



**SEANAD ÉIREANN**

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

**DATA SHARING AND GOVERNANCE BILL 2018**

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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## AN BILLE UM CHOMHROINNT AGUS RIALACHAS SONRAÍ, 2018 —AN COISTE

### DATA SHARING AND GOVERNANCE BILL 2018 —COMMITTEE STAGE

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#### *Leasuithe Amendments*

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*\*Government amendments are denoted by an asterisk*

#### SECTION 5

1. In page 9, between lines 24 and 25, to insert the following:

#### **“Interaction with Data Protection Acts and General Data Protection Regulation**

5. Nothing in this Act shall affect the operation of data protection law.”.

—*Senator Alice-Mary Higgins.*

[*Acceptance of this amendment involves the deletion of section 5 of the Bill.*]

#### SECTION 6

2. In page 10, line 3, after “identity” to insert the following:

“excepting such parts of that public service identity which constitute special categories of personal data under GDPR, including biometric data such as facial images which allow for the unique identification or authentication of a natural person”.

—*Senator Alice-Mary Higgins.*

3. In page 10, line 3, after “identity” to insert the following:

“excepting such parts of that public service identity which constitute special categories of personal data”.

—*Senator Alice-Mary Higgins.*

4. In page 10, to delete line 5 and substitute “where the information is disclosed in accordance with the Act and compliant with Article 9 of GDPR”.

—*Senator Alice-Mary Higgins.*

5. In page 10, to delete line 5 and substitute “where the information is disclosed in accordance with Article 9 of GDPR.”.

—*Senator Alice-Mary Higgins.*

[SECTION 6]

6. In page 10, line 8, to delete “*section 12(2)(a)(ii)(VIII)*” and substitute “*section 12(2)(a)(ii)(III)* or *(VIII)*”.

—*Senator Alice-Mary Higgins.*

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

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

—*Senator Alice-Mary Higgins.*

*Section opposed.*

—*Senator Alice-Mary Higgins.*

SECTION 8

8. In page 10, between lines 23 and 24, to insert the following:

**“Data-sharing: meaning**

8. (1) In this Act, “data-sharing” means 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.

- (2) The basis on which data sharing processes may operate include—

- (a) a case by case basis for the validation and verification of data,
- (b) on a defined batch processing basis for the validation, verification, and updating of specific populations of data, or
- (c) as once-off consolidation and integration of disparate data sets to form a new, shared, master data repository.”.

—*Senator Alice-Mary Higgins.*

[*Acceptance of this amendment involves the deletion of section 8 of the Bill.*]

SECTION 9

9. In page 10, to delete lines 34 to 38, and in page 11, to delete lines 1 to 30 and substitute the following:

- “9. (1) In this Act, “public body” means—

- (a) a company (within the meaning of the Act of 2014 or a former enactment relating to companies within the meaning of section 5 of that Act) a majority of the shares in which are held by or on behalf of a Minister of the Government,
- (b) a subsidiary (within the meaning of section 7 of the Act of 2014) of a company referred to in *paragraph (a)*.”.

—*Senator Alice-Mary Higgins.*

[SECTION 9]

10. In page 12, between lines 11 and 12, to insert the following:

“(5) Where a body designated by the Minister as a public body under this section has activities and functions which do not relate to the delivery of services to the public under an agreement with a public body, the Minister will make and publish regulations on suitable and specific safeguards to protect against any inappropriate access to or processing of data shared under this Act within that body.”.

—*Senator Alice-Mary Higgins.*

SECTION 12

11. In page 14, to delete lines 5 and 6 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 seek to verify their identity by other means;”.

—*Senator Alice-Mary Higgins.*

12. In page 14, to delete lines 9 to 12.

—*Senator Alice-Mary Higgins.*

13. In page 15, line 4, to delete “body.” and substitute the following:

“body, and

(f) the sharing of personal data is necessary and proportionate.”.

—*Senator Alice-Mary Higgins.*

SECTION 18

14. In page 17, between lines 26 and 27, to insert the following:

“(f) specify whether the basis on which the data is to be processed is—

(i) a case by case basis for the validation and verification of data,

(ii) on a defined batch processing basis for the validation, verification, and updating of specific populations of data,

(iii) as once-off consolidation and integration of disparate data sets to form a new, shared, master data repository, or

(iv) on another basis detailed in the agreement.”.

—*Senator Alice-Mary Higgins.*

15. In page 18, between lines 11 and 12, to insert the following:

“(n) demonstrate a consideration of whether there is a need for a data protection impact assessment.”.

—*Senator Alice-Mary Higgins.*

[SECTION 18]

16. In page 18, between lines 11 and 12, to insert the following:

“(n) demonstrate necessity and proportionality of sharing.”.

—*Senator Alice-Mary Higgins.*

SECTION 20

17. In page 19, between lines 38 and 39, to insert the following:

“(6) This section is without prejudice to and does not limit the rights of a person as a data subject in respect of any or all data controllers in a data sharing agreement.”.

—*Senator Alice-Mary Higgins.*

SECTION 37

18. In page 31, to delete line 34, and in page 32, to delete line 1.

—*Senator Alice-Mary Higgins.*

SECTION 42

19. In page 33, line 35, after “registry” to insert the following:

“other than where that information may be sought or collected on the basis of direct consent of the person or data subject”.

—*Senator Alice-Mary Higgins.*

SECTION 44

20. In page 34, line 24, after “18,” to insert “19,”.

—*Senator Alice-Mary Higgins.*

21. In page 34, line 24, to delete “20 and 21” and substitute “20, 21 and 34”.

—*Senator Alice-Mary Higgins.*

22. In page 34, line 25, to delete “Regulation.” and substitute the following:

“Regulation, and

(c) view information about any data breaches where their personal data may have been affected and information on how to request further information.”.

—*Senator Alice-Mary Higgins.*

SECTION 47

23. In page 36, to delete line 14 and substitute the following:

“(2) Membership of the Board shall be advertised through the Public Appointments Service.

(3) Members shall be appointed by the Minister on the recommendation of the Public Appointments Service and with the agreement of the Government.”.

—*Senator Alice-Mary Higgins.*

24. In page 36, between lines 17 and 18, to insert the following:

“(4) In particular, it shall endeavour to ensure that—

[SECTION 47]

- (a) no more than half of the Board are employees of a Department or a public body,
- (b) at least two members of the Board have expertise in the area of data protection,
- (c) at least one member should satisfy both *paragraph (a)* and *(b)* of this subsection.”.

—*Senator Alice-Mary Higgins.*

SECTION 55

**25.** In page 39, line 29, to delete “notice.” and substitute the following:

“notice, and

- (v) a deadline for submissions not sooner than two weeks from the date of publication of the notice.”.

—*Senator Alice-Mary Higgins.*