



An Coimisiún um
Chosaint Sonraí
Data Protection
Commission

Customer Charter

2021 - 2023

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1. Introduction

The Data Protection Commission (DPC) is the national independent authority responsible for upholding the fundamental right of individuals in the EU to have their personal data protected. The DPC is the Irish supervisory authority for the General Data Protection Regulation (GDPR), and also has functions and powers related to other important regulatory frameworks including the Irish ePrivacy Regulations (2011) and the EU Directive known as the Law Enforcement Directive.

Further information is available on our website www.dataprotection.ie or by contacting our Office by phone on 076 110 4800 or by emailing info@dataprotection.ie.

1.1 Purpose of this charter

This charter sets out the standard of service we aim to provide you, our customer. The DPC has a very broad and multi-layered remit, in terms of the range of its supervisory, advisory, enforcement and awareness-raising functions, and also in terms of its scope in monitoring the compliance of processing of personal data by every type of organisation based in Ireland, in both a national and international context. This charter applies to all our customers including, a data subject (i.e. an individual) or a data controller (an organisation that collects and controls personal data) or a data processor (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.

As an organisation, we aim to deliver an informative and constructive service to our customers in relation to data protection. We also aspire to have a relationship with our customers that is characterised by courtesy, efficient and

effective service delivery and the minimum of delay.

2. Engaging with us

If you have a query, concern or complaint regarding a data protection matter, you can engage with the DPC in the following ways:

- By web-form on our website;
- By email;
- By telephone to our Helpdesk; or
- By post.

The most effective way to contact the DPC regarding queries or complaints is by means of the web- forms, which are available on the DPC's website: www.dataprotection.ie

It is important to note that the DPC is not in a position to provide a public office facility and therefore we are unable to offer face-to-face meetings. If however you are not in a position to engage with this office by the above-mentioned means, please contact our Access Officer on dpcaccessofficer@dataprotection.ie.

2.1 Contact by web-form, email or letter

As outlined above, the best way to engage with the DPC is by means of the web-forms available on the DPC website. Completing these web-forms is intended to assist you in presenting your query or complaint in a structured way and assists our team in quickly understanding the nature of your query or complaint. Engaging with the DPC by means of the web-forms allow us to manage queries, complaints and correspondence as efficiently as possible,

and ensures that our resources are dedicated to examining complaints and investigations.

It is the DPC policy to only address and respond to correspondence that is directly addressed to the DPC. In instances where the DPC is copied on an email or letter as a courtesy and the correspondence is not sent to us directly, the correspondence will not receive a response from our Office. The DPC shreds documents received and does not retain physical copies, and the DPC recommends that you do not send original versions of documents attached to postal correspondence.

2.2 Contact by Telephone

The DPC provides a telephone information service that is open from 9.15am - 5.30pm Monday to Thursday and 9.15am to 5.15pm on Fridays.

Please note that the purpose of the telephone information service is to guide and direct you towards information that may be relevant to your query or concern. If your query raises complex issues, the Information Unit team will ask you to submit your query by web-form or email to ensure that a considered answer is supplied.

It is important to note that information provided by the DPC's Information Service **does not purport to represent legal advice or to be a formal sanction** or endorsement of the activities of any parties.

We will endeavour to answer calls as quickly as possible, and aim to answer 80% of telephone calls within **15 seconds** during our telephone information service opening hours; Monday to Thursday, 09.15 to 5.30pm and 9.15am to 5.15pm on Friday.

When voicemail is in use, we will ensure that customers leaving messages

receive a call back as soon as possible.

We will give you our name upon answering the call and we will be courteous and helpful to you at all times.

If you are calling in relation to an existing concern that has progressed to complaint handling within the DPC, a message will be taken and the case officer will respond to your query after a review of the file. It should be noted that a direct email or postal address is provided when matters progress to the complaint handling stage and a case officer is assigned, and we would encourage use of this direct method of contact for updates or to provide additional material.

It is not permissible to record calls made to the DPC at any time. Where it is apparent that a call is being recorded, the caller will be asked to stop recording and, if they do not do so, they will be advised that the call will be ended.

2.3 Freedom of Information Request

Since the 14 April 2015, the DPC is partially subject to the Freedom of Information Act 2014 (FOI). The DPC is subject to the Freedom of Information Act only in respect of records concerning the general administration of the DPC, and only specifically those created after 21 April, 2008.

Consequently, records relating to, for example, the DPC's supervisory, regulatory, consultation, complaint-handling or investigatory functions (including case files) **are not releasable under the Act.**

For further information on FOI and how to make a request to the DPC please [click here](#).

2.4 Protected Disclosures

The Protected Disclosures Act 2014 is legislation enacted to provide protection to employees who wish to raise a concern relating to potential wrongdoing in the workplace. The Act sets out a number of ways in which disclosures can be made to employers as well as to external bodies.

