications requesting a payment. Keep discussing the issue with clients to ensure that they are alive to the threats of cybercrime."

The article also provides a link to a Guide to Cybersecurity.

To view this link and access to the guide see [Fraud alert – emails impersonating solicitors | Law Society of Scotland](#)