

# CHRISTMAS

## Holiday special edition

Last-minute gifts ★ Prize crosswords  
TV guide ★ Win €2,000 ★ Quizzes  
Best Netflix films ★ A Christmas story



### The Falcon Carol

By James Harpur

The falcon flew from dark to dark  
Drew silver from the Northern Star  
And headed for the crinkled hills,  
The rivers, lakes and waterfalls  
To find the source of light on earth  
The source of light on earth.

And as three weary pilgrim kings  
Looked up and saw his glittering wings  
The falcon saw a darkened town  
A stable glowing like a crown  
And knew that he had found the truth  
That he had found the truth.

The falcon hovered like a star  
His wings spun out a spirit fire  
That drew the kings inside the shed:  
The child asleep in his straw bed  
Was dreaming of a silver bird  
Was dreaming of a bird.

His task now done, the falcon rose  
A spark ablaze with joyful news;  
He lit the stars, he lit the moon  
Then vanished in the arc of sun  
That dawned beyond the Southern Cross  
Beyond the Southern Cross.

This poem is from James Harpur's collection  
*Angels and Harvesters* (Anvil Press)

NOT LONG NOW...  
Alex and Evie Doolan  
from Killarney,  
watching inside the  
newly restored  
Killarney House and  
Gardens in Co Kerry.  
Photograph:  
Valerie O'Sullivan



### Crazy normal 2017 Fintan O'Toole

WEEKEND REVIEW



### Win a holiday in France Chequered flag Xword

SPORTS WEEKEND



### Remembering Milly Fiona and Tim Tuomey

INTERVIEW WEEKEND REVIEW

## INM chairman queried on 'data breach'

Corporate enforcer asks executive to explain who gave British company access

Director resigns from board of newspaper publisher with immediate effect

COLM KEENA  
and MARK PAUL

The State's corporate enforcer has asked Independent News & Media's chairman, Leslie Buckley, to explain who gave a British-based security company access to the newspaper publisher's internal IT system, and who paid for it.

The Office of the Director of Corporate Enforcement (ODCE), which is conducting an inquiry into a suspected data breach at INM, put questions to Mr Buckley in August about the involvement of Trusted Data So-

lutions UK. However, details emerged only this week in court papers.

Mr Buckley, who is INM board representative of its major shareholder Denis O'Brien, was asked what benefit INM received, who paid the bill, and the names of others able to help the ODCE's inquiries.

Mr Buckley has told the ODCE that access to the IT system was granted to TDS, which has its European headquarters in Cardiff, as part of a "cost reduction exercise" at the State's largest media group.

Separately, INM announced

on Friday that director David Harrison has resigned. Mr Harrison, who was shareholder Dermot Desmond's nominee, informed INM on Friday of his resignation, "effective today".

Mr Harrison is the chief executive of Mr Desmond's e-learning company, Intuition Publishing. His resignation follows the departure this year of Jerome Kennedy, former KPMG managing partner who was INM's senior independent director.

Court documents seen by *The Irish Times* show Mr Buckley told the ODCE that an order it served on him in October required him to extract and review a large number of documents dating back two years.

#### Privilege

Following this process, 275 documents were provided to the ODCE, but privilege was claimed over 11 of them, which were handed over to the ODCE in a sealed envelope, but have

not yet been viewed by it pending a High Court ruling.

The case before the High Court is between the ODCE and Mr Buckley and does not involve INM. Mr Buckley is being represented in this matter by his own personal lawyers, and not by INM's lawyers.

INM declined to comment. On November 24th, INM said it

**Mr Buckley was asked what benefit INM received, and who paid the bill**

was "not a party" to the court application, "has co-operated fully" and "has no further comment to make at this point". Mr Buckley made no response.

According to its website, TDS specialises in the "identification, restoration and conversion" of electronically-stored in-

formation on servers. Attempts to contact the group yesterday were unsuccessful.

In an affidavit, Mr Buckley said the cost reduction exercise with which he said the documents were connected, necessitated the engagement of "external technical expertise", firstly by IT expert Derek Mizak.

Mr Mizak in turn recommended hiring a specialist IT company. Mr Buckley said IT security specialist John Henry, of Specialist Security Services, introduced him to Mr Mizak.