Role of the Data Protection Commission

Section 7 of the Protected Disclosures Act 2014 provides that protected disclosures may be made to certain external regulators, referred to as “prescribed persons” in the Act. These prescribed persons are listed in Statutory Instrument 367/2020.

The DPC is a prescribed person under Section 7 of the Protected Disclosures Act 2014 and Statutory Instrument 367/2020. This means that employees may make protected disclosures to the DPC regarding compliance with the Data Protection Acts.

However, the Protected Disclosures Act 2014 will only apply to disclosures made to the DPC in this way if:

The person making the disclosure reasonably believes that the relevant wrongdoing relates to compliance with the Data Protection Acts; and

The person making the disclosure reasonably believes that the information disclosed, and any allegation contained in it, are substantially true.

All protected disclosures, however made, are taken seriously and all efforts are made to address appropriately the issues raised.

In general, protected disclosures made to the DPC are dealt with on a confidential basis. There are some exceptions to this, for example, if identifying the person making the disclosure is essential to the effective

investigation of matters raised.

How to make a disclosure

To make a disclosure to the DPC please email protecteddisclosures@dataprotection.ie

A disclosure should contain:

Name of the individual making the disclosure and contact details,

Name of the organisation(s) involved, and

As many details as possible regarding the concerns.

We will acknowledge disclosures within 14 days of receipt and will assess the information provided.

2.5 Media

At the DPC, the Communications Unit has a central role in conveying the work of the office to the media as well as the wider public. The DPC will release information to customers via:

- its Website (www.dataprotection.ie); and
- its Twitter account (<https://twitter.com/dpcireland>).

The DPC also releases information via Blogs and Podcasts which may be accessed via our website www.dataprotection.ie

Information regarding how the DPC engage with the media in responding to queries and requests, and issuing press releases and other information communicating the work of the office may be found at

<https://www.dataprotection.ie/en/news-media/contact-us>

3. Timelines in relation to queries, concerns and complaints under the Data Protection legislation

We will acknowledge all new queries and concerns **within three days**, keep you advised of progress on your case, and inform you as promptly and clearly as possible of the outcome.

For queries received by web-form, email or letter:

- We will acknowledge correspondence (queries) within **3 working days**.
- We aim to reply within **20 working days**. In doing so, we will communicate clearly, providing you with relevant information or an update regarding your correspondence. Complex matters can require longer time frames. Complaints will only undergo an initial assessment during this timeframe and complex complaints may require further assessment and/or additional information before being progressed - we will advise you of this.
- If your email is in relation to an existing case, we will be in contact with you at our earliest opportunity.
- We will endeavour to answer calls as quickly as possible, and aim to answer 80% of telephone calls within 15 seconds during our telephone information service opening hours (Monday to Friday, 09.15hrs - 5.30pm (5.15pm on Friday)).

The Data Protection Act 2018 sets out the process by which the DPC handles complaints. When a complaint is received, the DPC may seek to achieve an

amicable resolution of the complaint between the data subject and the data controller / processor, where it is appropriate to do so in accordance with the Act. If a complaint cannot be amicably resolved, then the complaint will proceed to the complaint-handling stage.

3.1 Complaint handling

All complaints will be handled in accordance with the principles of natural justice. The data controller, as well as the complainant, will be kept up to date as to the status of the complaint. Depending on the nature and complexity of the complaint, it may take a number of months for a complaint to be concluded. The Data Protection Act 2018 outlines a number of steps the office may take to resolve complaints¹, and we will advise in writing of the outcome of your complaint.

3.2 Cross Border Complaints

The DPC is one of the data protection supervisory authorities in the European Economic Area (EEA). Examples of other supervisory authorities include CNIL in France and BfDI in Germany. If you have a data protection complaint about an organisation (i.e. a data controller or a data processor) which relates to cross-border processing² it may be dealt with either by the DPC or by another supervisory authority.

¹ <https://dataprotection.ie/en/individuals/exercising-your-rights/complaints-handling-investigations-and-enforcement-individuals>

²“Cross-border processing” is defined in the GDPR and includes processing of personal data which is carried out by an organisation located in a number of EU Member States or processing of personal data carried out by an organisation which substantially affects data subjects in more than one EU Member State.

If your complaint relates to cross-border processing and the organisation is either based only in Ireland or its main establishment³ in the EEA is in Ireland, then generally, the DPC will handle your complaint.

However, if your complaint relates to cross-border processing and the relevant organisation's main establishment in the EEA is **not** in Ireland, the supervisory authority in the country where that organisation's main establishment is based will generally be the supervisory authority which will handle your complaint⁴. The supervisory authority where that organisation's main establishment is located is also known as its "lead supervisory authority". Supervisory authorities must cooperate in respect of complaints which involve cross-border processing (subject to limited exceptions) in order to ensure that the GDPR is applied consistently.

