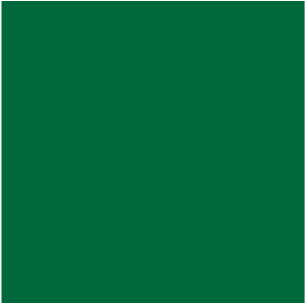
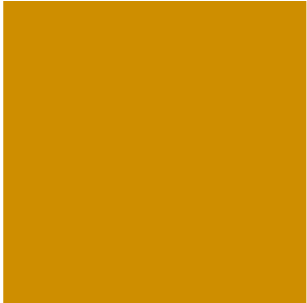
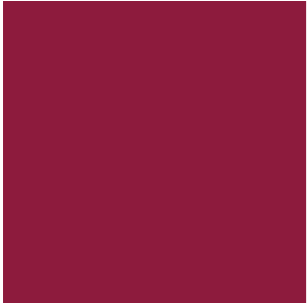


Data Sharing and Governance Act 2019

Catherine Allen, Partner and Head of Public, Regulatory & Investigations

Lisa Joyce, Partner, Public, Regulatory & Investigations

Aoiffe Moran, Senior Associate, Public, Regulatory & Investigations



What this session will cover

- The purpose of the DSGA
- The Governance Framework
- Key provisions of the DSGA
- Key steps between now and 31 March 2022



Purpose of the DSGA

To provide a statutory basis to allow public bodies to share personal data when providing services

- Public Service Data Strategy 2019-2023
- Framework around data sharing
- Data governance



A phased approach



Key provisions of the DSGA

- What is data sharing?
- Special categories of personal data
- Who can share data under the DSGA?



When can data be shared?

Part 3 deals with regulation of data sharing under the DSGA

- **Section 14:** Where required to do so by the Minister
- **Section 13:** Data Sharing: requirements
- Section 13 applies where:
*“there is no law of the EU in operation under which **specific provision** is made permitting or requiring such data sharing”*

Specific provision?

Section 265 Social Welfare Consolidation Act 2005

“**data controller**” and “personal data” have the meanings given to them by [section 1](#) of the [Data Protection Act 1988](#) ;

“**information**” means any personal data or information extracted from that data, whether collected before or after 5 February 1999;

“**relevant purpose**” means—

(a) for the purposes of determining entitlement to or control of—

(i) benefit,

(ii) a service provided by or under [sections 45](#) , [58](#) , [59](#) and [61](#) of the [Health Act 1970](#) or regulations made thereunder,

(iii) a payment under [section 44 \(3\)](#) of the [Health Act 1947](#) ,

(iv) an allowance under the [Blind Persons Act 1920](#) ,

(v) a grant awarded in accordance with regulations made under [section 2](#) (as amended by [section 3](#) of the [Local Authorities \(Higher Education Grants\) Act 1992](#)) of the [Local Authorities \(Higher Education Grants\) Act 1968](#) , or

(vi) **legal aid** awarded under the [Civil Legal Aid Act 1995](#) ,

or

(b) for the purposes of—

(i) making an assessment in accordance with [section 9](#) of the [Housing Act 1988](#) ,

(ii) a letting in accordance with [section 11](#) of the [Housing Act 1988](#) ,

(iii) the determining of rent or other payment in accordance with [section 58](#) of the [Housing Act 1966](#) ,

or the control thereof.

(2) A **specified body** holding information may share that information with another specified body who has a transaction with a natural person relating to a relevant purpose, where the **specified body** seeking the information provides the personal public service number of the person who is the subject of the transaction and satisfies the data controller of the specified body holding the information that the information requested is relevant to the transaction for that purpose between the person and the specified body seeking the information.

When can data be shared?

If no specific provision...

