



THE SUNDAY TIMES




RICHIE'S RETURN

Lionel Richie on his Irish dates. **Culture**



AGELESS ALLURE

IN PRAISE OF OLDER WOMEN, STYLE

Gardai snoop on thousands of calls

Colin Coyle

THE gardai made 10,000 requests for access to the private telephone records of Irish citizens last year, according to the office of the Data Protection Commissioner (DPC).

Under the terms of new data-retention legislation, fixed-line and mobile phone companies are required to log every call and text message sent in the last three years. Gardai can access these records with the permission of a chief superintendent, but are only supposed to do so when they are investigating or preventing serious crime.

The public's private phone records are now being scrutinised by gardai investigating misdemeanours, according to Gary Davis, the assistant data protection commissioner. "Perfectly innocent people are now having their private records pored over," he said.

The gardai have refused to reveal how many individual requests they made for data last year, but an audit of the telephone companies by the DPC estimates the figure to be 10,000. "It's becoming a routine means of investigation, even though it was only intended for use in exceptional circumstances," said Davis.

Before introducing the legislation, Michael McDowell, the minister for justice, said that access by gardai to telephone records would be strictly controlled and limited to investigation into serious crime or terrorism. The legislation was introduced as a late amendment to the terrorist offences section of the Criminal Justice Act in 2005.

Privacy International, a London-based civil rights watchdog, criticised the government for publishing the legislation as a "last-minute amendment to a largely unrelated bill".

Under the law, gardai can access the identity of callers and the time and duration – but not content – of calls made in the past three years. A record is also kept of the physical location of mobile users

Continued on page 2

England face bloody Saturday at Croke



Munster prop Marcus Horan celebrates decisive victory over England at Croke Park yesterday

Record win for Ireland

John Burns

IT was a fair trade: the 82,000 crowd in Croke Park stood respectfully for God Save the Queen, and then shouted the place down as a rampant Irish rugby team tore England apart.

Whatever about Bloody Saturday, this was a very bloody Saturday evening for Jonny Wilkinson and his English team mates as they lost by a record 43-13.

For one day only, the Hogan stand could have been renamed the Horgan stand. In the 63rd minute, its occupants rose in unison to acclaim one of Ireland's most memorable tries of recent years, scored by winger Shane Horgan.

Eddie O'Sullivan's team are now one win away from a second successive Triple Crown. Victory over Scotland in Edinburgh will do the job.

The victory yesterday was for common sense and good manners, as the crowd at GAA headquarters applauded the English

team onto the pitch and listened courteously to their anthem.

Peter Hain, the Northern Ireland secretary, applauded everyone involved. "A day that promised so much lived up to all expectations," he said.

Up to 1,000 gardai kept order outside the stadium, but only three arrests were made. The most serious offence: forging tickets.

Rugby wins, page 3, leader, page 16, Sue Denham, page 17, Sport 1-7

Dublin Bus lays blame on driver

Mark Tighe

AN unpublished Dublin Bus report into the Wellington Quay crash in which five people were killed has blamed driver error for the accident.

Kenneth Henvey, the driver of the double-decker bus involved, was cleared last week by a circuit court jury of dangerous driving causing the deaths of the five people. His defence team argued that a sudden engine malfunction, which led to the bus going out of control, was the cause.

After the trial, Dublin Bus, a subsidiary of CIE, said its inquiry team would finalise a confidential report before presenting it to its board. It is understood the company is now seeking legal advice on whether the report can be published, given it appears to contradict the not-guilty verdict in Henvey's trial.

The Sunday Times has learnt the report concludes "pedal misapplication" caused the bus to move forward. Henvey's union, the National Rail and Bus Union (NRBU), has warned the company not to push ahead with the report if it blames driver error.

"Ken Henvey was found not guilty by a jury who heard all the evidence," said Mick Faherty, acting general secretary for the union. "If the Dublin Bus conclusion is different, then they are in big difficulties. I cannot see Dub-

lin Bus or the inquiry team publishing that, if they want to have any credibility. To come out now and blame the driver would be unacceptable."