Both Mr Mizak and Mr Henry have links with the Reconnaissance Group, which is based in Ballsbridge in Dublin and which provides security services to clients doing business in emerging markets.

Reconnaissance has an association with Mr O'Brien's Caribbean telecoms group, Digicel, to which it has provided risk management and security services, most notably in Haiti. It

shares an address with Digicel in its capital, Port-au-Prince.

A listed company, INM is the State's largest newspaper publisher, employing nearly 200 journalists. It publishes the *Sunday Independent*, *Irish Independent*, *Sunday World* and *Evening Herald*, among others.

➔ Watchdog wants to know who authorised access to publisher's IT systems: Page 2

## Doubts raised about 1,800 promised health jobs

MARTIN WALL  
Industry Correspondent

Doubts have emerged about whether a Government promise to appoint 1,800 additional frontline health service staff next year will be realised.

Minister for Finance Paschal Donohoe said in his Budget speech in October that increased exchequer funding would allow for 1,800 additional staff to be recruited, "aimed

at a range of frontline services across the acute, mental health, disability, primary and community care sectors".

But the HSE has said it is too early to say how many people will be taken on.

"Community healthcare organisations and hospital groups are currently working on their workforce requirements for the coming year," the HSE told *The Irish Times*.

"However, a large propor-

tion of new development funding identified in the service plan will be used to recruit new staff," it continued.

#### Government clarification

Siptu health division organiser Paul Bell said the HSE comments give rise to doubts about whether the 1,800 extra staff would be recruited. He said the Government needed to clarify its intentions.

He said the Government also

had to bear in mind the number of staff who were leaving the public health service in Ireland.

He said the term "additional staff" had to mean that more people were employed.

The doubts emerged as a new report was submitted to Minister for Health Simon Harris saying progress in implementing many recommendations aimed at overcoming barriers to the recruitment and retention of doctors in Irish hospi-

itals remained slow and uneven.

A new report has identified progress in some areas such as the introduction of improved flexible working arrangements. But medical trainees listed a series of problems including high training costs, inadequate mentoring, "difficulty in retaining doctors in service posts, the lack of tangible improvement in the working environment... and the need to develop flexible training posts."

### Weather

Some bright spells; generally cloudy with scattered drizzle. Rain in the northwest later. Highs of 10-12 degrees.

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### Home News

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**Food parcels:** Capuchin centre helps more than 2,500 people as volunteers report more inequality: page 3

### World News



**Catalonia:** Rajoy says secessionists' success in regional elections will not change Madrid's position on independence: page 8

### Business Today

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**Christmas quiz:** Test your knowledge of this year's stamp duty, start-ups, airlines and Eir shares: page 15

### Sports Weekend

**Soccer:** Arsenal and Liverpool drew 3-3 in a thrilling Premier League encounter at the Emirates Stadium in a match that saw four goals in six minutes.

**Rugby:** Tiernan O'Halloran has signed a new two-year deal with Connacht ahead of tonight's Pro14 tie.

Euromillions 5, 24, 30, 31, 43 (3, 6). There was no winner of the jackpot

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# US decision on moving embassy 'wrong'

Taoiseach criticises US president's 'misstep' during trip to Lebanon

Varadkar visits Irish UN peacekeeping troops serving at border with Israel

**JACK POWER**  
in Tibnin, Lebanon

Taoiseach Leo Varadkar criticised US president Donald Trump's decision to move the American embassy in Israel to Jerusalem as a "misstep" and the "wrong long-term decision" for the region.

Speaking yesterday after the United Nations voted to condemn the unilateral action by the US to recognise Jerusalem as the capital of Israel, Mr Varadkar said the move would make a peaceful settlement in the region "very hard to secure". Mr Varadkar said the decision "will stoke up tension in this region", and had already provoked protests. He was speaking while visiting Irish peacekeeping troops in south Lebanon, who are serving at the border of Israel. There have been protests in Lebanon and in Gaza following the US policy shift.

"I think America having taken such a strong position and such a one-sided decision in recent weeks doesn't make it easier to get back to the kind of negotiations that brought us very close to a lasting settlement in the last 20 years" he said. Ireland voted along with 127 other countries to condemn the US action on Thursday night. Mr Varadkar said "Ireland had no reservations whatsoever voting as we did in the UN", as Mr Trump's decision was the "wrong approach".

