

An Roinn Sláinte  
Department of Health  
Secretary General



Catherine Smyth  
Committee Secretariat  
Committee of Public Accounts

By email to: [pac@oireachtas.ie](mailto:pac@oireachtas.ie)

25 January 2024

Your ref: S1540 PAC33

**Re: Department of Health Response to DPC Decision on the Inquiry IN-21-3-2**

Dear Ms. Smyth,

As per your letter of 5th January 2024 relating to the meeting of the Committee of Public Accounts on 14th December 2023, further information was requested as set out below:

- *“The Departments response to the decision of the Data Protection Commission regarding the Department of Health’s processing of personal information related to families of children with special needs and autism in 29 litigation files*
- *What steps, if any, the Department has taken to remedy the infringements identified by the Data Protection Commission”.*

**The Department’s response to the DPC decision**

The Department cooperated fully with the Data Protection Commission (“DPC”) through its investigation. This was an iterative process that involved an on-site examination of records by the DPC and its consideration of various submissions by the Department under the confidential, statutory terms of the Inquiry.

The DPC issued its final decision on the 16<sup>th</sup> of June 2023 and the Department’s response to the Decision can be summarised as follows:

- The Department welcomes the acknowledgement by the DPC that no evidence was found that the Department proactively sought information about plaintiffs, or their families from co-defendants.
- The Department notes that while it continues to now take reasonable, improved measures to meet its obligations towards data subjects, it regretfully

acknowledges that certain provisions of the GDPR had been inadvertently breached, as outlined in the DPC's Decision.

- The Department acknowledges its responsibility to protect the sensitive personal data it receives including restricting its processing, and access to the data, to a specified limited number of Departmental staff with explicit business needs for accessing said data.
- The Department acknowledges and accepts the proposed corrective measures outlined by the DPC in its decision.
- The Department remains committed to ensuring compliance with all its data protection obligations.

### **Steps taken in response to the DPC Decision**

As noted above, the Department accepted the corrective measures imposed by the DPC, acknowledged the concerns highlighted, and has taken steps to address the specific issues raised as required by the final decision.

In that decision, the DPC acknowledged the mitigations the Department had put in place since the issues covered in the investigation first arose.

The Department has continued to implement organisational and technical measures to protect personal data and increase security protocols around file storage and access.

These steps include, but are not limited to, the following:

- Data Protection, Records Management and ICT policies have been reviewed and updated.
- There is a secure filing system employed for both hard & soft copy records.
- Clean Desk Policy in place and implemented.
- A new access process is in place for Joiners, Movers, and Leavers.
- An appropriate file tracking system in place for both hard & soft copy records.
- There are facilities for the secure disposal of confidential waste.
- Mandatory data protection and cyber security training is in place to ensure all staff are aware of their obligations and responsibilities under the legislation when processing personal data on behalf of the organisation.
- All new staff are made aware of data protection obligations during the onboarding process and attend in person induction where data protection awareness is highlighted.

- Regular awareness emails are circulated regarding data protection principles, records managements procedures, and the importance of controls in ICT and cyber security.
- Data protection resources are available on the staff intranet to assist staff with implementation of data protection obligations, these include policies, templates, and guidance notes.

Yours sincerely,



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*Robert Watt*  
Secretary General