

CANDIDATE INFORMATION BOOKLET

PLEASE READ CAREFULLY

Open competition for appointment to the position of

Senior Regulatory Lawyer Assistant Principal Officer

in the

Data Protection Commission

**Closing Date: 12pm (noon) on Tuesday 8th April
2025**

The Data Protection Commission is committed to a policy of equal opportunity.

This Data Protection Commission will run this campaign in compliance with the Code of Practice for Appointment to Positions in the Civil Service and Public Service prepared by the Commission for Public Service Appointments (CPSA).

Codes of practice are published by the CPSA and are available on www.cpsa.ie

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**Senior Regulatory Lawyer
Assistant Principal Officer
in the
Data Protection Commission**

In Brief

This is a unique and exciting opportunity to join the Data Protection Commission's (the "DPC") team. The Senior Regulatory Lawyer will have a key role in what is one of Europe's most prominent and active data protection regulators, with opportunities to contribute to the DPC's extensive work at national level, as well as the high-profile and unique role it holds in the supervision of large international organisations based in Ireland. This senior role involves advising on or litigating/conducting regulatory investigatory or enforcement activities, including the scoping, conduct and completion of such investigatory activities and, critically, the drafting of investigatory outcome reports. As a result, the Senior Regulatory Lawyer will be involved in a diverse array of substantive data protection issues as well as novel legal and regulatory matters. The DPC welcomes applications from candidates at various stages of their career and with all ranges of experience who meet the minimum requirements.

Working at the DPC

The DPC puts its employees first. As a body that has been recognised by the Irish government and the European Commission as one of key strategic importance, our aim is to attract and retain staff of the highest calibre in today's competitive labour market. The DPC maintains a forward-looking and innovative workplace that respects the principles of equality and diversity and is committed both to the ongoing development of the people who work there, its own internal values and significant legal obligations to preserve and constantly improve this environment.

As well as a rewarding and challenging career, some of the benefits the DPC offers its Senior Regulatory Lawyers are:

- Competitive salary starting at €80,668, with annual increments subject to satisfactory performance bringing the salary to €94,431 after five years, with access to two further long service increments thereafter
- Public Sector pension
- 30 days of annual leave per year
- Access to a range of work-life balance and family-friendly workplace initiatives and policies
- A blended working model
- Learning and development opportunities, including access to a refund of course fees scheme, paid study leave and paid examination leave for relevant courses of study
- High quality modern business premises purpose-designed and fitted out with the business needs of the DPC and its staff at its core
- Cycle to work scheme
- Tax saver public transport pass
- Regular opportunities for promotion through internal and confined civil service inter-departmental competitions
- Pending completion of required service, opportunities for career breaks

The DPC currently has several vacancies for the role of Senior Regulatory Lawyer and while prior experience of data protection law is desirable, it is not essential. The DPC welcomes applications from high-calibre candidates who have demonstrable experience relevant to the role.

It is intended to create a panel of Senior Regulatory Lawyers from this competition. This panel will expire 18 months after date of formation unless exhausted sooner. Successful candidates may be based in the DPC's offices in Dublin City Centre or in Portarlington Co. Laois, depending on business needs.

Background

The Data Protection Act 2018, which became law on 25 May 2018, established the Data Protection Commission (DPC). The DPC is the national independent supervisory authority, responsible for monitoring the application of the EU General Data Protection Regulation (GDPR) and upholding the EU fundamental right of the individual to have their personal data protected. The DPC has played a pioneering role in enforcing the GDPR across Europe as the lead supervisory authority for a large number of technology and internet platform companies with EU headquarters in Ireland.

The core functions of the DPC, under GDPR and the **Data Protection Act 2018**, which gives further effect to the GDPR in Ireland, include:

- driving improved compliance with data protection legislation by data controllers and processors,
- handling complaints from individuals in relation to the potential infringement of their data protection rights,
- conducting inquiries and investigations regarding potential infringements of data protection legislation,
- promoting awareness amongst organisations and the public of the risks, rules, safeguards and rights in relation to processing of personal data, and
- co-operating with other data protection authorities in other EU Member States on issues such as complaints and alleged infringements involving cross border processing under the GDPR's cooperation and consistency framework.

The DPC also acts as a supervisory authority under a number of other legal frameworks, such as the Law Enforcement Directive (LED), ePrivacy, some sectoral legislation, and data protection issues which occurred prior to 25 May 2018, where the applicable legal regime is the Data Protection Acts 1988 and 2003.

The DPC regulates the public and private sectors.

The DPC has recently been identified as one of a number of fundamental rights agencies under the EU AI Act. A decision by the Government on the designation of competent authorities for the purposes of the Act has yet to be made.

In addition the DPC engages and cooperates with other digital regulators both in Ireland and at European Commission level under EU digital acts which include the Digital Markets Act and the Digital Services Act.

Context for the DPC's work

In May 2018, the GDPR came into application across Europe, replacing the previous 1995 EU Data Protection Directive with a modernised code more reflective of the evolving technological climate. The GDPR has direct effect, vastly increasing obligations on organisations and providing for additional and stronger enumerated rights for individuals. Along with the LED and the e-Privacy Regulation, the DPC has significant responsibilities for overseeing a range of matters specifically relating to privacy and data protection including deep peer cooperation between European data protection authorities under Chapter VII of the GDPR. In particular, the DPC's role under the GDPR has become a central one in Europe as a lead supervisory authority for the regulation of many multinational companies which have located their European headquarters in Ireland. The DPC also has a role in regulating artificial intelligence applications as they pertain to personal data processing. As referenced above, the Government has yet to decide on the designation of competent authorities under the AI Act.

