



DÁIL ÉIREANN

**AN BILLE UM CHOMHROINNT AGUS RIALACHAS
SONRAÍ, 2018**

DATA SHARING AND GOVERNANCE BILL 2018

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

DÁIL ÉIREANN

AN BILLE UM CHOMHROINNT AGUS RIALACHAS SONRAÍ, 2018 —ROGHCHOISTE

DATA SHARING AND GOVERNANCE BILL 2018 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 7

1. In page 10, lines 8 to 10, to delete all words from and including “excepting” in line 8 down to and including “data” in line 10.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

2. In page 10, line 12, to delete “and compliant with Article 9 of GDPR”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

3. In page 10, to delete lines 20 and 21 and substitute the following:

“(5) In this section—

“specified body” has the same meaning as it has in section 262 of the Act of 2005;

“public service identity” has the same meaning as it has in section 262 of the Act of 2005, subject to the modification that the reference, in the definition of that phrase in subsection (1) of that section, to information specified in subsection (3) of that section shall not include a reference to special categories of personal data.”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

4. In page 10, between lines 21 and 22, to insert the following:

“(6) A specified body may not make presentation of a public services card or access to a person’s public service identity the exclusive basis by which a person may verify their identity in order to conduct a transaction or access a service.”.

—Mick Wallace, Clare Daly.

SECTION 9

5. In page 10, lines 32 and 33, to delete “means the disclosure of information, including personal data, by a public body to another public body” and substitute the following:

“is the execution and operation of defined processes for the exchange of information between one or more entities for the purpose of supporting the delivery of statutory public sector services, or the execution of obligations under EU law”.

[SECTION 9]

—Mick Wallace, Clare Daly.

SECTION 10

6. In page 10, after line 39, to insert the following:

“Data governance: meaning

10. In this Act, “data governance” means a system of decision rights and accountabilities for information-related processes, executed according to agreed-upon models which describe who can take what actions with what information, and when, under what circumstances, using what methods.”.

—Mick Wallace, Clare Daly.

SECTION 13

7. In page 14, to delete lines 14 and 15 and substitute the following:

“(I) as one non-mandatory means to verify the identity of a person, where the first or second mentioned public body is providing or proposes to provide a service to that person, without prejudice to a person’s right to verify their identity other than by the presentation of a public services card or access to that person’s public service identity;”.

—Mick Wallace, Clare Daly.

8. In page 15, between lines 7 and 8, to insert the following:

“(d) in a case in which the second mentioned public body is engaged for gain in the production, supply or distribution of goods or the provision of services, the use by that public body of the personal data could not lead to the distortion of competition in trade in those goods or services in the State or in any part of the State,”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

9. In page 15, to delete line 14 and substitute the following:

“(f) the disclosure of the personal data is—

- (i) necessary for the performance of the functions in relation to which the information is being disclosed, and
- (ii) proportionate in the context of the performance of those functions and the effects of the disclosure on the rights of the data subjects concerned.”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

10. In page 15, between lines 14 and 15, to insert the following:

“(3) A mechanism shall be provided to allow a person to whom a service is being or is to be delivered by a public body to instruct that public body that they do not regard collection of their personal data by any public body directly or on a case by case basis as burdensome and in such an instance *subsection (2)(ii)(III)* shall not apply.”.

—Mick Wallace, Clare Daly.

[SECTION 13]

11. In page 15, between lines 15 and 16, to insert the following:

“(4) A public body may disclose personal data to another public body, in a case in which this section applies to such disclosure, only where expressed consent has been sought and received from and by the data subject.”.

—Jonathan O'Brien.

SECTION 17

12. In page 17, lines 14 and 15, to delete “published and made available to any Oireachtas committee on request” and substitute “in writing”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

SECTION 19

13. In page 18, to delete line 33 and substitute the following:

“(r) include in a schedule to the agreement a statement summarising the analysis of the parties in relation to the extent to which—

- (i) the disclosure of the information is necessary for the performance of the functions in relation to which the information is being disclosed, and
- (ii) the disclosure and safeguards applicable to that disclosure are proportionate in the context of the performance of those functions and the effects of the disclosure on the rights of the data subjects concerned.”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

SECTION 21

14. In page 20, to delete lines 23 and 24.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

SECTION 37

15. In page 32, between lines 28 and 29, to insert the following:

“(4) The Minister shall, when making an order under *subsection (1)*, provide a mechanism to allow a person to whom a service is being or is to be delivered by a public body to instruct that public body that they do not regard collection of their personal data by any public body directly or on a case by case basis as burdensome and in such an instance *subsection (3)(b)* shall not apply.”.