If your complaint relates to cross-border processing and the DPC is **not** the lead supervisory authority for the organisation concerned, the DPC may need to liaise with another supervisory authority (i.e. lead supervisory authority for that organisation) in order to progress your complaint. Even though another supervisory authority may be progressing your complaint, the DPC will continue to be the sole point of contact for you in relation to your complaint and will provide you with updates about the progress of your complaint. You may experience longer timeframes in relation to cross border complaints where the DPC is not lead supervisory authority, particularly in cases where the lead supervisory authority's working languages do not include English, but this will not otherwise affect the handling of your complaint.

³ The "main establishment" of a data controller is determined by where the controller has its central place of administration or where the decisions on the purposes and means of the processing of personal data are taken. Similarly, a processor's main establishment is determined by the location of its central place of administration or where its main processing activities take place.

⁴ This is known informally as the operation of the "One Stop Shop".

4. Service through Irish

We will ensure that people who wish to conduct their business through Irish are facilitated, and we will respond in Irish to correspondence received in Irish. We will respond in Irish to telephone callers who wish to speak in Irish, immediately where possible, or offer to have the call returned promptly by a member of staff who can deal with the query in Irish.

We will publish documents such as our Annual Report in both Irish and English; the Irish language version of our website will be maintained to ensure that it is an up-to-date, accurate and a useful resource. We will develop the capacities of our staff to provide services through Irish and we will otherwise comply with the commitments set out in our Language Scheme.

5. Provision of Information

We will provide information regarding data protection matters, using language and media that is suitable for our customers' needs (subject to resource constraints).

It is important to note that information provided by the DPC's Information Service does not purport to represent legal advice or to be a formal sanction or endorsement of the activities of any parties.

6. Coordination of Public Service Delivery

We will ensure a high level of co-ordination with relevant bodies such as the Irish Human Rights and Equality Commission, the Commission for Communications Regulation (ComReg), the Information Commissioner, the Regulator of Premium Rate Services (Regtel) and the Competition and Consumer Protection Commission (CCPC) as a central element of service

delivery. Our international mutual assistance obligations mean that supervisory authorities in other jurisdictions, as well as the EU Commission for instance, are also our customers and we will continue to meet our responsibilities in this area through effective liaison with these bodies.

7. Equality, Diversity and Disability Access

We are committed to providing a service to customers that upholds their rights to equal treatment established by equality and disability legislation. We are committed to meeting our Public Sector Equality and Human Rights Duty obligations under Section 42 of the Irish Human Rights and Equality Commission Act 2014, and will report, in an accessible manner, our achievements in our annual reports.

We will aim to ensure that our services and facilities are accessible to all our customers, including those who may require special assistance.

If you need assistance engaging with the DPC, please contact our [Access Officer](#).

8. Quality Customer Service

We are committed to providing the best possible service for our customers. We welcome your help in providing this service by making any comments, suggestions or complaints about the service you receive, or the way in which it is delivered.

If you wish to make a complaint, it should be made in the first instance to the supervisor at the point of service, and we will do our best to resolve these complaints to your satisfaction. If the issue remains unresolved or you feel the service you received didn't meet the standards outlined in this Customer

Service Charter, you can appeal by lodging a formal complaint with our Customer Service Complaints unit. The role of Customer Service Complaints does not impact on the outcome of cases, but it is to formally review your complaint against the commitments specified under this Charter.

We wish to maintain an accessible, transparent and easy-to-use system of dealing with complaints about the quality of service provided by the DPC. We welcome customers' views on how we can improve our services. We will try to address customer concerns at the point of service if at all possible.

It is important to note that the Customer Service Complaint email provided below is only for members of the public who wish to provide feedback or make a complaint in relation to the services provided by the DPC. If you have a general query or wish to make a complaint about a data protection issue, please contact info@dataprotection.ie.

The DPC operates under a legislative framework which dictates and informs our decision making processes. For more information on our legislative frameworks please click [here](#).

9. Consultation and Feedback

We welcome your comments and suggestions on this Charter and on how we can improve our service in the future. You can email these comments to us at customerservice@dataprotection.ie

10. Help Us to Help You

You can help us to give you a high quality service if you:

- Complete the online web-forms to assist us with your query. Quote any relevant reference number in all communications with us,

- Check our website www.dataprotection.ie for information which may assist you.
- Engage with us in a collaborative and respectful manner.

The DPC also has an Unreasonable Complainant Conduct policy in place. You can view the full policy [here](#).

11. Customer Service Complaints

If you wish to make a formal customer service complaint, please write to: customerservicecomplaints@dataprotection.ie

or

Customer Service Complaints, Data Protection Commission, 21 Fitzwilliam Square,

Dublin 2, D02 RD28.

Your customer service complaint will be acknowledged within 3 working days of receipt and a full or interim reply will issue within 20 working days.