The GDPR remains a cornerstone of recent digital regulation developments in the EU and the DPC, as a GDPR lead authority, thus operates in a complex regulatory environment with other national and international regulators including the European Commission.

Following the GPDR's coming into application on 25 May 2018, the DPC's role, work and powers have

expanded significantly and rapidly, to include:

- **Expanded powers**

The DPC has the power to impose administrative fines of up to €20 million or 4% of the worldwide turnover of the regulated entity (whichever is higher), to ban the processing of personal data, to order its deletion, and to order entities to bring processing into compliance. Examples of the DPC's use of such powers to date are readily available in national and international media.

- **Increasing prominence**

The DPC has an increasingly prominent role as the lead supervisory authority for the regulation of numerous global technology and social media companies, which have their European headquarters in Ireland.

- **Novel legal issues**

Much of the DPC's work involves the consideration of abstract and principles-based regulation which has often not yet been considered in detail by courts or other regulators. This gives the DPC a ground-breaking and agenda-setting role.

- **Key issues of today's world**

By its nature, the DPC's work involves consideration of some of the key issues facing today's world. This can span from the extent of the presence of CCTV, to matters of personal privacy, to the use of personal data by social media and other technology companies, to the transfer of personal data outside of the EU to jurisdictions with differing legal regimes from our own, to name but a few.

This is an exciting opportunity to join the DPC team. The Senior Regulatory Lawyer will be involved in unique and challenging legal and regulatory work in a fast moving and high profile environment, dealing with novel and ground breaking legal issues.

Prior experience of data protection law is desirable but not essential and the DPC would welcome applications from high calibre candidates who have demonstrable relevant expertise and experience.

The Role

The post of Senior Regulatory Lawyer is a civil service senior managerial grade (Assistant Principal Officer) within the DPC, reporting directly to a Deputy Commissioner. The principal functions of the Senior Regulatory Lawyer will be to advise on or conduct and lead investigatory activities, such as complaint handling activities, statutory inquiries and investigations into complaints and alleged infringements of data protection law. The Senior Regulatory Lawyer will bring their relevant professional experience to bear in all aspects of advisory or investigatory activities which they are responsible for, including the scoping, conduct and completion of investigatory activities and, critically, the drafting of relevant advices and/or investigatory outcome reports.

The following are also indicative (but not exhaustive) of the responsibilities and duties which the Senior Regulatory Lawyer will be expected to perform. Specific responsibilities will depend on the area of the DPC to which they are assigned:

1. Carrying out, leading or coordinating complaint-handling, statutory inquiries and investigations including ensuring that investigatory activities are: appropriately scoped and individual case plans are in place; are conducted expeditiously with full regard to the procedural rights of all parties involved in the process; and that the subject matter of the investigation is conducted comprehensively with regard to all relevant issues, utilising appropriate fact-finding and information-gathering powers;
2. Undertaking expert legal analysis, including risk assessment where appropriate, in relation to the investigatory activities undertaken/ led by the Senior Regulatory Lawyer, with regard to the

application of both fair procedures and natural and constitutional justice, and data protection principles;

3. Authoring or leading teams in authoring investigatory outcome and other reports, ensuring that all such reports:
 - are of the highest written standards, with regard to structure, expression and content;
 - comprehensively reflect the principal issues which are the subject matter of the relevant investigatory activity;
 - accurately describe the conduct of the investigatory activities and the findings of fact; and
 - demonstrate robust, sustainable legal analysis and reasonable and rational conclusions in relation to the central question as to whether there are/ have been infringements of the relevant data protection laws;
4. Managing a team of staff to include investigators, technical experts and administrative staff and overseeing all activities carried out by team members, as well as managing case-loads to ensure appropriate prioritisation of systemic/high risk issues, and driving on multiple simultaneous complaint-handling and investigatory activities across different cases;
5. Analysing the relevant legal requirements (including procedural and statutory requirements) in respect of all complaint-handling and investigatory activities undertaken and ensuring that adherence to these obligations is embedded into all such activities in order to safeguard the fairness and integrity of the investigatory activities and outputs;
6. Developing, implementing and monitoring best practice procedures for ensuring adherence to the application of fair procedures and natural and constitutional justice in the conduct of all complaint-handling and investigatory activities and outputs;
7. Undertaking regular analysis of outcomes of complaint-handling and investigatory activities with a view to, amongst other things, identifying central legal issues requiring adoption of organisation-wide positions, identifying patterns/trends of non-compliance, and preparing and outputting statistical results relating to the progress of ongoing complaint-handling and investigatory activities;
8. Providing legal advice, support and expert analysis across the operational and functional areas of the DPC in relation to the application of data protection principles in particular contexts and in relation to the conduct of legal actions initiated by (or against) the DPC, to include enforcement actions, court applications, prosecutions and statutory appeals;
9. Conducting and overseeing the conduct of comprehensive legal research and identifying changes and legal trends that may impact on the DPC's role or that may require adjustments to the operations and strategies pursued by the DPC, and contributing to the development of appropriate response strategies;
10. Providing legal advice, support and expert analysis in relation to the particular requirements (and likely impact) of new legislation (at both national and EU levels), to include, but not limited to, data protection legislation;
11. Participating and collaborating with other senior investigatory staff including on cross-departmental investigatory activities/issues and linked to this, supporting and assisting the relevant Deputy Commissioner in a constructive and collaborative fashion, to advance the strategic development and operational functioning of the areas falling under the Deputy Commissioner's remit;
12. Working collaboratively with other EU data protection authorities ensuring that the DPC adheres to its legal obligations in relation to EU legal requirements applicable to the co-operation and consistency mechanisms under Chapter VII GDPR, where investigatory activities are concerned