David Burke, a member of Henvey's legal team, said he could not comment on the inquiry's draft findings but said Dublin Bus must now investigate the possibility that a "power surge" caused the accident.

"These surges are a very serious problem and this is something the [Dublin Bus] inquiry will now have to entertain. We have information and analysis which we will be willing to share with them. Surges aren't confined to this case. It is a serious problem that has to be addressed," Burke said.

In addition to the five people killed, up to 19 were injured when the No 66 bus ploughed into a queue of 30 people at Wellington Quay on a Saturday afternoon in February 2004.

The nine-member inquiry committee was set up two days after the crash and included "internationally-renowned" crash-scene investigators. The company promised to release the report to families but even that may now be impossible in light of last week's court verdict.

Dublin Bus has admitted full liability for the incident and has paid out approximately €2m in compensation so far.

There are claims outstanding from the families of those killed.

The family of Kathleen Gilton, one of those who died in the crash, received €750,000 after taking a High Court case against Dublin Bus. Liam Gilton, her son, said that he was due to be given a copy of the internal report until the Director of Public Prosecution (DPP) requested a delay in its publication.

Three years since the crash, James Gilton, Kathleen's elderly husband, said he would "go with the court [decision]" when informed that the draft report signalled driver error as the cause of the accident.

Henvey's case was the third failed prosecution against drivers who claimed their buses "surged forward", causing accidents. The DPP's case against him was compromised midway through the trial when the prosecution admitted that data presented by a Swedish Volvo engineer had been mixed up with data from a more powerful South African bus. Judge Michael White described the mix-up as a "serious matter".

While the DPP had called 52 witnesses to support its claim that an error by Henvey had caused the crash, the defence team called just three witnesses.

Two of them testified to experiencing power surges on a bus in Waterford. Engineering experts called by defence teams in similar cases have privately claimed gardai and bus companies are

Continued on page 2

OSCARS PREVIEW

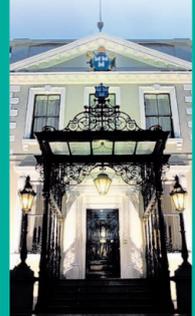
'Let's hope Peter O'Toole saves the day'

Culture



DUBLIN'S TOP HOUSE

The lord mayor takes us inside the fabulous Mansion House Home



GREEN FOR POWER?

Matt Cooper asks if the Green party is ready for government

Page 16



Obese boy of 14 stone may be taken 'into care'

Sarah-Kate Templeton

AN eight-year-old boy who weighs 14 stone, more than three times the average for his age, may be taken into care if his mother fails to improve his diet.

Connor McCreeadde, from Wallsend, near Newcastle upon Tyne, has broken four beds and five bicycles. The family claims to have a history of intolerance to fruit or vegetables.

On Tuesday his mother will attend a formal child protection conference to decide his future, which could lead to proceedings to take him into care.

Connor could be placed on the child protection register, along with victims of physical and sexual abuse.

The intervention of social services is a landmark in the fight against youth obesity.

The boy's mother, Nicola McKeown, said: "If Connor gets taken into care that is the worst scenario there could be.

"Hopefully, we will be able to work through it and he will just be put on the at-risk register or some other register. That wouldn't be so bad because, hopefully, there will be some help for us at the end of it."

Specialist obesity nurses, a consultant paediatrician, the deputy head of Connor's school, a police officer and social workers are to be on the panel deciding what action should be taken to protect the youngster's health.

An NHS source said: "We have attempted to arrange appointments with nutritionists, health experts, school nurses and social workers, but the appointments have been missed.

"Child abuse is not just hitting children or sexually abusing them, it is also about neglect."

McKeown will appear on Tonight with Trevor McDonald on ITV tomorrow.

LOTTERY News 2	WEATHER News 26	LETTERS News 18	SUDOKU AND CROSSWORD News Review 11	TODAY'S TV AND RADIO Culture 61	HOROSCOPES Style 57
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