

DPE 035/007/12

30 November 2012

To Heads of Departments / Offices

## **Circular 17/12: Data-Sharing in the Public Service**

A Dhuine Uasail,

### **1. Introduction**

I am directed by the Minister for Public Expenditure and Reform to refer to the matter of data-sharing in the public service. There are significant benefits to be gained from the greater sharing of data held by public service organisations both to achieve greater efficiency in the delivery of public services and to maximise convenience and other benefits for the user of those services. The Public Service Reform Plan recognises the need to improve data-sharing, while at the same time respecting the requirements of Data Protection legislation. People expect organisations to use their personal data to provide services to them and to use the aggregate information it holds to provide services to society.

This Circular sets out general guidance relating to data-sharing but is not intended to be an interpretation of the law in this area.

### **2. Requirements**

All public service organisations should identify where greater sharing of data is possible to achieve efficiencies within the organisation or with other organisations, while ensuring compliance with Data Protection legislation and/or specific other legislation where it exists. Organisations should facilitate other public service bodies seeking to share data where possible. If data-sharing is not possible, the reasons should be validated and recorded.

Organisations are required to have appropriate documented procedures in place for data-sharing arrangements with other bodies. Where such procedures are not in place they must be put in place. In particular, organisations are reminded of their obligations on receipt of data in relation to the retention, processing, disclosure, further transfer or destruction of the data received. Organisations are required also to ensure that they are aware of the available guidance relating to data-sharing and to take appropriate action where necessary.

### **3. Governance**

Organisations should ensure that appropriate governance arrangements are in place in relation to data-sharing. Where necessary, this should include the establishment of a group, with representation at senior management level from the organisations sharing data, to

oversee data-sharing matters and to deepen the interaction between the organisations at strategic and operational levels.

Where a significant data-sharing project is being initiated, a project owner should be appointed with responsibility for delivering the project and ensuring all issues between the relevant parties are managed satisfactorily.

#### **4. Data Protection and Data Sharing**

There are existing legislative provisions as well as guidance notes in the area of data protection and data-sharing. These include the following –

4.1 The general legal requirements for the protection of data are set out in the Data Protection Acts 1988 and 2003. More details can be found on the Data Protection Commissioner's website at: [www.dataprotection.ie](http://www.dataprotection.ie). In addition, primary legislative provisions exist in other Acts for data-sharing between specified public bodies.

4.2 The Department of Finance issued a guidance note in 2008, *Protecting the Confidentiality of Personal Data*. This is available on the Department of Public Expenditure and Reform website at:

[per.gov.ie/wp-content/uploads/GuidanceFinance.pdf](http://per.gov.ie/wp-content/uploads/GuidanceFinance.pdf)

4.3 The Data Protection Commissioner has issued specific guidance principles, *Data Sharing in the Public Sector*. These are available at:

[www.dataprotection.ie/docs/Data\\_Sharing\\_in\\_the\\_Public\\_Sector/1217.htm](http://www.dataprotection.ie/docs/Data_Sharing_in_the_Public_Sector/1217.htm)

#### **5. Data Sharing Clearing House**

The Department of Public Expenditure and Reform established a *Data Sharing Clearing House* (DSCH) in 2012 with representatives from senior levels within Government Departments and Agencies. The DSCH has a remit to review legislative provisions in relation to data sharing, particularly legislative obstacles to better data sharing, and progress any necessary legal changes. It also provides a mechanism for the discussion and resolution of data-sharing issues, whether these arise due to legal constraints or other reasons. Issues relating to data-sharing should be referred to the DSCH in the first instance. Contact details are set out in paragraph 7.

#### **6. Dissemination**

Each Department and Office is required to bring this Circular to the attention of all bodies and sectors under its aegis.

#### **7. Enquiries**

Enquiries concerning this Circular should be made to the Data Sharing Clearing House, Department of Public Expenditure and Reform (7th Floor, Lansdowne House, Lansdowne Road, Dublin 4), telephone 01 6767571 ext 5143, DDI (01) 604 5143, or e-mail [dsch@per.gov.ie](mailto:dsch@per.gov.ie).

Mise, le meas,

Tim Duggan  
Assistant Secretary