with cross-border processing; and

13. Keeping up to date with relevant legal developments which may impact on the conduct of the DPC's investigatory activities and identifying changes and legal trends that may necessitate adjustments to the operations and strategies of the DPC, and contributing to the development of appropriate response strategies.

In addition, the Senior Regulatory Lawyer will be expected to–

- Work in a constructive and collaborative fashion with colleagues across the organisation and make a significant contribution towards the development of the DPC's policy and strategy;
- Manage relevant staff to achieve key organisational goals;
- Demonstrate a strong commitment to promoting quality improvement and a learning culture in the DPC through the review, development and implementation of high quality business processes, as well as the development of expertise and skills of team members and across the organisation as a whole;
- Represent the DPC at international, EU and domestic conferences and meetings, undertake speaking events at conferences, deliver internal DPC educational and training events;
- Host and meet stakeholders as may be required from time to time;
- Build strong, collaborative relationships with other members of staff of the DPC, staff of other data protection authorities and at EU level; and
- Deliver such other priorities, responsibilities and tasks as may be assigned from time to time.

Note

The title "Senior Regulatory Lawyer" is used to describe the position advertised in this competition. However the DPC may, at its discretion, assign another title to a candidate appointed under this competition for the purposes of more accurately denoting the functional/operational area of the DPC to which the candidate has been assigned.

ENTRY REQUIREMENTS

Essential

Candidates must:

- (a) On or before **8th April 2025**, be admitted and enrolled as a Solicitor or Barrister in the State;
- or**
- (b) Anticipate that they will be entitled to be enrolled as a Solicitor or Barrister in the State, by **8th April 2025**, at the latest.

Please note:

Appointments will be made subject to verification that candidates were admitted and enrolled by the above dates.

- Have demonstrable sophisticated legal analytical and legal drafting/writing skills with experience of report writing (or advising on the production/drafting of reports);
- Have a track record in conducting expert legal analysis and developing practical strategies and solutions based on such analysis in a fast paced environment, managing multiple projects under pressure and to tight deadlines;
- Have demonstrated ability to lead or manage teams in delivering results;
- Have extensive knowledge of regulatory/administrative law i.e. the application of natural and constitutional justice and fair procedures.
- Have the ability to quickly identify key legal or strategic risk issues that arise in connection with the discharge of the DPC's functions;
- Have excellent organisational and time management skills and the ability to learn quickly;
- Have demonstrated ability to provide accurate interpretation and practical application of principles-based legislation, common law, EU and European Court of Human Rights case law to real-life scenarios;
- Have overall excellent presentation and communication skills;
- Have the ability to demonstrate a high level of discretion and the corresponding ability to handle sensitive information;
- Have strong interpersonal skills and demonstrated experience of leading whether in-house or in practice;
- Have the ability to demonstrate a high level of integrity regarding colleagues and the services provided;
- Be self-motivated and self-reliant in managing tasks and keen to take the initiative in developing and progressing projects.

In addition to the above, candidates must also demonstrate the key competencies for effective performance at this level which are detailed overleaf

Desirable

- Experience of regulatory investigations and/or equivalent enforcement activity. *This experience may have been gained from advising on or litigating such issues, or from direct involvement - as part of an in-house legal/regulatory/investigatory/enforcement function – in leading or conducting such activities.*
- Experience of litigating in a regulatory law context;
- Experience of advising on privacy and data protection matters in private or public sector arenas;
- Good understanding of technology and its impact on data protection and privacy;
- Good knowledge and understanding of the EU and national policy agendas in the area of data protection;
- Experience of public speaking in a professional capacity.

