

This notice is published by agreement between the Department and the DPC.

Processing of personal data

1. In the context of the arrangements set out below, it is acknowledged that specified bodies (other than the Department of Social Protection) may use the public services card (“PSC”) as a means of verifying the identity of persons entering into transactions involving the provision of access to public services, save that, unless provided for in legislation, reliance on the PSC by a specified body shall not be such as to require a person to acquire a PSC as the sole means by which the person can verify their identity when entering into a public service transaction with that body.
2. Where a particular method offered by a specified body (other than the Department of Social Protection) for the purposes of entering into a transaction for a service relies solely on the user holding a PSC, an alternative means of entering into a transaction and verifying identity, to an appropriate standard, shall be provided which does not rely on the PSC.
3. Such alternative options may be on-line or non-online.
4. Any alternative means of entering into a transaction and/or verifying identity shall not have the effect of putting those persons who do not hold or acquire a PSC at a material disadvantage relative to those who do, by rendering the identity authentication process (or the underlying transaction in respect of which identity is to be authenticated) materially more time-consuming or difficult, it being acknowledged that a transaction in which, for example, identity is verified by submitting documents by post or in person will, by its nature, take longer than one conducted online.
5. It is also acknowledged and accepted that where alternative options are available, whether on-line or non-online, specified bodies may (but shall not be required to) rely on the use of the *MyGovid.ie* service as the sole means of authenticating identity for online services save that it shall be open to any specified body to make provision for an on-line means of verifying identity otherwise than by means of the *MyGovid.ie* service.
6. For the avoidance of doubt, it is also acknowledged that the Department of Social Protection may continue to engage in such processing of personal data as is necessary and proportionate in order to authenticate the identity of, and, subject to such identity being authenticated, issue a Public Services Card to, such persons as present to the Department requesting identity authentication and a PSC for the purposes of entering into transactions involving the provision of access to public services.

Retention

7.
 - a. Subject to the arrangements set out at paragraph 8 below, the Department of Social Protection shall not retain any personal data submitted by a person when authenticating their identity or acquiring a PSC, (whether such personal data is held in documentary form or otherwise) for a period of more than 6 (six) months from the date of its receipt, save to the extent that such personal data forms part of the person’s public service identity as defined in section 262(3) of the Social Welfare Consolidation Act (“**PSI data**”).

- b. All such personal data other than PSI data shall be deleted (or, where such data is contained in a document, such document shall be effectively and irreversibly redacted) immediately upon the expiry of that 6-month period.
 - c. For the avoidance of doubt, personal data shall not be deemed to form part of a person's public service identity solely on the basis that such data is contained in a document submitted to the Department to verify that person's identity in the context of the SAFE2 registration process and/or an application for a PSC.
 8. Recognising that the development and implementation of the provisions of paragraph 7 will require adjustments to the Department's current systems, and taking account of the fact that over 4.8m PSCs have been issued to date, the Department agrees to develop a programme of work, the purpose of which will be to achieve deletion and, in the case of documents, the effective and irreversible redaction of any non-PSI data already collected as part of the SAFE2 registration process and/or in connection with the issuing of PSCs and held on the Department's IT systems and/or in documents stored on such systems. To that end:
 - a. The Department shall be afforded an agreed period of **12** months from the date hereof to develop and implement such revisions to its systems as are required to give effect to the provisions of paragraph 7 ("the **Interim Period**").
 - b. The Department shall consult with the Data Protection Commission in the development of such revisions as are required to the Department's systems.
 - c. Subject to the provisions of **paragraph 9** below, personal data collected by the Department during the Interim Period, and in the preceding period of 12 months, may be retained for the duration of the Interim Period strictly subject to all non-PSI personal data being deleted and any such personal data as is contained in any documents submitted as part of the SAFE2 identity verification and/or PSC application process being effectively and irreversibly redacted prior to being scanned into the Department's systems.
 - d. Upon the expiry of the Interim Period, non-PSI personal data collected by the Department during the Interim Period and in the preceding period of 12 months shall be deleted or (where held in documentary form), effectively and irreversibly redacted, as soon as practicable and, in any event, within a period of 2 months of the date of expiry of the Interim Period.
 - e. Once the programme of work referred to in this section is agreed, non-PSI personal data collected by the Department more than 12 months before the commencement of the Interim Period shall be prioritised for deletion or (where held in documentary form), effective and irreversible redaction, as soon as practicable.
9.
 - a. The techniques to be deployed (and the procedures to be applied) by the Department in the effective and irreversible redaction of non-PSI personal data collected during the SAFE2 registration process and held, or to be held, in documentary form, shall be communicated to the DPC and the Department shall obtain the agreement of the DPC to the approach proposed. The DPC shall not unreasonably withhold its agreement.
 - b. The Department's proposals in respect of the matters set out at point 9(a) shall be developed and submitted to the DPC within a period of not more than 12 weeks from the date of this Notice. The DPC shall provide its response within a period of 4 weeks.

