



OFFICE OF THE DATA PROTECTION COMMISSIONER

Official Languages Act 2003

Language Scheme 2017-2020

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Chapter 1 Introduction and Background

This scheme was prepared in accordance with Section 15 of the Official Languages Act 2003 (“the Act”) by the Office of the Data Protection Commissioner. Section 15 provides for the preparation by Public Bodies of a statutory scheme detailing the services they will provide:

- through the medium of Irish
- through the medium of English, and
- through the medium of Irish and English

And the measures to be adopted to ensure that any service not provided by the body through the medium of the Irish language will be so provided within an agreed timeframe. Section 15 of the Act provides for the review of existing schemes.

1.1 Guidelines / Preparation of the Scheme

Section 12 of the Act provides for the preparation of guidelines by the Minister for Culture, Heritage and the Gaeltacht and their issue to public bodies to assist in the preparation of the draft schemes.

The DPC published a notice on its website under Sections 13 and 15(3) of the Act on 5th July, 2017, inviting submissions in relation to the preparation of the draft scheme from interested parties. No submissions were received in relation to this scheme.

The Office of An Coimisinéir Teanga carried out an audit of the implementation of our third scheme in 2016 and conveyed the results of the review process to this office.

This Scheme has been developed taking account of the report of the office of An Coimisinéir Teanga as well as views and suggestions put forward by staff of the Office. The DPC appreciates the time and effort put in by those concerned in this process.

This Scheme is predicated on all of the commitments in any previous scheme having been implemented. In the event of commitments in earlier schemes not having been fully implemented to date, this matter will be the subject of discussion with the Office of An Coimisinéir Teanga.

1.2 The content of the Language Scheme

The DPC is committed to meeting the obligations set down in this the fourth Scheme of the Office of the Data Protection Commissioner under the Official Languages Act 2003.

Throughout the lifetime of the first three schemes, the DPC continued to improve the availability and levels of services available in Irish. The Office bilingually produces under a single cover all leaflets, guides and forms in relation to Data Protection. The Office also has an Irish language version of our website with most content now available bilingually. All of our online services are also available bilingually.

1.3 Commencement date of Scheme

The Minister for Culture, Heritage and the Gaeltacht has confirmed this Scheme. The Scheme commences with effect from 01 November 2017, and shall remain in force for a period of three years from this date or until a new Scheme has been confirmed, by the Minister pursuant to Section 15 of the Act, whichever is the later.

1.4 Overview of the Office of the Data Protection Commissioner

1.4.1 Mandate and Mission

The Data Protection Commissioner is the national independent authority with responsibility for upholding the EU fundamental right of the individual to have their personal data protected. The Data Protection Commissioner is appointed by Government and is independent in the exercise of her functions. The statutory powers, duties and functions of the Commissioner are as established under the Data Protection Acts 1988 and 2003, and the 1995 EU Data Protection Directive.

A new data protection legal framework has been enacted at EU level which will become applicable from May 2018, replacing the existing 1995 EU Data Protection Directive with a modernised code more reflective of the evolving technological climate. This new legal framework consists of a General Data Protection Regulation (the GDPR) and a proposed new 'e-Privacy Regulation.

The GDPR places significant additional obligations on organisations, as well as extending greatly strengthened rights to individuals to have their personal data protected and safeguarded. The new draft 'e-Privacy' Regulation contains measures aimed at enhancing the security and confidentiality of individuals' online activities, including email and internet based instant messaging. As provided in the draft Regulation, the independent national supervisory authorities responsible for monitoring and enforcing the application of the GDPR will also be responsible for enforcing the new ePrivacy rules.

The GDPR also confers much wider powers and obligations on EU Data Protection Authorities, which will become Supervisory Authorities under the new regime. Under the GDPR, the DPC will become the lead supervisory authority for a large number of the world's leading internet and technology companies with their European headquarters established in Ireland. The GDPR provides for a harmonious approach to the interpretation and implementation of the new legal framework by Supervisory Authorities through various cooperation and consistency mechanisms. The reform elements of the new framework package will significantly add to the functions and responsibilities of the DPC, which will become a Supervisory Authority under the new data protection regime.

The mission of the Office of the Data Protection Commissioner is protecting data privacy rights by driving compliance through guidance, supervision and enforcement.