Section 13 requirements:

- Performance of a function of either public body
- At least one purpose set out in section 13(2)(a), eg to support the *once only* principle
- Data Sharing Agreement that complies with Part 4 of the Act
- Lawfully obtained and held by disclosing public body
- Necessary and Proportionate
- Requirement to comply with rules, procedures, standards and guidelines issued under sections 64 and 65 DSGA



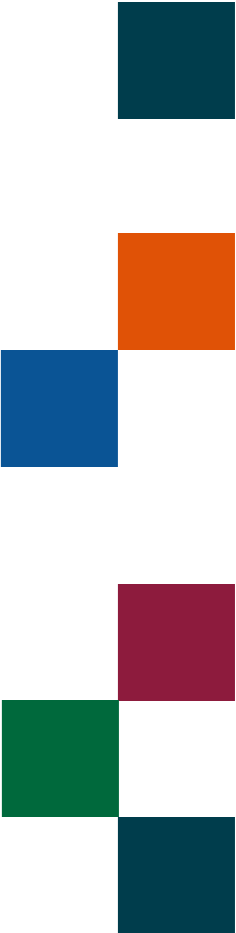
Future of section 38 DPA?

“Section 38 DPA will remain a valid legal basis for all forms of processing which fall within its [Section 38’s] scope other than data sharing between public bodies.” - OGCIO

Public Body A to Public Body B



Internally within Public Body A



Exclusions

Section 12 DSGA deals with exclusions

Examples include:

- Law Enforcement
- Public Safety
- Disclosure by one public body to another of personal data for administrative purposes



Base Registries

Minister empowered to designate a database owned by a public body as a base registry

- Do not apply to special category data
- Public bodies obliged to use base registries
- Imposes maintenance obligations on base registry holders

Publications to date

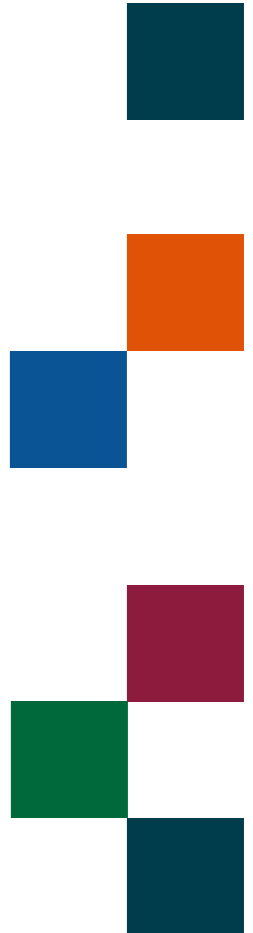
Document	Date published
Data Sharing Playbook	August 2021
Advisory Notes	13 August 2021
Guidance Note	September 2021
Draft Data Sharing Agreement Template	Last amended 13 December 2021
Data Sharing Guidelines	December 2021
Accession Agreement Template	December 2021
Notification Template	December 2021
Public Consultation Notice	December 2021
DGB Terms of Reference	December 2021



Governance Framework

Who plays a role?

Data Officer	Co-ordinating and preparing DSA Point of contact with Secretariat / DGB
Data Governance Unit	Sits within OGCIO Secretariat to Data Governance Board (DGB) and Minister
Data Policy Team	Focus on processes and guidelines
Data Governance Board	Established in July 2021
Data Protection Officer	Required to sign DPO Statement
Lead Agency	Statutory obligations under Part 4 of the DSGA
Authorised signatory	Principal officer accountable for data sharing



Steps for Sharing Data

DSGA Data Sharing Playbook and Guidelines

- **Stage 1:** Data Sharing Preparation – check www.datacatalogue.gov.ie
- **Stage 2:** Data Officers Review (All PSBs)
- **Stage 3:** Preparing the DSA (Lead PSB)
- **Stage 4:** Public Consultation (28 days)
- **Stage 5:** Public body Review (21 days)
- **Stage 6:** Data Governance Board Review
- **Stage 7:** Public Bodies to address Recommendations and Sign
- **Stage 8:** Publication (10 days after execution)
- **Stage 9:** DSA Implementation

To do list before 31 March 2022

- DSA and DPO Statements ready for public consultation
- Designate a Data Officer
- Agree list of Authorised Signatories

