

AN COIMISINÉIR COSANTA SONRAÍ
Scéim 2014-2017 faoi Acht na dTeangacha Oifigiúla 2003

DATA PROTECTION COMMISSIONER
Scheme 2014-2017 under Official Languages Act 2003

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Foreword

During my term as Data Protection Commissioner I have been delighted to play a role in ensuring that our commitment to customer service is fully reflected in our efforts to provide the best service possible to those who wish to conduct their business in Irish. Resource constraints are a reality for any public service organisation, but by means of incremental changes we have managed to implement real improvements in a cost effective manner. I am proud of the advances we have made in ensuring that our main customer contact point, our website, is available in both Irish and English versions (www.cosantasonrai.ie and www.dataprotection.ie). I am also very happy with the commitment and enthusiasm of staff members who have tried to improve their ability to deal with customer queries in Irish. The continuation of this enthusiasm and commitment among our staff will be the key element in further developing the Irish language services provided by the Office over the life of this Scheme.

Billy Hawkes
Data Protection Commissioner

August 2014

Chapter 1 Introduction and Background

This scheme was prepared in accordance with Section 15 of the Official Languages Act 2003 (“the Act”) by the Office of the Data Protection Commissioner. Section 15 provides for the preparation by Public Bodies of a statutory scheme detailing the services they will provide

- Through the medium of Irish
- Through the medium of English, and
- Through the medium of Irish and English

And the measures to be adopted to ensure that any service not provided by the body through the medium of the Irish language will be so provided within an agreed timeframe

1.1 Guidelines / Preparation of the Scheme

Section 12 of the Act provides for the preparation of guidelines by the Minister for Community, Rural & Gaeltacht Affairs (now the Minister for Arts, Heritage and the Gaeltacht) and their issue to public bodies to assist in the preparation of the draft schemes. This scheme has been drawn up taking account of the guidelines issued in 2004.

The Office published a notice on its website under Sections 13 and 15 (3) of the Act on 22nd August 2013 inviting submissions in relation to the preparation of the draft scheme under Section 15 from interested parties. 2 submissions were received.

The Scheme has been developed taking account of the submissions received and the Office appreciates the time and effort put in by those concerned in this process.

This Scheme is predicated on all of the commitments in any previous scheme having been implemented. In the event of commitments in earlier schemes not having been fully implemented to date, this matter will be the subject of discussion with the Office of An Coimisinéir Teanga.

1.2 Background

The Office is fully committed to meeting the commitments contained in this, the third Scheme of the Office of the Data Protection Commissioner under the Official Languages Act 2003. In the course of its second scheme we continued to develop the Irish language skills of staff through facilitation of attendance at training courses and Irish language activities, all with a view towards improving day-to-day personal service delivery through Irish. All leaflets, guides and forms produced by the Office are produced bilingually under a single cover. We now produce almost all press releases bilingually. In our first scheme we undertook to create the Irish language version of our website (www.cosantasonrai.ie) and almost all website content is now available bilingually and all our online services are available bilingually.

1.3 Commencement date of Scheme

This Scheme has been confirmed by the Minister for Arts, Heritage and the Gaeltacht. The Scheme commences with effect from the **06 October 2014** and shall remain in force for a period of three years from this date or until a new Scheme has been confirmed by the Minister pursuant to Section 15 of the Act, whichever is the later.

1.4 Overview of the Office of the Data Protection Commissioner

1.4.1 Mandate *“What we do”*

The Office of the Data Protection Commissioner is established under the 1988 Data Protection Act, which was passed on the 13th July 1988, and came fully into force on the 19th April, 1989.

The Data Protection Amendment Act, 2003, updated the legislation, implementing the provisions of EU Directive 95/46. The Acts set out the general principle that individuals should be in a position to control how data relating to them is used. "Data controllers" - people or organisations holding information about individuals on computer or in structured manual files - must comply with certain standards in handling personal data, and individuals have certain rights.

The Data Protection Commissioner is responsible for upholding the rights of individuals as set out in the Acts, and enforcing the obligations upon data controllers. The Commissioner is appointed by Government and is independent in the exercise of his or her functions. The Commissioner makes an annual report to the Oireachtas. Individuals who feel their rights are being infringed can complain to the Commissioner, who will investigate the matter, and take whatever steps may be necessary to resolve it.

The Commissioner also maintains a register, available for public inspection, giving general details about the data handling practices of many important data controllers, such as Government Offices and State-sector bodies, financial institutions, and any person or organisation who keeps sensitive types of personal data.

The Commissioner also has a role to play in the enforcement of Electronic Communications Data Protection and Privacy Regulations (S.I. 336 of 2011). These regulations update earlier regulations (S.I. 535 of 2003) making the sending of unsolicited direct marketing messages by electronic means an offence, and contain provisions regarding the regulation of the use of “cookies” on websites, and providing adequate transparency in their use to individual users.

In addition to his primary responsibilities, the Data Protection Commissioner also exercises functions arising from Ireland’s membership of the European Union and other international bodies and in relation to North/South Bodies.

The Office of the Data Protection Commissioner is responsible for upholding the Data Protection rights of individuals and enforcing the corresponding obligations on organisations, as provided under the Data Protection Acts 1988 and 2003. Further information is available on our website www.cosantasonrai.ie or

www.dataprotection.ie or by contacting our Office on LoCall 1890 252 231.

1.4.2 Mission Goals

Our Mission is to protect the individual's right to privacy by enabling people to know, and to exercise control over how their personal information is used, in accordance with the Data Protection Acts, 1988 & 2003.