Key Indicators for Effective Performance at Assistant Principal Officer Level

Leadership
<ul style="list-style-type: none"> • Actively contributes to the development of the strategies and policies of the Department/Organisation • Brings a focus and drive to building and sustaining high levels of performance, addressing any performance issues as they arise • Leads and maximises the contribution of the team as a whole • Considers the effectiveness of outcomes in terms wider than own immediate area • Clearly defines objectives/goals & delegates effectively, encouraging ownership and responsibility for tasks • Develops capability of others through feedback, coaching & creating opportunities for skills development • Identifies and takes opportunities to exploit new and innovative service delivery channels
Judgement, Analysis & Decision Making
<ul style="list-style-type: none"> • Researches issues thoroughly, consulting appropriately to gather all information needed on an issue • Understands complex issues quickly, accurately absorbing and evaluating data (including numerical data) • Integrates diverse strands of information, identifying inter-relationships and linkages • Uses judgement to make clear, timely and well-grounded decisions on important issues • Considers the wider implications, agendas and sensitivities within decisions and the impact on a range of stakeholders • Takes a firm position on issues s/he considers important
Management & Delivery of Results
<ul style="list-style-type: none"> • Takes responsibility for challenging tasks and delivers on time and to a high standard • Plans and prioritises work in terms of importance, timescales and other resource constraints, re-prioritising in light of changing circumstances • Ensures quality and efficient customer service is central to the work of the division • Looks critically at issues to see how things can be done better • Is open to new ideas initiatives and creative solutions to problems • Ensures controls and performance measures are in place to deliver efficient and high value services • Effectively manages multiple projects
Interpersonal & Communication Skills
<ul style="list-style-type: none"> • Presents information in a confident, logical and convincing manner, verbally and in writing • Encourages open and constructive discussions around work issues • Promotes teamwork within the section, but also works effectively on projects across Departments/ Sectors • Maintains poise and control when working to influence others Instils a strong focus on Customer Service in his/her area • Develops and maintains a network of contacts to facilitate problem solving or information sharing • Engages effectively with a range of stakeholders, including members of the public, Public Service Colleagues and the political system
Specialist Knowledge, Expertise and Self Development
<ul style="list-style-type: none"> • Has a clear understanding of the roles objectives and targets of self and the team and how they fit into the work of the unit and Department/ Organisation • Has a breadth and depth of knowledge of Department and Governmental issues and is sensitive to wider political and organisational priorities • Is considered an expert by stakeholders in own field/ area • Is focused on self-development, seeking feedback and opportunities for growth to help carry out the specific requirements of the role
Drive & Commitment to Public Service Values
<ul style="list-style-type: none"> • Is self-motivated and shows a desire to continuously perform at a high level • Is personally honest and trustworthy and can be relied upon • Ensures the citizen is at the heart of all services provided • Through leading by example, fosters the highest standards of ethics and integrity

Eligibility to compete and certain restrictions on eligibility

Citizenship Requirements

Eligible Candidates must be:

- (a) A citizen of the European Economic Area (EEA). The EEA consists of the Member States of the European Union, Iceland, Liechtenstein and Norway; or
- (b) A citizen of the United Kingdom (UK); or
- (c) A citizen of Switzerland pursuant to the agreement between the EU and Switzerland on the free movement of persons; or
- (d) A non-EEA citizen who has a stamp 4 or a stamp 5 permission

To qualify, candidates must meet one of the citizenship criteria above by the date of any job offer.

Collective Agreement: Redundancy Payments to Public Servants

The Department of Public Expenditure and Reform letter dated 28th June 2012 to Personnel Officers introduced, with effect from 1st June 2012, a Collective Agreement which had been reached between the Department of Public Expenditure and Reform and the Public Services Committee of the ICTU in relation to ex-gratia Redundancy Payments to Public Servants. It is a condition of the Collective Agreement that persons availing of the agreement will not be eligible for re-employment in the Public Service by any Public Service body (as defined by the Financial Emergency Measures in the Public Interest Acts 2009 – 2011) for a period of 2 years from termination of the employment. People who availed of this scheme and who may be successful in this competition will have to prove their eligibility (expiry of period of non-eligibility).

Incentivised Scheme for Early Retirement (ISER):

It is a condition of the Incentivised Scheme for Early Retirement (ISER) as set out in Department of Finance Circular 12/09 that retirees, under that Scheme, are not eligible to apply for another position in the same employment or the same sector. Therefore, such retirees may not apply for this position.

Department of Health and Children Circular (7/2010):

The Department of Health Circular 7/2010 dated 1 November 2010 introduced a Targeted Voluntary Early Retirement (VER) Scheme and Voluntary Redundancy Schemes (VRS). It is a condition of the VER scheme that persons availing of the scheme will not be eligible for re-employment in the public health sector or in the wider Public Service or in a body wholly or mainly funded from public moneys. The same prohibition on re-employment applies under the VRS, except that the prohibition is for a period of 7 years. People who availed of the VER scheme are not eligible to compete in this competition. People who availed of the VRS scheme and who may be successful in this competition will have to prove their eligibility (expiry of period of non-eligibility).

Department of Environment, Community & Local Government

The Department of Environment, Community & Local Government Circular Letter LG(P) 06/2013 introduced a Voluntary Redundancy Scheme for Local Authorities. In accordance with the terms of the *Collective Agreement: Redundancy Payments to Public Servants* dated 28 June 2012 as detailed above, it is a specific condition of that VER Scheme that persons will not be eligible for re-employment in any Public Service body [as defined by the Financial Emergency Measures in the Public Interest Acts 2009 – 2011 and the Public Service Pensions (Single Scheme and Other Provisions) Act 2012] for a period of 2 years from their date of departure under this Scheme. These conditions also apply in the case of engagement/employment on a contract for service basis (either as a contractor or as an employee of a contractor).

Declaration:

Applicants will be required to declare whether they have previously availed of a Public Service scheme of incentivised early retirement. Applicants will also be required to declare any entitlements to a Public Service pension benefit (in payment or preserved) from any other Public Service employment and/or where they have received a payment-in-lieu in respect of service in any Public Service employment.

