



Ministers Doherty and Donohoe brief Cabinet on Report of the Data Protection Commissioner on the Public Services Card and Reaffirm their Commitment to Continued use of the Card

Tuesday, 3 September, 2019:

During this afternoon's Cabinet meeting, Minister for Employment Affairs and Social Protection, Regina Doherty, T.D. and Minister for Public Expenditure and Reform, Paschal Donohoe, T.D., briefed Government on the recent report of the Data Protection Commission (DPC) on the Public Services Card (PSC).

The Ministers acknowledged the finding of the DPC that the PSC is validly required for the purposes of transactions with the Department of Employment Affairs and Social Protection. About 2.5m of the over 3m active users of the PSC are beneficiaries of Department of Employment Affairs and Social Protection (DEASP) services, such as free transport and pension payments; the DPC report confirms that both DEASP and its clients can continue to rely on the convenience of the PSC for these purposes. The Ministers also welcome the DPC's clarification that nothing in the report or findings undermines or invalidates the use of any PSCs already in issue. This is particularly welcome given the very high level of citizen satisfaction with, and support for, the PSC.

The Ministers also updated the Government on their consideration of the DPC's other findings relating to the legal basis for the issue of the PSC for transactions with bodies other than DEASP and the transparency of information provided to people related to the PSC.

Following very careful consideration of the report and having taken the advice of the Attorney General's Office the Ministers informed Government that they are satisfied that the processing of personal data related to the PSC does in fact have a strong legal basis, the retention of data is lawful and that the information provided to users does satisfy the requirements of transparency.

On this basis the Ministers believe that it would be inappropriate, and potentially unlawful, to withdraw or modify the use of the PSC or the data processes that underpin it as has been requested by the DPC.

Accordingly it is intended, in line with decisions of successive Governments dating back to 1998, to continue to operate the PSC and the SAFE 2 identity authentication process on which it is based.

The Ministers acknowledge that the DPC has reached a different conclusion but are satisfied based on their Departments' consideration of the issue and the advice received from the Attorney General's Office that the correct, and lawful, approach to take is to continue to

provide, and support the use of, the PSC not just by DEASP but by the other public bodies that rely on it.

The Department of Employment Affairs and Social Protection has written to the DPC this evening advising it of this decision. In doing this, and although it is not the Government's preferred outcome, it is acknowledged that it may be necessary and appropriate for the matter to be referred to the Courts for a definitive decision.

The Department is offering, together with the Department of Public Expenditure and Reform, to meet with the DPC to clarify a number of matters and to identify if, without prejudice to their position that the SAFE 2/PSC process is compliant with legal requirements, there are steps that can be agreed that could address the DPC's concerns.

Minister Doherty commented:

“My Department together with the Department of Public Expenditure and Reform and the Attorney General’s Office have given very careful consideration to the DPC’s findings, and while we respect the office and the good work it does, in this instance based on strong legal advice, we cannot agree with the findings.

Contrary to some reporting on this subject the PSC has not seen any mission creep. When it was first provided for by Minister Ahern in 1998 it was clear then, as it is now, that it was to become and be used as a key identifier for use across a wide range of public services.

It is our sincere and genuinely held belief that social welfare legislation provides a strong legal basis for the Department to issue PSCs for use by a number of bodies across the public sector. Without the PSC process people would not be able to use a single identity verification process but instead would be required to verify their identity on multiple occasions with multiple agencies – a situation which would make access to services more cumbersome for members of the public.”

Minister Donohoe commented;

“The PSC was always intended not just, or even mainly, to reduce identity and welfare fraud but to facilitate people in accessing public services in a streamlined manner without the need to submit the same documentation and information over and over again. The Attorney General’s Office advises that there is a clear legal basis for the continued use of the PSC”.

With regard to publication of the report, the Department of Employment Affairs and Social Protection intends to publish the report immediately following further engagement with the Data Protection Commission. A request for this further engagement was made in correspondence with the Commission this evening.

Further information

Over 3.9 million PSCs have issued to date. This includes replacement cards, renewals e.g. lost, stolen or expired cards. There are approx. 3.2 million people (c 89% of the estimated

adult population of the State) using the PSC, of which 2.5m are beneficiaries of DEASP benefits and services.

Approximately 400,000 PSC holders use the PSC to verify their identity on MyGovID.ie to access online services from the DEASP, Revenue, SUSI and shortly the Department of Children and Youth Affairs.

Each week:

- Payments valued at approximately €150m are made via post offices to over 600,000 people whose identity is verified, on each occasion, by use of the PSC.
- Just under 600,000 free travel journeys are made using the PSC.
- 1,500 (approximately) people over the age of 18 apply for a passport for the first time using the PSC to avoid having to resubmit identity data.

Earlier this year, a Customer Survey on the PSC was published. The survey, which looked at customer satisfaction around the processes and procedures involved in applying for a PSC, was undertaken independently on behalf of the Department by specialists in customer experience consultancy. A representative sample of 1,001 PSC holders, in terms of age and gender, were interviewed in December 2018.

The results showed that:

- 96% of PSC holders surveyed were either very satisfied or fairly satisfied with the process;
- Almost 9 out of 10 (87%) agree that it is very useful that other Government service providers may be able to use the identity information already provided in obtaining the PSC so as to avoid the need to provide the same information again;
- Almost 9 out of 10 (88%) of those surveyed felt that they either had access to the right level of information in respect of the SAFE/PSC process or had access to more than they needed;
- Nearly 8 out of 10 people (77%) understand the requirement to retain personal information and do not mind that their documents are retained

Details are available here: <http://www.welfare.ie/en/pressoffice/pdf/pr010319a.pdf>

Since the DPC announced its findings, there have been no reports of people returning their PSCs nor has there been any reduction in the demand for PSC appointments.

ENDS

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