



26 October 2023

Ref: S1453 PAC33

Ms Sarah O'Farrell
Clerk to the Committee of Public Accounts
Committee of Public Accounts
Leinster House
Dublin 2

Dear Ms O'Farrell,

I refer to your letter of 13 October 2023 in relation to the Department's view on the Data Protection Impact Assessment (DPIA) carried out in July 2021 in relation to the Public Services Card.

The processing of biometric data is an essential component of the SAFE registration process, and the Department has always made this clear: in information leaflets, Frequently Asked Questions and Guides it makes available, and in the responses provided to Parliamentary Questions or questions raised at Oireachtas Committees. It is also clearly set out in our Privacy Statement which is available on our website.

The Department understands the importance of ensuring that data subjects know when, how and why their information is being processed by the Department. The Department is conscious of the need to ensure that the necessary information is provided in the right context at the appropriate time. The Department therefore strives to ensure that it is transparent with its customers at all times in relation to the personal data it processes and that all of its customers are provided with relevant and timely information within the appropriate contexts.



The leaflet entitled '*SAFE Registration and your personal data*' which contains information including the reason personal data is collected during SAFE registration and what personal data is collected, also directs the customer to further information resources on data protection such as the Department's Privacy Statement (referenced above), the Public Services Card website and the Data Protection Commission.

The Department is entirely satisfied that the information leaflet complies with the European Data Protection Board (EDPB) guidelines on transparency, regarding a layered approach to providing transparency information to data subjects in a non-digital environment.

Paragraph 34 of those Guidelines recognises "*the inherent tension between the requirements on the one hand to provide the comprehensive information to data subjects which is required under the GDPR, and on the other hand do so in a form that is concise, transparent, intelligible and easily accessible. As such, and bearing in mind the fundamental principles of accountability and fairness, controllers must undertake their own analysis of the nature, circumstances, scope and context of the processing of personal data which they carry out and decide, within the legal requirements of the GDPR and taking account of the recommendations in these Guidelines ... how to prioritise information which must be provided to data subjects and what are the appropriate levels of detail and methods for conveying the information.*"

The Guidelines go on to state, in paragraph 38, "*A layered approach to the provision of transparency information to data subjects can also be deployed in an offline/ non-digital context (i.e., a real-world environment such as person-to-person engagement or telephone communications) where multiple modalities may be deployed by data controllers to facilitate the provision of information. ... Whatever the formats that are used in this layered approach, the first "layer" (in other words the primary way in which the controller first engages with the data subject) should generally convey the most important information ..., namely the details of the purposes of processing, the identity of controller and the existence of the rights of the data subject, together with information on the greatest impact of processing or processing which could surprise the data subject.*" (Emphasis added)



In respect of the processing of biometric data, the leaflet states that “the photograph used for SAFE registration is also processed using facial image matching software to detect and prevent identity fraud”. The Department is satisfied that this statement meets the transparency requirement in this instance, given the other sources of information listed in the DPIA.

The principal other source of information is the Department's Privacy statement which is written in clear and concise language. The information is provided in a multi layered manner, where the most important points are highlighted, and data subjects are given further information where required.

I hope this letter clarifies the situation for the Committee, but, in the meantime, if I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely,



John McKeon
Secretary General