Principal Conditions of Service

General

The appointment is to a permanent post in the Civil Service and is subject to the Civil Service Regulations Acts 1956 to 2005, the Public Service Management (Recruitment and Appointments) Act 2004 and any other Act for the time being in force relating to the Civil Service

Salary

The Salary Scale for the position is as follows - rates effective from 1 March 2025:

Assistant Principal Officer (PPC)

€80,668.00, €83,639.00, €86,651.00, €89,672.00, €92,690.00, €94,431.00 (NMAX), €97,474.00 (LSI 1), €100,530.00 (LSI2)

¹ After 3 years satisfactory service at the maximum. ² After 6 years satisfactory service at the maximum.

The PPC pay rate applies when the individual is required to pay a Personal Pension Contribution (otherwise known as a main scheme contribution) in accordance with the rules of their main/personal superannuation scheme. This is different to a contribution in respect of membership of a Spouses' and Children's scheme, or the Additional Superannuation Contributions (ASC).

A different rate will apply where the appointee is not required to make a Personal Pension Contribution.

Long service increments may be payable after three (LSI1) and six (LSI2) years satisfactory service at the maximum of the scale.

Important Note

Entry will be at the minimum of the scale and the rate of remuneration will not be subject to negotiation and may be adjusted from time to time in line with Government pay policy. Different terms and conditions may apply if you are a currently serving civil or public servant. Subject to satisfactory performance increments may be payable in line with current Government Policy.

You will agree that any overpayment of salary, allowances, or expenses will be repaid by you in accordance with Circular 07/2018: Recovery of Salary, Allowances, and Expenses Overpayments made to Staff Members/Former Staff Members/Pensioners.

Tenure and Probation

The appointment is to a permanent position on a probationary contract in the Civil Service.

The probationary contract will be for a period of one year from the date specified on the contract. Notwithstanding this paragraph and the paragraph immediately following below, this will not preclude an extension of the probationary contract in appropriate circumstances.

During the period of your probationary contract, your performance will be subject to review by your supervisor(s) to determine whether you:

- (i) Have performed in a satisfactory manner,
- (ii) Have been satisfactory in general conduct, and
- (iii) Are suitable from the point of view of health with particular regard to sick leave.

Prior to the completion of the probationary contract a decision will be made as to whether or not you will be retained pursuant to *Section 5A(2) Civil Service Regulation Acts 1956 – 2005*. This decision will be based on your performance assessed against the criteria set out in (i) to (iii) above. The detail of the probationary process will be explained to you by the Data Protection Commission and you will be given a copy of the Department of Public Expenditure and Reform's guidelines on probation.

Notwithstanding the preceding paragraphs in this section, the probationary contract may be terminated at any time prior to the expiry of the term of the contract by either side in accordance with the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

In the following circumstances your contract may be extended and your probation period suspended.

- The probationary period stands suspended when an employee is absent due to Maternity or Adoptive Leave.
- In relation to an employee absent on Parental Leave or Carers Leave, the employer may require probation to be suspended if the absence is not considered to be consistent with the continuation of the probation and
- Any other statutory provision providing that probation shall -
 - (i) stand suspended during an employee's absence from work, and
 - (ii) be completed by the employee on the employees return from work after such absence.

Where probation is suspended the employer should notify the employee of the circumstances relating to the suspension.

All appointees will serve a one-year probationary period. If an appointee who fails to satisfy the conditions of probation has been a serving civil servant immediately prior to their appointment from this competition, the issue of reversion will normally arise. In the event of reversion, an officer will return to a vacancy in their former grade in their former Department.

Headquarters

The headquarters for these positions will be in Dublin, Portarlington or other such locations as may be designated from time to time by the Commissioners for Data Protection. Candidates may occasionally be required to travel domestically or to international events or meetings. When absent from home and headquarters on duty, appropriate travelling expenses and subsistence allowances will be paid, subject to the normal civil service regulations.

Hours of attendance

Hours of attendance will be fixed from time to time but will amount to not less than 41 hours 15 minutes gross or 35 hours net per week. The successful candidate will be required to work such additional hours from time to time as may be reasonable and necessary for the proper performance of his/her duties subject to the limits set down in the working time regulations.

Annual Leave

The annual leave for this position is 30 days per year. This leave is on the basis of a five day week and is exclusive of the usual public holidays.

Sick Leave

Pay during properly certified sick absence, provided there is no evidence of permanent disability for service, will apply on a pro-rata basis, in accordance with the provisions of the sick leave circulars. Officers who will be paying Class A rate of PRSI will be required to sign a mandate authorising the Department of Social Protection to pay any benefits due under the Social Welfare Acts directly to the employing Department/Organisation. Payment of salary during illness will be subject to the officer making the necessary claims for social insurance benefit to the Department of Social Protection within the required time limits.

Duties

The officer will be required to perform any duties appropriate to the position which may be assigned from time to time. The officer may not engage in private practice or be connected with any outside business which would interfere with the performance of official duties.

Unfair Dismissals Act 1977 – 2015

The Unfair Dismissals Acts 1977-2015 will not apply to the termination of employment by reason only of the expiry of this probationary contract without it being renewed.

Organisation of Working Time Act 1997

The terms of the Organisation of Working Time Act 1997 will, where appropriate, apply to this appointment.

Superannuation and Retirement

The successful candidate will be offered the appropriate superannuation terms and conditions as prevailing in the Civil Service at the time of being offered an appointment. In general, an appointee who has never worked in the Public Service will be offered appointment based on membership of the Single Public Service Pension Scheme ("Single Scheme"). Full details of the Scheme are at www.singlepensionscheme.gov.ie

Where the appointee has worked in a pensionable (non-Single Scheme terms) public service job in the 26 weeks prior to appointment or is currently on a career break or special leave with/without pay different terms may apply. The pension entitlement of such appointees will be established in the context of their public service employment history.

