

Sent to EpiqGlobal – 13 February 2025

In recent years we have been researching various cases of bank and other frauds in Ireland in preparation for an upcoming documentary.

As part of this research it has been brought to our attention that certain digital audio recordings (DARs) intended to capture Irish court proceedings do not necessarily reflect what has transpired during those court proceedings and as a result there may not be adequate safeguards in place in Ireland to prevent unauthorized access or interference, leading to doubts about the integrity of the DARs.

We have also received reports of judges pushing court microphones away or physically moving their own position back from court microphones when making pronouncements at the end of hearings. We have also been advised of a scenario in which a judge whispered pronouncements that were barely audible and are then perhaps not being picked up on the recordings. This is not a matter for Epiq Global other than to make certain enquiries regarding complaints they may have received about the quality of their recordings.

We have committed to making a short informational video for public consumption over the next few weeks, in conjunction with the documentary, and we intend to engage with a range of stakeholders to ensure balanced reporting.

We have a list of questions regarding the service that Epiq Global provides and regarding the integrity and security of the DARs.

1. General

(A) To the best of your knowledge, is Epiq Global the only service provider working with the Irish Court Services and how long has this arrangement been in place?

(B) Is the service provided to the District, Circuit, High, Court of Appeal and Supreme Courts throughout Ireland or only to selected courts in certain locations?

2. Recording Process and Technology:

(A) What technology and equipment are used to create the DARs for court services?

(B) Are the DARs made in real-time, and what measures are in place to ensure the accuracy of the recordings?

3. Data Integrity:

(A) How is the integrity of the DARs ensured from the moment of capture until they are distributed and stored?

(B) Are they stored on the portable laptops of judges, court services personnel or other staff members and are these devices permitted to be brought to and from the courtroom buildings?

(C) Are there any digital signatures applied to the DARs to verify their authenticity?

(D) What processes are in place to detect any tampering or alteration of the DARs?

4. Storage and Access Controls:

(A) Where are the DARs stored, and what security measures are in place to protect this storage (e.g., physical security, encryption)?

(B) Who has access to the DARs, and what protocols are in place to manage and log access to the recordings?

(C) Are there different levels of access permissions based on the roles of individuals (e.g., court personnel, legal representatives)?

(D) How long are the DARs stored for?

5. Editing and Interference:

(A) Are the recordings in a format that allows for editing, or are they stored in a read-only format?

(B) What measures are taken to prevent unauthorized editing or interference with the recordings?

(C) Are there any audit trails or logs maintained that track who accessed or interacted with the recordings?

6. Compliance and Regulations:

(A) How does the agency ensure that its recording practices comply with relevant legal and regulatory requirements regarding evidence preservation?

(B) Are there standard operating procedures (SOPs) in place for handling and maintaining the integrity of the DARs?

7. Access for Parties Involved:

(A) What is the process for individuals or parties involved in a case to request access to the DARs?

(B) Are there any restrictions on who can access the DARs and under what circumstances?

(C) Are legal representatives permitted to have access to the DARs by way of having recordings sent to their offices prior to release of DARs to an opposing party?

(D) How is the confidentiality of sensitive information protected when granting access to the DARs?

8. Training and Personnel:

(A) What training do personnel receive regarding the proper handling and security of the DARs?

(B) Are there designated staff members responsible for overseeing the integrity and security of the DARs?

9. Incident Response and Recovery:

(A) What protocols are in place in the event of a suspected breach or compromise of the DARs?

(B) How does the agency address and rectify incidents of potential tampering or unauthorized access to the DARs?

(C) Have any litigants alleged interference with the DARs since you commenced providing the service?

10. Review and Evaluation:

(A) How often does the agency review its procedures and technologies related to the recording and storage of audio evidence?

(B) Are there external audits or evaluations conducted to assess the integrity and security of the DARs?

(C) If so, when did the last audit take place and what was the outcome?

11. Feedback and Improvement:

(A) How does the agency incorporate feedback from users or stakeholders to improve the recording process and security measures?

(B) Are there mechanisms for reporting concerns or issues related to the DARs?

(C) How many concerns or complaints have been logged since Epiq Global took over the provision of the service?

12. Are there any personal or professional conflicts of interest associated with Epiq Global's provision of these services? In its ownership structure, are there any individuals who are employed by the State?

These questions aim to provide a comprehensive understanding of how an agency safeguards the integrity of digital audio recordings for court services and to address concerns that have been raised about access to recordings and potential interference.

I hope you can assist in clarifying these points in the next two weeks in order to ensure that the recordings maintain their reliability as evidence in all legal proceedings in Ireland and any part of the documentary that references DAR is informed.