

Requests for Bulk Data from Third Parties Summary of Guidelines

Introduction

The prevention of fraud and abuse of the social welfare system is a very important element of the work of the Department. One of the most effective and efficient ways of targeting cases for review is to electronically match data from other relevant Government Departments and public bodies against the Department's computer systems. The purpose of this is to identify people who may be claiming a social welfare payment to which they are not entitled.

In carrying out these data matching exercises, the Department is very mindful of its responsibilities to protect the rights and privacy of individuals in accordance with the Data Protection Acts 1988 and 2003. Requests for bulk data are only made where the information is required and in strict compliance with relevant legislation. Detailed operational Guidelines on this matter have issued to staff in the Department and are summarised here. These Guidelines were produced following consultation with the Office of the Data Protection Commissioner.

Legislative Basis for Requests

The primary legislative basis for data exchanges for control purposes is Section 261 of the Social Welfare Consolidation Act (SWCA) 2005 (see Appendix 1). It provides that information held by another Government Department or a public body, which is required for the purposes of the Act or the control schemes, may be transferred to the Department on request. These requests are covered by Section 8(e) of the DPA and are subject to strict conditions.

Under the provisions of the Data Protection Acts 1988 and 2003 (DPA), there is a general requirement on data controllers not to disclose information to unauthorised third parties. Section 8 of the DPA does, however, provide for a number of exemptions from the restrictions on the processing of personal data:

- Section 8(b) provides that the restrictions do not apply where the processing of the information is required, among other things, for the purpose of preventing, detecting or investigating offences, or assessing or collecting any monies owed to the State, in any case where the restrictions would otherwise prejudice the case.
- Section 8(e) provides that the restrictions do not apply where the processing of the information is required by or under an enactment or by a rule of law or order of the court.

Summary of Procedures regarding Requests for Bulk Personal Information from Other Government Departments/public bodies:

1. All requests for bulk personal information from another public body will be made by a senior official (i.e. an officer of at least A.P. level, following approval from a Principal Officer and notification to the relevant Assistant Secretary and the Head of Information Security).
2. Requests will only be considered where there are reasonable grounds to assume that the public body holds information that is relevant to the Department in the performance of its functions. The information must be required for the purposes of the SWCA or the control of schemes administered by or on behalf of the Department, must be relevant and not excessive in relation to the purpose for which it is intended to be used.

3. Requests for information shall be made in writing and will clearly state what information is being sought, the legislative basis for the request and why the information is considered necessary. All relevant DSP information policies, procedures and guidelines, e.g. regarding information security and data retention, will be adhered to.

4. Public bodies that are required to register with the Office of the Data Protection Commissioner will be advised to list the Department as an organisation to which personal information is being disclosed and that going forward this is recorded in its data collection channels, e.g. forms, websites, etc.

5. Where information is being sought for the purposes of data matching against the Department's records, data that does not match with DSP records will be immediately destroyed.

6. The Department will maintain a central register of all bulk data exchanges, and will annually publish the names of the public bodies from which it has received personal data on its website. **See Appendix 2 attached.**

Appendix 1

SOCIAL WELFARE CONSOLIDATION ACT 2005

Exchange of information

261.—(1) Information held by the Minister for the purposes of this Act (including the purpose of collection by the Revenue Commissioners of employment and self-employment contributions) may be transferred by the Minister to the Revenue Commissioners, and information held by the Revenue Commissioners for the purposes of this Act or the Income Tax Acts, relating to employers, the reckonable earnings of employed contributors or reckonable income or reckonable emoluments of self-employed contributors or of any payments made under this Act, may be transferred by the Revenue Commissioners to the Minister.

(2) Information held by the Minister for the purposes of this Act or the control of schemes administered by or on behalf of the Minister or the Department of Social Welfare may be transferred by the Minister to another Minister of the Government or a specified body, and information held by another Minister of the Government or a specified body which is required for the said purposes or the control of any such scheme administered by another Minister of the Government or a specified body may be transferred by that Minister of the Government or the specified body to the Minister.