The Department shall respond within a further period of 2 weeks. Where the Department disagrees with any modifications suggested by the DPC it shall set its objections out clearly with justification and shall not proceed until a final approach is agreed by the DPC, such agreement not to be unreasonably withheld.

- c. Without prejudice to the exercise by the DPC of its powers or any of them, the Department shall facilitate the conduct of such audit exercises as the DPC considers fit to ensure that the techniques and procedures applied under point 9(a) above are such as to secure, on an ongoing basis, the objective of achieving the effective and irreversible redaction of non-PSI personal data.
10. Any document containing personal data received by the Department for the purpose of verifying the identity of the person to whom the document relates in the context of the SAFE2 registration process and/or an application for a PSC (“the **Applicant**”), and retained by the Department in accordance with the terms of this agreement and subject to access controls to be agreed with the DPC, shall not be used by the Department at any time thereafter for any purpose other than to establish, in the context of an identity fraud prosecution, the information tendered to the Department by the Applicant in the course of the SAFE2 registration process and/or the Applicant’s application for a PSC.

Transparency

11. The Department shall amend its Privacy Statement (as last updated on 27 September 2021) in the following respects and as soon as practicable:
- a. Immediately below the heading to the Privacy Statement, the Department shall insert the following text, or such other text as may be agreed between the parties:

“Amongst other things, this Privacy Statement relates to the processing of personal data in respect of identity authentication (SAFE 2 registration) and the Public Services Card (PSC).”
 - b. The Department shall propose additional text to be agreed between the parties and incorporated into the notice (at such location to be agreed between the parties), the substance of which will be to provide data subjects with sufficient information concerning the circumstances in which information provided to another public body (i.e. a public body other than the Department) may be passed to the Department and used to update PSI data set.
 - c. The Department shall also propose text to be agreed between the parties and to be incorporated into the notice (at such location to be agreed between the parties), the substance of which will be to revise and update the information given to data subjects concerning the retention of their personal data.

Other matters

12. The DPC acknowledges that the matters agreed between the parties herein are without prejudice to the Department’s right to identify one or more alternative legal bases upon which it may seek to rely in the processing of personal data for the purposes of SAFE2 registration and/or the issuing of PSCs.
13. The Department acknowledges that nothing in this notice shall interfere or be deemed to interfere with the exercise by the DPC of its powers, functions, duties and/or obligations under the Data Protection Acts 1988 & 2003, the Data Protection Act, 2018 and/or Regulation (EU)

2016/679 and/or Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016, including the issuance of a new enforcement notice. In that regard, the Department further acknowledges that the DPC is continuing its separate investigations into (a) the Department's use of biometric facial templates in the application of its facial matching software for the purposes of the SAFE 2 registration process; and (b) the processing of personal data (and special category personal data) by the Department of Public Expenditure and Reform in the context of the Single Customer View (SCV) and MyGovID, the single account by which citizens may access government services on-line in Ireland.

14. Without prejudice to the positions of the parties in the event that any other enforcement action is taken, in the event that an inquiry is commenced by the DPC under the Data Protection Act 2018 in the context of the Agreement between the parties, and without prejudice to the Department's right to contest the DPC's arguments and conclusions in the Final Report and related materials, the Department acknowledges that the DPC may have regard to the Final Report, this Notification and related materials. The Department shall also, in the event of any such inquiry, be afforded the opportunity to provide further information or clarification on any of the matters in the Final Report and related materials.
15. On the basis of the matters agreed between the parties, as outlined in this Notification, the Department has withdrawn its appeal and the Data Protection Commission has agreed to cancel the Enforcement Notice issued to the Department of Social Protection on 6 December 2019, pursuant to section 10(8) of the Data Protection Act 1988, as amended.
16. A copy of the Final Report of the DPC and this Notification will be published together on the DPC's and Department's websites.