



SEANAD ÉIREANN

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

DATA SHARING AND GOVERNANCE BILL 2018

**LEASUITHE A RINNE AN DÁIL
AMENDMENTS MADE BY THE DÁIL**

SEANAD ÉIREANN

AN BILLE UM CHOMHROINNT AGUS RIALACHAS SONRAÍ, 2018 *[BILLE SEANAID ARNA LEASÚ AG AN DÁIL]*

DATA SHARING AND GOVERNANCE BILL 2018 *[SEANAD BILL AMENDED BY THE DÁIL]*

*Leasuithe a rinne an Dáil
Amendments made by the Dáil*

*[The page and line references in this list of amendments
are to the text of the Bill as passed by Seanad Éireann.]*

TITLE

1. In page 7, line 9, after “Board;”, “to amend the Taxes Consolidation Act 1997;” inserted.
2. In page 7, line 9, after “2005;” the following inserted:
“to amend the Ministers and Secretaries (Amendment) Act 2011; to amend the National Shared Services Office Act 2017;”.

SECTION 7

3. In page 10, lines 8 to 10, all words from and including “excepting” in line 8 down to and including “data” in line 10 deleted.
4. In page 10, line 12, “and compliant with Article 9 of GDPR” deleted.
5. In page 10, lines 20 and 21 deleted and the following substituted:
“(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.”.
6. In page 10, between lines 21 and 22, the following inserted:
“(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.”.

[0]

SECTION 13

7. In page 14, lines 14 and 15 deleted and the following substituted:

“(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;”.

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

“(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.”.

9. In page 15, line 14 deleted and the following substituted:

“(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.”.

SECTION 17

10. In page 17, lines 14 and 15, “published and made available to any Oireachtas committee on request” deleted and “in writing” substituted.

SECTION 19

11. In page 18, line 33 deleted and the following substituted:

“(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.”.

SECTION 21

12. In page 20, lines 23 and 24 deleted.

[0]

SECTION 37

13. In page 33, between lines 17 and 18, the following inserted:

“(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.”.

SECTION 44

14. In page 35, line 23 deleted and the following substituted:

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

15. In page 35, lines 27 and 28 deleted.

16. In page 35, line 33, “*subsection (2)(a) and (b)*” deleted and “*subsection (2)(a), (b) and (c)*” substituted.

[#This is a reference to a paragraph proposed to be inserted by amendment no. 14.]

17. In page 36, line 5, “*subsection (2)(a) or (b)*” deleted and “*subsection (2)(a), (b) or (c)*” substituted.

[#This is a reference to a paragraph proposed to be inserted by amendment no. 14.]

18. In page 36, line 9, “*subsection (2)(a) or (b)*” deleted and “*subsection (2)(a), (b) or (c)*” substituted.

[#This is a reference to a paragraph proposed to be inserted by amendment no. 14.]

SECTION 46

19. In page 37, lines 21 and 22 deleted.

SECTION 47

20. In page 38, line 1, after “2”, “persons” inserted.

[0]

SECTION 52

21. In page 40, between lines 19 and 20, the following inserted:

“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 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.”.

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

SECTION 55

22. In page 41, lines 26 to 28 deleted and the following substituted:

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

SECTION 60

23. In page 44, between lines 26 and 27, the following inserted:

“(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)*.”.

[0]

SECTION 72

24. In page 50, between lines 6 and 7, the following inserted:

“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);”.

NEW SECTION

25. In page 50, after line 17, the following inserted:

“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”.

SCHEDULE

26. In page 51, line 18 deleted.