## Recognising Palestine

Ireland was "open" to formally recognising Palestine as a state, but the recognition should come as part of an EU-wide agreement, Mr Varadkar said. The EU could play the role of honest broker in helping find a solution where the Israelis and Palestinians could "coexist". Due to tensions in the region the "conditions at the moment aren't right" for any viable settlement.

Yesterday, Mr Varadkar vis-

ited the Irish peacekeeping forces serving in the UN mission in south Lebanon, and laid a wreath at a memorial in Tibnin that commemorates the 47 Irish troops who have died in the country.

Capt Eoin Troy, speaking at a short ceremony, said the Irish soldiers had "made the ultimate sacrifice in the quest for world peace". Tibnin is close to a former Irish peacekeeping base, and the local Lebanese community still holds a ceremony at the memorial once a month to remember the fallen Irish troops.

## Forty years

Mr Varadkar visited UN Post 2-45 where the main Irish force is based, along with troops from Finland and Estonia. Next year will mark the 40th anniversary of the first deployment of Irish troops into the country, when the UN mission began in 1978.

The visiting group received a briefing on the Irish area of operations, which is patrolled daily and covers 11 villages, most inhabited by Shia Muslims. Minister of State with Responsibility for Defence Paul Kehoe, Irish Ambassador to Egypt Sean O'Regan and Defence Forces chief of staff Mark Mellett also travelled.

The last major conflict in the region was a short war in 2006 between Hizbullah and Israel, and previously the civil war from 1975 to 1990. But luxury mansions and Lebanese summer homes now dot many of the hills near the UN base. The local relationship with the Irish troops is overwhelmingly positive; children wave to the white armoured carriers as they pass, with the Irish troops enthusiastically returning the gesture.

Addressing the Irish troops, Mr Varadkar said the peacekeeping mission in Lebanon is one "that Irish people have grown up with over the years" and are aware and "immensely proud of".



# Two old friends get married to avoid inheritance tax

**PATSY MCGARRY**

Friends Michael O'Sullivan (58) and Matt Murphy (85), who said they would marry to avoid taxes, went through with the ceremony yesterday at the Registry Office on Grand Canal Street in Dublin.

The event was followed with a meal for the wedding party of five, including a harpist, at the nearby Gasworks Bar in the Grand Canal Hotel.

Mr O'Sullivan had been married previously but is divorced. He has three children, all now adults. It is Mr Murphy's first marriage.

Both are heterosexual and, while they have been good friends for almost 30 years – and Mr O'Sullivan is now Mr Murphy's carer – they have married to avoid paying inheritance tax on the death of either party.

The marriage is "perfectly lawful", as former minister for justice, attorney general, and senior counsel Michael McDowell has said. During the wedding ceremony

Mr O'Sullivan spoke of Mr Murphy's never-ending kindness.

For his part Mr Murphy sang Willie Nelson's *Let the World Go By*, a song about friendship, which has the following lyrics:

"With someone like you a pal good and true / I'd like to leave it all behind and go and find / A place that's known to God alone."

"I love Matt and he loves me, as friends," Mr O'Sullivan, from Stonebatter, said after the marriage ceremony.

## Big secret

Their story came to light last week when Mr Murphy rang *Liveline*. He was fed up listening to all the negativity on the phone-in show and wanted to praise the Mater hospital, where he has been well cared for over recent years.

Speaking to a researcher, one thing led to another and he decided to let the programme in on a secret. "I want to let you in on a little

secret," he said. "I'm 85 and I'm planning to get married on Friday to avoid tax."

He still only wanted to talk to Joe about how wonderful the Mater is. By the time the programme got back to him he was

**“They had planned to marry in Cashel, Mr Murphy's hometown, but the humanist solemniser got cold feet**

in the Pound Shop at Phibsborough. The first thing Joe asked him about was getting married to avoid paying inheritance tax. And he told the nation while sitting on a stool in the Pound Shop.

They had planned to marry in Cashel, Mr Murphy's hometown, but the humanist solemniser got cold feet. He became concerned about the legality of

such a wedding and withdrew.

So they rang the Registry Office on Grand Canal Street.

"You want to get married next Friday? Are you serious? People make appointments here months in advance," they were told.