Key provisions attaching to membership of the Single Scheme are as follows:

- Pensionable Age: The minimum age at which pension is payable is the same as the age of eligibility for the State Pension, currently 66.
- Retirement Age: Scheme members must retire on reaching the age of 70.
- Career average earnings are used to calculate benefits (a pension and lump sum amount accrue each year and are up-rated each year by reference to CPI).
- Post retirement pension increases are linked to CPI

Pension Abatement

- If the appointee has previously been employed in the Civil or Public Service and is in receipt of a pension from the Civil or Public Service or where a Civil/Public Service pension comes into payment during his/her re-employment that pension **will be subject to abatement** in accordance with Section 52 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012. **Please note: In applying for this position you are acknowledging that you understand that the abatement provisions, where relevant, will apply. It is not envisaged that the employing Department/Office will support an application for an abatement waiver in respect of appointments to this position.**
- However, if the appointee was previously employed in the Civil or Public Service and awarded a pension under voluntary early retirement arrangements (other than the Incentivised Scheme of Early Retirement (ISER), the Department of Health Circular 7/2010 VER/VRS or the Department of Environment, Community & Local Government Circular letter LG(P) 06/2013, any of which renders a person ineligible for the competition) the entitlement to that pension will cease with effect from the date of reappointment. Special arrangements may, however be made for the reckoning of previous service given by the appointee for the purpose of any future superannuation award for which the appointee may be eligible.
- **Department of Education and Skills Early Retirement Scheme for Teachers Circular 102/2007** The Department of Education and Skills introduced an Early Retirement Scheme for Teachers. It is a condition of the Early Retirement Scheme that with the exception of the situations set out in paragraphs 10.2 and 10.3 of the relevant circular documentation, and with those exceptions only, if a teacher accepts early retirement under Strands 1, 2 or 3 of this scheme and is subsequently employed in any capacity in any area of the public sector, payment of pension to that person under the scheme will immediately cease. Pension payments will, however, be resumed on the ceasing of such employment or on the person's 60th birthday, whichever is the later, but on resumption, the pension will be based on the person's actual reckonable service as a teacher (i.e. the added years previously granted will not be taken into account in the calculation of the pension payment).
- **Ill-Health-Retirement**
Please note any person who previously retired on ill health grounds under the terms of a superannuation scheme are required to declare, at the initial application phase, that they are in receipt of such a pension to the organisation administering the recruitment competition.

Applicants will be required to attend the CMO's office to assess their ability to provide regular and effective service taking account of the condition which qualified them for IHR.

Appointment post Ill-health retirement from Civil Service

If successful in their application through the competition, the applicant should to be aware of the following:

1. If deemed fit to provide regular and effective service and assigned to a post, their civil service ill- health pension ceases.
2. If the applicant subsequently fails to complete probation or decides to leave their assigned post, there can be no reversion to the civil service IHR status, nor reinstatement of the civil service IHR pension, that existed prior to the application nor is there an entitlement to same.
3. The applicant will become a member of the Single Public Service Pension Scheme

(SPSPS) upon appointment if they have had a break in pensionable public/civil service of more than 26 weeks.

Appointment post ill-health retirement from public service:

1. Where an individual has retired from a public service body his/her ill-health pension from that employment may be subject to review in accordance with the rules of ill-health retirement under that scheme.
2. If an applicant is successful, on appointment the applicant will be required to declare whether they are in receipt of a public service pension (ill-health or otherwise) and their public service pension may be subject to abatement.
3. The applicant will become a member of the Single Public Service Pension Scheme (SPSPS) upon appointment if they have had a break in pensionable public/civil service of more than 26 weeks.

Please note more detailed information in relation to pension implications for those in receipt of a civil or public service ill-health pension is available [via this link](#).

Pension Accrual

A 40-year limit on total service that can be counted towards pension where a person has been a member of more than one pre-existing public service pension scheme (i.e. non-Single Scheme) as per the 2012 Act shall apply. This 40-year limit is provided for in the Public Service Pensions (Single Scheme and Other Provisions) Act 2012. This may have implications for any appointee who has acquired pension rights in a previous public service employment.

Additional Superannuation Contribution

In addition to pension contribution requirements under the rules of the appropriate pension scheme of which an appointee may be a member, this appointment is subject to the additional superannuation contribution in accordance with the Public Service Pay and Pensions Act 2017. **Note;** ASC deductions are in addition to any pension contributions (main scheme and spouses' and children's contributions) required under the rules of your pension scheme. For further information in relation to the Single Public Service Pension Scheme please see the following website: www.singlepensionscheme.gov.ie

Secrecy, Confidentiality and Standards of Behaviour: Official Secrecy and Integrity

During the term of the probationary contract, an officer will be subject to the Provisions of the Official Secrets Act, 1963, as amended by the Freedom of Information Acts 1997 and 2003. The officer will agree not to disclose to unauthorised third parties any confidential information either during or subsequent to the period of employment.

The officer will be subject to the Civil Service Code of Standards and Behaviour.

Ethics in Public Office Act 1995

The Ethics in Public Office Acts 1995 will apply, where appropriate, to this employment.

