

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 (see [DSP Data Protection Policy](#)). 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

Appendixes 2 and 3 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

Acumen & Trust Pensions and Investments*
Adoption Board*
Airtricity
Allianz Group Pension Scheme*
Allied Pensions*
An Post
AON Hewitt Pension Company*
Apt Pension Company*
Are Lingus *
Ark Life Assurance*
Association of Asst Sec & Higher Grades
Association of Higher Civil and Public Servants (AHCPS)
Aviva Health Insurance*
Baker Tilly Ryan Glennon Assurance*
Bank of Ireland*
Barnardo's Charity Ireland*
Biometric Card Services (BCS)
Bone Marrow Trust for Leukaemia
Bone Marrow Trust for Leukaemia
Bord Gais
Breast Check Agency
BskyB
Canada Life Assurance*
Capita Hartshead Pensions*
Central Bank
Central Statistics Office (CSO)
Chief State Solicitors Office (CSSO)
Citizens Information Centres (CIB)*
Civil Public and Service Union (CPSU)
Clarecare Adoption Services*
Coillte*
Community Employment & Job Initiative Company
Comptroller and Auditor General (C & AG)
Cornmarket Group Financial Services*
Courts Service*
Credit Unions
Cúnamh*
DC Kavanagh Printers
De La Rue Printers
Deloitte Ireland*
Department of Children & Youth Affairs
Department Justice and Equality
Department of Agriculture Food and the Marine

Department of Arts, Heritage & the Gaeltacht
Department of Children & Youth Affairs
Department of Education and Skills
Department of Finance
Department of Human Services Australia
Department of Public Expenditure and Reform
Department of Social Development (NI)
Department of the Environment, Community and Local Government
Department of Transport Tourism and Sport
Department of Work & Pensions (UK)
Department of Works & Pensions (UK)
Diageo Pensions *
Disability Activation Project sponsors
Economic and Social Research Institute (ESRI)
Electric Ireland
Electricity Supply Board (ESB)
Energia
Enterprise Ireland *
Equiniti Paymaster (Paymaster (1836) Limited)*
Equitable Life Pensions*
Failte Ireland
FBD Financial Solutions*
Flogas
Friends First Pensions and Investments
Garda National Immigration Bureau (GNIB)
Garda Síochána
Garda Síochána Ombudsman Commission (GSOC)
Genealogists & Probate Researchers Finders International *
Genealogists & Probate Researchers Ingram Garrett & Schofield*
Genealogists & Probate Researchers Massey & King*
General Register Office (GRO)
Health Protection Surveillance Centre (HPSC)
Health Service Executive (HSE)*
Health Services Staff Credit Union (HSSCU)
Here2help*
HMP Insurance & Pension Advisors*
Hospital Saturday Fund
Hospitals
IFG Corporate Pensions*
Impact and Federated Union of Government Employees (FUGE)
Independent Financial Advisory Trust Ltd
Invesco Pensions and Investments Consultants*
Irish Airlines*
Irish Blood Transfusion Service (IBTS)
Irish Life Assurance*

Irish Nationalisation and Immigration (INIS)
Irish Prison Board*
Irish Prison Service
Irish Red Cross*
Irish Water
Keegan & Meredith Insurance Ireland*
Laya Health Care
Legal Aid Board
Liberty Insurance*
Local Authorities/Councils
Lyons Financial Services
Magnet Communications
Mercer Retirements and Investments Consultants*
Missing People*
National Cancer Screening *
National Council for Special Education (NCSE)
National Learning Network
National Treasury Management Agency (NTMA)
New Ireland Assurance*
Newcourt Pensioner Trustees Ltd*
Nursing Homes
Oberstown Boys & Girls Detention Centre
Office of the Government Chief Information Officer
Office of the Refugee Applications Commissioner
O'Leary Insurance Group*
Panda Power
Paul Ryan Independent Pensions & Financial Consultant Ltd*
Pay Master General
PFP Financial Services*
Phoenix Life – Ireland*
Pinery
Prepaypower Ltd.
Pricewaterhouse Coopers*
Primary Care Reimbursement Service (PCRS)
Printpost,
Private Residential Tenancies Board (PRTB)
Provident Financial Ireland Ltd.*
Public Service Executive Union (PSEU)
Public Service Friendly Society
Quinn Life Pensions & Investments*
Reade Pensions & Fincial Services Ltd*
Residential Institute Redress Board
Revenue Commissioners
Rothesay Assurance*
Royal Liver Assurance
Royal London Mutual Insurance Society*

Salvation Army*
Seetec Ireland
Services Industrial, Professional and Technical Union (SIPTU)
Smart Telecom
Society of St. Vincent De Paul *
SOLAS
Solicitors*
Sportslink
St. Attracta's Adoption Society*
St. Mura's Adoption Society*
St. Patrick's Guild Adoption Society*
Student Universal Support Ireland (SUSI)
The Allianz Group Pension Scheme
The SHS Group*
Thompson Insurances Life & Pensions*
Towers Watson Insurance*
Translink Ltd.
Trustee Principles Pensions and Investments*
Turas Nua
Tusla - Child Protection Services*
Udaras na Gaeltachta
Udaras na Gaeltachta
Virgin Media
Voluntary Health Insurance (VHI)
Willis Pension Plan*
Wise Pension Trustees Ltd*
Xafinity Paymaster*
Zurich Insurance*

*** Host Mailing Service: Customer contacted by the Department on behalf of the organisation. No personal customer data supplied to organisation.**

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