Later in the week they got a call to say a slot was available at 1pm yesterday.

## Registry Office

So along they went, two grooms, two witnesses, and a harpist – because someone at the Registry Office suggested they might like to have some music, while also reminding them to bring two rings.

Mr Murphy found them in his house and, as luck would have it, both fitted perfectly, "fortuitously", as Mr O'Sullivan put it.

Both had worked at Eircom, Mr Murphy as a telephonist and Mr O'Sullivan as a computer technician, but he is now an actor. The bank took his apartment during the recession and for a time he stayed with another

**■ Matt Murphy (85) and Michael O'Sullivan (58) who got married in Dublin yesterday to avoid inheritance tax.** PHOTOGRAPH: COLLINS

friend, Paul Redmond, before Mr Murphy, who had lived on his own for 50 years, asked him to move in as his health and sight were failing.

Mr O'Sullivan has performed as James Connolly in the Eugene McCabe play *Pull Down a Horseman*, a two-hander with Declan Brennan as Pádraig Pearse. In February last year, they performed it in the State Rooms at Aras an Uachtaráin before President Michael D Higgins, Sabina Higgins, Eugene McCabe and his wife, Margot.

"There was a fantastic discussion afterwards," Mr O'Sullivan recalled.

He is off to London this evening to visit relatives for Christmas but has arranged for Mr Murphy to be well looked after until he returns early in 2018.

# Damages paid after delayed cancer diagnosis

**ANNE LUCEY**

"Substantial damages" were paid to a woman whose breast cancer was missed and her diagnosis delayed because of errors in the radiology department in University Hospital Kerry, it has emerged.

The misdiagnosis took place two years before the current review, which got underway in October. The case was settled in September.

A major review of the period between March 2016 and July 2017 is ongoing. A team of external radiologists is midway through a search of more than 46,000 scans, X-rays and ultrasound examination imagery at the hospital involving almost 27,000 patients after seven serious cancer misdiagnoses came to light this summer.

However, Tralee solicitor Damien Cashell has confirmed that as part of the proceedings he was involved in, systems failings in the radiology department going back to 2014 were identified and were to be rectified.

The delay in his client's diagnosis meant the cancer had advanced significantly and his client is still undergoing treatment, although she had been given the all-clear.

Her reason for bringing the case was to ensure systems would change and she was devastated to learn this week that problems persisted, Mr Cashell said.

"A full internal investigation took place which acknowledged the failings in the system. High Court proceedings issued and the case settled," he said. "Unfortunately, it appears that this case and others like it did not prompt sufficient change."

"It is a very unfortunate set of circumstances for those involved and it highlights how the system and those working in it are overstretched," he said.

The solicitor added that

**“The delay meant her cancer had advanced and she is undergoing treatment, although she had been given the all-clear**

while the hospital appeared to be doing everything in its power to remedy matters, the errors were affecting lives in a serious way. The scan in question was not read correctly, and his client was given the all-clear. There were problems with filing and notification, he said.

## Seven misdiagnoses

The current review, which is one of the biggest ever in the State, concerns the work of a consultant radiologist who is no longer working at the hospital, but who was a locum working full-time there during the review period.

Seven serious cancer cases were found to be missed or misdiagnosed and the three that raised alarm became apparent within a short time of each other in late July.

As of Thursday, 34 patients have been recalled for repeat scans and ultrasound procedures but no major discrepancy has been found.

The errors recorded so far are well below the accepted range of 3-5 per cent for individual radiologists.

Meanwhile, there are persistent questions over the workload on the radiologist concerned. Public representatives have warned against "scapegoating" an individual.

The workload equated to 150 reports a day or 3,000 a month. If all five consultant radiologists performed at the same rate everyone in Kerry would be scanned, the TD Danny Healy-Rae said.

Radiographers' representatives have also warned about major staffing problems in the department.

The HSE has confirmed that radiologists, rather than radiographers who are not doctors, regularly carry out ultrasounds at the hospital because of the volume of work and "backlog".

The HSE has defended the size of the radiology team – there were five consultant radiologists – at the Kerry hospital, saying it is commensurate with the needs of an acute hospital of its size. However, it has also conceded at a briefing that radiology work was being outsourced due to work pressure.