Prior Approval of Publications

You will agree not to publish material related to your official duties without prior approval of the Commissioners for Data Protection.

Outside Employment:

The position will be whole time and the appointee may not engage in private practice or be connected with any outside business, which conflicts in any way with his/her official duties, impairs performance or compromises his/her integrity.

Political Activity

During the term of employment, the officer will be subject to the rules governing civil servants and politics.

Please note; As an Employer of Choice the Civil Service has many flexible and family friendly working policies including some opportunities for remote working. Please note, successful candidates may request flexible working opportunities, however, this is at the discretion of the employer and decided in line with the business needs of the organisation, and on a case by case basis

IMPORTANT NOTICE

The above represents the principal conditions of service and is not intended to be the comprehensive list of all terms and conditions of employment which will be set out in the employment contract to be agreed with the successful candidate.

COMPETITION PROCESS

How to Apply

Please take care when completing your application, ensuring you include all relevant details. Your application will form part of the assessment process where shortlisting is applied and also where candidates are called for interview. The Application Form allows applicants to detail their qualifications, skills and experience and how they meet the essential requirements and personal attributes of the post. Applicants should submit a completed application form by emailing dpcjobs@rsmireland.ie

There is no requirement to provide any additional material such as a CV, etc. Only applications fully submitted via email will be accepted into the campaign. **Applications will not be accepted after the closing date.**

Closing date

Your application must be submitted via email to dpcjobs@rsmireland.ie not later than **12 noon Tuesday 8th April 2025**

If you do not receive an acknowledgement of receipt of your application within 3 days of applying, please email: dpcjobs@rsmireland.ie

Interviews for these posts are likely to be held in April 2025

The onus is on each applicant to ensure that she/he is in receipt of all communication from dpcjobs@rsmireland.ie

RSM Ireland accepts no responsibility for communication not accessed or received by an applicant.

Candidates should make themselves available on the date(s) specified by RSM Ireland and the DPC and should make sure that the contact details specified on the application form are correct.

Selection Methods

The selection will include:

- shortlisting of candidates on the basis of the information contained in their application
- presentation or written exercise
- a competitive interview

Shortlisting

The number of applications received for a position generally exceeds that required to fill existing and future vacancies for the position. While a candidate may meet the eligibility requirements of the competition, if the numbers applying for the position are such that it would not be practical to interview everyone, the DPC may decide that a smaller number will be called to the next stage of the selection process. In this respect, the employment of a short listing process to select a group who, based on an examination of the application forms, appear to be the most suitable for the position will take place. This is not to suggest that other candidates are necessarily unsuitable or incapable of undertaking the job, rather that there are some candidates, who based on their application, appear to be better qualified and/or have more relevant experience. An expert board will examine the application forms against agreed shortlisting criteria based on the requirements of the position. The shortlisting criteria may include both the essential and desirable criteria specified for the position. It is therefore in your own interest to provide a detailed and accurate account of your qualifications/experience in your application.

Confidentiality

Subject to the provisions of the Freedom of Information Act, 2014 applications will be treated in strict confidence.

Security Clearance

You will be required to complete and return a Garda eVetting form should you come under consideration for appointment. This form will be forwarded to An Garda Síochána for security checks on all Irish and Northern Irish addresses at which you resided. However should your application for the competition be unsuccessful this form will be destroyed by RSM Ireland.

If you have resided / studied in countries outside of the Republic of Ireland for a period of 6 months or more, it is **mandatory** for you to furnish a **Police Clearance Certificate** from those countries stating that you have no convictions recorded against you while residing there. You will need to provide a separate **Police Clearance Certificate for each country you have resided in**. Clearance must be dated after the date you left the country. Candidates should be aware that any information obtained in the Garda Vetting process can be made available to the employing authority.

It is YOUR responsibility to seek security clearances in a timely fashion as they can take some time. You cannot be appointed without this information being provided and being in order.

Eligibility Requirements

Qualifications/eligibility may not be confirmed until the final stage of the process, therefore, those candidates who do not possess the essential requirements and proceed with their application are putting themselves to unnecessary effort/expense and will not be offered a position from this competition.

The onus is on the candidate to ensure they fulfil the eligibility requirements set out. RSM Ireland reserves the right to deem an applicant ineligible at any stage if it is apparent that the candidate does not hold the required eligibility/qualifications e.g. from the submitted application form. Candidates who come under consideration following the final selection stage will be required to provide documentary evidence of their eligibility, including qualifications.

Candidates who are unable to show that they hold the required qualifications may be withdrawn from the competition at any stage. An invitation to tests, interview or any element of the selection process is not acceptance of eligibility.

Other important information

RSM Ireland will not be responsible for refunding any expenses incurred by candidates.

The admission of a person to a campaign, or invitation to attend an interview, is not to be taken as implying that the DPC are satisfied that such person fulfils the requirements of the competition or is not disqualified by law from holding the position and does not carry a guarantee that your application will receive further consideration. It is important, therefore, for you to note that the onus is on you to ensure that you meet the eligibility requirements for the competition before attending for interview. If you do not meet these essential entry requirements but nevertheless attend for interview you will be putting yourself to unnecessary expense.

Prior to recommending any candidate for appointment to this position RSM Ireland will make all such enquiries that are deemed necessary to determine the suitability of that candidate. Until all stages of the recruitment process have been fully completed a final determination cannot be made nor can it be deemed or inferred that such a determination has been made.