—Mick Wallace, Clare Daly.

16. In page 33, between lines 17 and 18, to insert the following:

“(5) The Minister shall, when making an order under *subsection (1)*, have regard to whether provision is made for a person’s right to verify their identity other than by the presentation of a public services card or access to that person’s public service identity.”.

—Mick Wallace, Clare Daly.

[SECTION 37]

SECTION 44

17. In page 35, to delete line 23 and substitute the following:

“(c) view a copy of a data-sharing agreement under which his or her personal data has been disclosed between public bodies, and”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

18. In page 35, to delete lines 27 and 28.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

19. In page 35, line 33, to delete “*subsection (2)(a) and (b)*” and substitute “*subsection (2)(a), (b) and (c)**”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

[*This is a reference to a paragraph proposed to be inserted by amendment No. 17.]

20. In page 36, line 5, to delete “*subsection (2)(a) or (b)*” and substitute “*subsection (2)(a), (b) or (c)**”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

[*This is a reference to a paragraph proposed to be inserted by amendment No. 17.]

21. In page 36, line 9, to delete “*subsection (2)(a) or (b)*” and substitute “*subsection (2)(a), (b) or (c)**”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

[*This is a reference to a paragraph proposed to be inserted by amendment No. 17.]

SECTION 46

22. In page 37, to delete lines 21 and 22.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

SECTION 47

23. In page 38, line 1, after “2” to insert “persons”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

SECTION 52

24. In page 40, between lines 18 and 19, to insert the following:

“Reporting

52. (1) The Board shall, not later than 30 June in each year, prepare and submit to the Minister a report on—

- (a) the performance by it of its functions under this Act, and
- (b) the matters, if any, on which advices have been provided to it by the committees, if any, established under *section 48(1)*,

in the immediately preceding year, or, in the case of the period from the date the

[SECTION 52]

Board is first appointed to the next following 30 June, that period.

- (2) The Minister shall, as soon as may be after receiving a report under *subsection (1)*—
- (a) cause copies of it to be laid before each House of the Oireachtas, and
 - (b) publish a copy of it on a publicly accessible website.”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

[*Acceptance of this amendment involves the deletion of section 52 of the Bill.*]

SECTION 55

25. In page 41, to delete lines 26 to 28 and substitute the following:

“(iii) is satisfied that the agreement is consistent with Article 5(1) of the General Data Protection Regulation,”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

SECTION 60

26. In page 44, between lines 26 and 27, to insert the following:

“(6) The Minister shall, on request from a Committee, send a copy of a data-sharing agreement received by him or her under *subsection (1)* to that Committee.

(7) In *subsection (6)*, “Committee” means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas, other than—

- (a) the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann, or
- (b) a subcommittee of a Committee referred to in *paragraph (a)*.”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

SECTION 72

27. In page 50, between lines 6 and 7, to insert the following:

“Amendment of Act of 1997

72. Section 917D of the Act of 1997 is amended in subsection (1) by the substitution of the following definition for the definition of “digital signature”:

“ ‘digital signature’ in relation to a person, means—

- (a) a qualified certificate (within the meaning of the Electronic Commerce Act 2000) provided to the person by the Revenue Commissioners (or a person appointed in that behalf by the Revenue Commissioners), and
- (b) an advanced electronic signature (within the meaning of that Act) generated using the qualified certificate referred to in paragraph (a);”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

[NEW SECTION]

NEW SECTION

28. In page 50, after line 17, to insert the following:

“Amendment of National Shared Services Office Act 2017

74. Section 6 of the National Shared Services Office Act 2017 is amended in subsection (1) by the substitution of “an Oifig Náisiúnta Seirbhísí Comhroinnte” for “Oifig Náisiúnta Seirbhísí Comhroinnte”.”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

SCHEDULE

29. In page 51, to delete line 18.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

TITLE

30. In page 7, line 9, after “Board;” to insert “to amend the Taxes Consolidation Act 1997;”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

31. In page 7, line 9, after “2005;” to insert the following:

“to amend the Ministers and Secretaries (Amendment) Act 2011; to amend the National Shared Services Office Act 2017;”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.