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# Watchdog wants to know who authorised access to publisher's internal IT systems

**Mark Paul and Colm Keena**  
**Background**

What is ODCE investigating with INM and its chairman?

The stand-off between the State's corporate watchdog, the Office of the Director of Corporate Enforcement (ODCE), and INM's chairman Leslie Buckley – over a legal demand from the ODCE for documents held by Buckley – has its genesis in a bitter boardroom bust-up at the company.

That spiralling row sparked a State investigation of INM during which the ODCE has discovered that cybersecurity experts engaged by Buckley facilitated outside access to the company's IT system.

The crux of the case is that the ODCE wants to know who authorised this access to the newspaper publisher's internal IT systems; why was it granted and was it for the benefit of the company; and who ultimately paid the bill.

The row that sparked the whole affair first began early in 2016 when Buckley and INM's then-chief executive, Robert Pitt, fell out over a proposal for the company to buy Newstalk.

The radio station is owned by Buckley's friend and close associate, Denis O'Brien, who is also INM's biggest shareholder with almost 30 per cent. Buckley is O'Brien's representative on INM's board. In effect, O'Brien had a stake

on both sides of the proposed Newstalk deal. INM's chief executive refused to meet the asking price sought by O'Brien for the radio station, leading to the fallout between Pitt and Buckley.

The row led Pitt to make a whistleblower complaint about Buckley to the ODCE, which commenced an investigation into the company's corporate governance under company law.

## Potential data breach

In the course of this investigation, the ODCE uncovered details of a "potential data breach" at INM, broadening its inquiries beyond Newstalk's price tag row.

The watchdog has wide-ranging powers to demand files from directors, and it has zeroed in on Buckley's knowledge of the outside access to INM's IT systems.

The ODCE quickly established that Trusted Data Solutions, a UK technology company, gained access to INM's internal systems. On August 11th, the watchdog asked Buckley what he knew about it, why it happened, and who paid for it.

Buckley, who is not involved in the day-to-day running of INM, explained to the ODCE that there was a "cost reduction exercise" at the company and he sought "technical advice" for this exercise from Derek Mizak, a cybersecurity expert.

Buckley says he was introduced to Mizak by John Henry, a former army officer who has provided security services for O'Brien's companies and Buckley in Haiti. Both Mizak and Henry are linked to Reconnaissance Group, which provides counterintelligence services, such as sweeping



**■ Leslie Buckley facilitated outside access to the company's IT system**

boardrooms for listening bugs.

Buckley says Mizak recommended the appointment of a "specialist IT company" for the "cost-reduction exercise" he says INM was engaged in. It seems this outside contractor was TDS, which specialises in the restoration and conversion of databases.

In its August 11th letter, the ODCE directly asked Buckley "who granted TDS access to [INM'S] IT systems... and how INM PLC benefited from the services".

It asked Buckley who settled the TDS invoice, and it also asked him to identify "any other persons likely to be in a position to assist" the watchdog.

## Statutory demand

Five days later, Buckley responded to the ODCE explaining his position. In October, the ODCE then made a statutory demand to Buckley under company law, compelling him to provide it with documents. By this stage, Buckley was

being advised on the matter by his own personal lawyers, and not INM's company lawyers. INM says it has "co-operated fully" with the watchdog and has already told it everything that it knows.

In mid-November, Buckley responded to the statutory demand by producing 250 records from a review of 40,000 separate documents "going back two years". This suggests the outside access to INM's IT systems happened in 2015.

## Sealed cabinet

Of the 250 documents, Buckley claimed legal privilege over 11 of them, including 10 emails between him, his lawyers and Mizak. They were supplied to the ODCE in a sealed package that has yet to be opened by the watchdog.

The ODCE followed its procedures by locking the package in a sealed cabinet in its Dublin headquarters, and on November 23rd it went to the High Court to ask it to adjudicate on whether Buckley's claim of privilege was valid.

The case is due back before the High Court on January 22nd. It is expected that Mr Justice Peter Kelly, the president of the High Court, will at some point open the sealed package and assess for himself whether the claim of legal privilege made by Buckley is valid.

INM refused to comment on detailed queries from *The Irish Times*, which included whether its management had authorised access to its IT systems and whether executives knew anything about the "cost reduction exercise".

Mr Buckley made no response to queries on the matter from this newspaper.