Once a candidate has accepted an offer of appointment their name will be removed from the panel and no further offers of appointment will be made.

Should the person recommended for appointment decline, or having accepted it, relinquish it or if an additional vacancy arises the Board may, at its discretion, select and recommend another person for appointment on the results of this selection process

Candidates with Disabilities

If you would like to talk about your candidature and any accommodations that may be of benefit during the recruitment process, please contact DPC Recruitment Manager, Colette Farrell, at CXOfarrell@dataprotection.ie

Review and Complaint Procedures under the Code of Practice for Appointments to Positions in the Civil and Public Service

If a candidate is unhappy following the outcome of any stage of a selection process, they can either:

1. Request a **Review of a decision** made during the process
- or**
2. **Make a Complaint** that the selection process followed was unfair

A candidate can follow either one of the two procedures in relation to the same aspect of a selection process, but not both. Where a review of a selection process has taken place under Section 7 (as detailed below), a complainant may not seek a further review of the same process under Section 8, other than in the most exceptional circumstances that will be determined by the Commission for Public Service Appointments (CPSA) **at its sole discretion**.

There is no obligation on RSM Ireland to suspend an appointment process while a Review or Complaint is being considered. However, the CPSA expects that, where possible, RSM Ireland will intervene in cases where it finds an error is likely to have occurred.

Requesting a Review under Section 7

A request for review may be taken by a candidate should they be dissatisfied with an action or decision taken by RSM Ireland. RSM Ireland will consider requests for review in accordance with the provisions of **Section 7** of the Code of Practice for Appointments to Positions in the Civil and Public Service published by the CPSA.

Making a Complaint under Section 8

A candidate may believe there was a breach of the Commission's Code of Practice by RSM Ireland that may have compromised the integrity of the decision reached in the appointment process. The complaints process enables candidates to make a complaint under **Section 8** to RSM Ireland in the first instance, and to the Commission for Public Service Appointments subsequently on appeal if they remain dissatisfied.

On foot of a Section 8 Complaint process, the CPSA may find that the recruitment and selection process in question has not adhered to the standard set out in the Code of Practice. In such cases, the CPSA may make recommendations in order to prevent such issues from reoccurring again in the future. **The CPSA cannot instruct RSM Ireland to reverse a decision taken in the course of an appointment process.** Any candidate wishing for an investigation into the decision taken regarding their application as part of a selection process should request a Review under Section 7, as outlined above.

For further information on the above Review and Complaint procedures please see the *Code of Practice for Appointments to Positions in the Civil and Public Service* which is available on the website of the Commission for Public Service Appointments, www.cpsa.ie

There is no obligation on the RSM Ireland to suspend an appointment process while it considers a request for a review. Please note that where a formal review of a recruitment and selection process has taken place under Section 7 of this Code of Practice, a complainant may not seek a further review of the same process under Section 8, other than in the most exceptional circumstances that will be determined by the CPSA at its sole discretion.

Requests for Feedback/Test Rechecks

Feedback in relation to the selection process is available on request. There are no specific timeframes set for the provision of feedback or for carrying out rechecks.

Please note that the Review Process as set out in the Code of Practice is a separate process with specified timeframes that must be observed. Receipt of feedback is not required to invoke a review. It is not necessary for a candidate to compile a detailed case prior to invoking the review mechanism. The timeframe set out in the CPSA Code cannot be extended for any reason including the provision of feedback and/or the outcome of rechecks.

Candidates' Obligations

Candidates must not:

- knowingly or recklessly provide false information
- canvass any person with or without inducements
- impersonate a candidate at any stage of the process
- interfere with or compromise the process in any way

It is important to remember that this is a competitive process for a role where integrity is paramount. Sharing information on the selection process e.g. through social media or any other means, may result in you being disqualified from the competition.

A third party must not impersonate a candidate at any stage of the process.

Contravention Code of Practice

Any person who contravenes the above provisions or who assists another person in contravening the above provisions is guilty of an offence. A person who is found guilty of an offence is liable to a fine/or imprisonment.

In addition, if a person found guilty of an offence was, or is a candidate at a recruitment process,

- they will be disqualified as a candidate and excluded from the process;
- has been appointed to a post following the recruitment process, they will be removed from that post

Specific candidate criteria

Candidates must:

Have the knowledge and ability to discharge the duties of the post concerned

Be suitable on the grounds of character

Be suitable in all other relevant respects for appointment to the post concerned;

and if successful, they will not be appointed to the post unless they:

Agree to undertake the duties attached to the post and accept the conditions under which the duties are, or may be required to be, performed

Are fully competent and available to undertake, and fully capable of undertaking, the duties attached to the position.

Deeming of candidature to be withdrawn

Candidates who do not attend for interview when required by R S M I r e l a n d or who do not, when requested, furnish such evidence as the RSM Ireland require in regard to any matter relevant to their candidature, will have no further claim to consideration.

Candidates are expected to provide all requested documentation to RSM Ireland, including all forms issued by RSM Ireland for completion, within five days of request. Failure to do so will result in the candidate being deemed to have withdrawn from the competition and their candidature will receive no further consideration.

General Data Protect Regulation (GDPR)

The General Data Protection Regulation (GDPR) came into force on the 25th May 2018, replacing the existing data protection framework under the EU Data Protection Directive.