1.4.2 Key Functions of the Office

As the lead regulator of many large data-rich multinational internet and social media companies operating in the European Union (EU), the Commissioner plays a very significant role in safeguarding the data protection rights of many millions of individuals across the EU. The increasing pace of innovation of the services provided by these companies drives much of the activities of the DPC. Using her statutory powers, the Commissioner and her staff undertake investigations of complaints from individuals, and identify risks in terms of personal data protection in a variety of public and private sector organisations through on-site inspections and audits. The Commissioner also seeks to drive better compliance with data protection legislation through the publication of high-quality guidance, and ultimately legal enforcement where necessary.

The DPC has received additional resourcing in recent years to build the organisation's capacity in preparation for the implementation of the GDPR, including the re-establishment of a Dublin office of the DPC in late 2014 (in addition to the Portarlington Office) and a tripling of staff resources from 29 staff in 2014 to almost 100 by the end of 2017. It is expected that the organisations resources will continue to expand significantly over the lifetime of this Scheme.

Further information is available on our website www.cosantasonrai.ie or www.dataprotection.ie or by contacting our Office on 076 104800.

1.4.3 Customer and Clients

Customer Service

Customers of this Office are primarily a data subject (i.e. an individual) or data controllers (an organisation that collects and controls personal data) or a data processors (an organisation carrying out a task involving the use of personal data, on behalf of a data controller) or a representative of one of these. We aim to deliver a service efficiently and effectively, with courtesy and the minimum of delay and we guarantee to respect the rights of all parties in the delivery of the service.

Extent to which services are already available through Irish

The primary objective of the Official Language Act 2003 is to ensure better availability and a higher standard of public services through Irish. Significant commitments were made in our earlier Language Schemes to improve the level of service in Irish. All these commitments have been delivered including the continuing development of content on the Irish language version of our website developed during the first scheme, new online services being made available bilingually simultaneously and all leaflets, guides and forms produced by the Office being made available bilingually under a single cover

The objective of this fourth scheme is to continue the delivery of these commitments and build on the progress achieved across the organisation to date, as resources allow. The DPC

will continue to monitor the level of queries, complaints and requests to ensure that the services provided under the Scheme fully meet customer demand in a planned and accessible way.

Chapter 2 Means of Communication with the Public

The Office communicates with the Public through:

- a) Written means, including electronic communications
- b) Interpersonal means

2.1 Publications

Means of Communication with the Public / Information to the Public

The Office communicates with the general public through:

- Information Leaflets
- Publications
- Press Releases
- Websites
- Presentations
- Speeches and presentations to conferences by the Commissioner and other staff
- Media Interviews & Information Campaigns
- Consultations with various organisations
- Annual Report
- Social Media

The Annual Reports, most guidance documents and information leaflets are bilingual.

The majority of DPC press releases are issued bilingually; however, speeches, presentations and media interviews by the Commissioner or by senior officials of the Office are available in the language(s) in which they were delivered.

2.2 Electronic communication

Our Irish language website, www.cosantasonrai.ie now contains detailed content and guidance in Irish. Queries (through eolas@cosantasonrai.ie), registration services, and the online data breach notification form for the telecommunications sector pursuant to Commission Regulation (EU) 611/2013 are available through Irish.

Chapter 3 Enhancement of Services to be provided bilingually

3.1 Enhancement of services

The DPC's focus in this fourth scheme will be to continue to build in a consistent manner the range of written and electronic means of communication available bilingually, taking into account the level of demand for service. The office will also focus on developing the competency of staff to facilitate interpersonal Irish language service delivery on a general level.

The DPC intends to launch a new website by May 2018. As outlined in commitments made under previous schemes the new website content and online services will be bilingual as appropriate.

3.2 General commitment to Irish Language service development

The Office is committed to encouraging the development of Irish language skills across all areas of the Office to facilitate the progressive development of a quality one-to-one customer service in Irish to meet the demand for such services.

The Office already responds to any communications received in Irish in the same language but we will continue to develop the Irish language skills of staff to facilitate day-to-day interpersonal service delivery through increasing the relatively small core group of staff with sufficient Irish language capability and confidence to deliver these services.

3.3 Publications

- Leaflets, forms and guides will issue bilingually.
- From the commencement of this fourth scheme, we will commit to issue all press releases simultaneously in both languages other than in circumstances involving statements made at short notice and where the translation of the material (especially technical content) within the timescale required is not possible.
- The Office is partially subject to the Freedom of Information Act 2014 in relation to records concerning the general administration of the office. The organisation's FOI Publication Scheme is available bilingually on our website.