(3) In subsection (2) "a specified body" means a local authority (for the purposes of the Local Government Act, 1941), a health board, the Garda Síochána or any other body established—

(a) by or under any enactment (other than the Companies Acts, 1963 to 2005), or

(b) under the Companies Acts, 1963 to 2005, in pursuance of powers conferred by or under any other enactment, and financed wholly or partly by means of moneys provided or loans made or guaranteed, by a Minister of the Government or the issue of shares held by or on behalf of a Minister of the Government and a subsidiary of any such body.

Appendix 2: Bulk data exchanges with third party organisations

Airtricity

An Garda Síochána

An Post

AWARE

Bank of Ireland

Biometric Card Services (BCS)

Bord Gais

Branch Managers Association

Breffni Integrated Limited

Bundesministerium für Arbeit und Soziales - Federal Ministry of Labour and Social Affairs (Germany)

CARI Foundation

Central Bank

Chief State Solicitors

Civil Public & Services Union

Civil Service Credit Union

Community Employment

COPE Foundation

DC Kavanagh

Department for Social Development (NI)

Department for Work and Pensions (UK)

Department of Agriculture

Department of Children and Youth Affairs

Department of Education and Skills

Department of Environment

Department of Finance

Department of Foreign Affairs and Trade

Department of Housing, Planning, Community and Local Government

Department of Human Services Australia

Department of Justice and Equality

Department of Public Expenditure and Reform

Department of Social Development (NI)

Department of Transport, Tourism and Sport

Department of Works & Pension (UK)

Department of Housing, Planning, Community and Local Government

Dublin Bus

Economic and Social Research Institute

Education and Training Boards Ireland (ETBI)

Eircom

Electric Ireland

Enable Ireland Ltd

Energia

ESB

Flogas

FUGE – Federal Union of Government Employees

Garda National Immigration Bureau (GNIB)

Garda Síochána Ombudsman Commission (GSOC)

General Register Office (GRO)

Health & Safety Authority (HSA)

Health Services Staffs Credit Union

Hospital Saturday Fund

Hospitals

Hospices

HSE

Iarnrod Eireann

IMPACT Trade Union

Irish Blood Transfusion Service

Irish Water

Jobbridge

Jobs Clubs

Laya Healthcare

Legal Aid Board

Local Development Companies

Local Employment Service Network (LES)

Local Enterprise Offices

Lyons Financial Services

Ministère du travail, de l'emploi, de la formation professionnelle et du dialogue social - Ministry of Labour, Work, Vocational Training - (France)

Ministerie van Sociale Zaken en Werkgelegenheid - Ministry of Social Affairs and Employment (Netherlands)

Ministério do Trabalho, da Solidariedade e Segurança Social Ministry of Employment, Solidarity, and Social Security (Portugal)

Ministerstvo práce, sociálnych vecí a rodiny - Ministry of Labour, Social Affairs and Family (Slovakia)

Ministerstwo Rodziny, Pracy i Polityki Społecznej - Ministry of Family, Labour and Social Policy (Poland)

Ministry of Employment and Social Security (Spain)

Ministry of Labour, Family, Social Protection and Elderly (Romania)

National Treasury Management Agency

NTA (National Transport Authority)

Oberstown Children Detention Campus

Office of Public Works

Office Of The Comptroller & Auditor General

Office of the Government Chief Information Officer (OGCIO)

Office of the Refugee Applications Commissioner (ORAC)

Panda Power

Paymaster General (PMG)

Pinergy

Pôle emploi (France)

PrePayPower

Printpost

Private Residential Tenancies Board (PRTB)

Public Service Executive Union (PSEU)

Public Service Friendly Society (PSFS)

Revenue Commissioners

Royal Liver Assurance

Seetec

Senior Civil Service Association

Services, Industrial, Professional and Technical Union (SIPTU)

Single Investigation Service (SIS)

Skills Team Training Solutions

Social Security (Australia)

Social Security (United States)

Social Security Agency (NI)

SOLAS

Solicitors

Sportslink

Threshold

Translink (N.I.)

Turas Nua

Tusla - Child and Family Agency

Údarás na Gaeltachta

United States Social Security Administration

UWV WERKbedrijf (Netherlands)

VHI Healthcare

Waterford Institute of Technology

Willis Towers Watson

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