3.4 Electronic communication

- The quality and quantity of the information available in Irish on our website has increased significantly over the last number of years. The DPC will continue to provide a high standard of Irish language service through this channel and further enhance the quality of this service as follows:
 - The Office will ensure the new website has all guides, leaflets and brochures available bilingually
 - New guidance material published on the website (with the exception of technical documents or reference material not originating from this office) will be available bilingually.
 - Our online services will continue to be available bilingually (Note: the DPC Registrations service will no longer be a requirement from 28 May 2018 onwards).

- Any new online services developed for the public will be available bilingually as appropriate.
- Irish language templates of frequently used letters/documents will continue to be developed and reviewed in line with our services, to encourage staff to participate in providing the Irish service from the outset of the Scheme.
- The existing handbook of relevant vocabulary/phraseology will be updated to reflect changes in our regulatory environment.

3.5 Telephone Service

Only a small number of callers to the Data Protection Commissioner seek to have their business conducted in Irish. The DPC has a designated Helpdesk facility which is operated by a number of staff on rotation. All designated helpdesk staff are aware of the various staff members who can facilitate the callers request to have their query answered in Irish. They will forward the call to the relevant person in a timely manner. If an Irish speaker able to deal with the call is not available, the person receiving the call will explain the situation and take the caller's name, number and details of the query and will ensure that an Irish speaker returns the call.

In addition, we will continue to provide a bilingual telephone greeting by helpdesk staff, including giving the name of the Office in both Irish and English. We will also continue to offer staff periodic training to ensure that they can support these services. Staff able to provide a service through Irish will continue to leave a bilingual version of their voice mail messages.

3.6 Face to Face Contact

In the case of a member of the public calling unannounced to the Office and the staff member is not available to meet the person, the client's details will be recorded, and forwarded on for action to the relevant staff member.

Alternatively, clients choose to make an appointment to meet the person or persons dealing with their case. The service will continue to operate as follows from the commencement of the new Scheme:

- Appointments: A client who requires a service in Irish, and who requests a meeting to discuss his or her case, will be facilitated in meeting that staff member who will be assisted if necessary by a staff member competent in the language.
- Casual/Drop-in: A client will have access to an Irish speaker if one is available in the Office at the time. Otherwise, we will offer contact details and an appointment with the appropriate officer.

3.7 Press/Publicity

We will commit to issuing all press releases simultaneously in both languages other than in circumstances involving statements made at short notice and where the translation of the material (especially technical content) within the timescale required is not possible.

A spokesperson for this Office will continue to be available to the media to provide an Irish service, if advance notice is provided, from the commencement of the Scheme.

Chapter 4 Developing Staff Competence

4.1 Commitment

All staff of the DPC are aware of our commitments under the Official Languages Act 2003 and this Statutory Scheme to deliver a high quality service through Irish. The office will continue to ensure that staff appreciate the thrust of the Act, understand the immediate legal requirements and the commitment to deliver a progressively enhanced service and see that service as an integral part of the commitment to quality client service.

The successful delivery of our services in Irish is very dependent on the ability and willingness of staff to do so. Currently, the DPC has a small cohort of staff who have volunteered to provide an Irish language service to the extent that their competence allows. The office will continue to encourage staff to use their existing competence and make staff members aware of any training opportunities that arise in this area. If any staff member shows an interest or is willing to undergo training to become competent in this area, we will continue to provide training and support to them subject to available resources.

Training needs will continue to be identified in the course of the Performance Management Development System and the Training Officer will incorporate those needs into individual and generic training programmes as appropriate.

Chapter 5 Monitoring and Revision

The Senior Management Committee will keep the operation of the scheme under review by way of progress reports from the Corporate Affairs Division on a twice-yearly basis.

The Heads of Units will have responsibility for:

- the day-to-day operation of the scheme together with ongoing monitoring of the level of demand in the various sections;
- the delivery of commitments and implementation of obligations as they relate to their area.

Chapter 6 Publicising of Agreed Scheme

The provisions of the Scheme will be brought to the attention of the public by means of the following:

- The Scheme itself and subsequent updates on the delivery of commitments on particular services will be published on our website and reported upon in the Annual Reports.
- In addition, the Office will take every opportunity in its day-to-day interactions with customers to promote and publicise the services it provides through Irish including:
 - o Directly informing customers on a pro-active basis of the option of dealing with the Office through Irish, for example, by the display of notices at reception, on the website and in publications drawing attention to the availability of services in Irish.
 - o The insertion of footnotes on selected guidelines, leaflets, and applications forms explaining that these documents are also available in Irish (in cases where bilingual printed material is not produced under a single cover).

A copy of this Scheme has been forwarded to the Office of An Coimisinéir Teanga.