High-Level Goals

In accordance with our legislative mandate:

1. To vindicate the individual's right to protection of personal data as laid down by law.
2. To maximise levels of awareness and compliance with data protection obligations among those keeping personal data.
3. To provide timely, practical and easily understood advice to individuals and organisations.
4. To ensure that the individual's right to protection of their personal data forms part of the strategy for the more efficient delivery of public services, including public security.
5. To carry out our activities in a cost-effective manner, making maximum use of technology and shared services, working cooperatively with other regulators and avoiding the imposition of unnecessary regulatory burdens on organisations.
6. Prepare for a new Regulatory environment when new EU regulatory proposals in the area of data protection come into force.

1.4.3 Customer and Clients

Customer Service

The Office published a Customer Charter and Customer Service Action Plan for 2014. This Charter and Plan are updated annually. The Charter sets out the standard of service we aim to provide for our customers. Customers may be either a data subject (i.e. an individual) or a data controller (an organisation that collects and controls personal data) or a data processor (an organisation carrying out a task involving the use of personal data, on behalf of a data controller) or a representative of one of these.

Copies of this Charter and our Action Plan are available at points of service and on our website. We have undertaken to measure and evaluate our performance against these standards and report on this each year in our Annual Report. We aim to deliver a service efficiently and effectively, with courtesy and the minimum of delay and we guarantee to respect the rights of all parties in the delivery of the service.

Extent to which services are already available through Irish

The primary objective of the Official Language Act 2003 is to ensure better availability and a higher standard of public services through Irish. Significant commitments were made in the Office's first and second Scheme to improve the level of service in Irish. All these commitments, including the continuing development of

content on the Irish language version of our website developed during the first scheme, new online services being made available bilingually simultaneously and all leaflets, guides and forms produced by the Office being made available bilingually under a single cover have been delivered.

The objective of this third Scheme is to continue the delivery of these commitments and to build on the progress achieved across the Office over the period of the last Scheme.

Chapter 2 Means of Communication with the Public

The Office communicates with the Public through:

- a) Written means, including electronic communications;
- b) Interpersonal means

Publications

Means of Communication with the Public / Information to the Public

The Office communicates with the general public through:

- Information Leaflets
- Publications
- Press Releases
- Websites
- Regional visits and visits to Community Information Centres
- Speeches and presentations to conferences by the Commissioner and other staff
- Media Interviews

As previously stated following the delivery of the commitments in our first and second scheme, for the most part all of these are currently available in both Irish and English. The Annual Reports, most guidance documents and information leaflets are fully bilingual.

Almost all press releases are now issued bilingually.

Speeches, presentations and media interviews by the Commissioner or by senior officials of the Office are made available in the language(s) in which they are delivered.

Electronic communication

Our Irish language website, www.cosantasonrai.ie now contains detailed content and guidance in Irish. On-line complaints, queries (through eolas@cosantasonrai.ie), registration services, and the online data breach notification form for the telecommunications sector pursuant to Commission Regulation (EU) 611/2013 are available through Irish.

Chapter 3 Enhancement of Services to be provided bilingually

3.1 Enhancement of services

In this our third scheme, the Office's main focus will be building in a consistent manner, taking account of the level of demand for service, on the range of written and electronic means of communication available bilingually and on developing Irish language competency amongst staff to facilitate interpersonal Irish language service delivery on a general level.

3.2 General commitment to Irish Language service development.

The Office is committed to encouraging the development of Irish language skills across all areas of the Office to facilitate the progressive development of a quality one-to-one customer service in Irish to meet the demand for such services.

The Office already responds to any communications received in Irish in the same language but we will continue to develop the Irish language skills of staff to facilitate day-to-day interpersonal service delivery through increasing the relatively small core group of staff with sufficient Irish language capability and confidence to deliver these services.

3.3 Publications

- All leaflets, forms or guides published by the Office are currently and will continue to be published bilingually within a single cover from the commencement of the scheme.
- From the commencement of the Scheme, the Office will maximise the proportion of press releases (at least 80% per annum) that will be issued bilingually.
- The Office may be brought within the terms of the FOI Act during this Scheme and we will be obliged in accordance with sections 15 and 16 of the Freedom of Information Act to produce manuals which set out the functions, obligations and procedures of the body. A bilingual version of these manuals will be produced.

3.4 Electronic communication

The quality and quantity of the information available in Irish on our website was greatly increased during our second Scheme under the Official Languages Act. We will continue to provide a high standard of Irish language service through this channel and further enhance the quality of this service as follows:

- In addition to the provision of all static content, the Office will continue to build on the amount of Irish language content available on its website. The Office will ensure that all publications, including information leaflets and brochures that are produced in Irish or bilingually, will be made available on the Irish version of the website at the same time as the English version from the commencement of the new Scheme.

- The vast majority of documents currently available on the website are available bilingually. We will continue our commitment that any remaining documents of a general nature (i.e. excluding certain documents of a technical nature) for which no Irish version is currently available will be progressively made available in Irish so as to ensure that, by the end of the scheme, all such documents will be available bilingually.

In particular, we will ensure that the template data protection training presentations on the Training and Awareness section of the website are made available bilingually.

Any updates to guidance documents already available on the website will be made to both Irish and English versions simultaneously.

- On-line interactive services are currently provided simultaneously in both languages including our on-line Registration Service. This will continue to be the case from the commencement of the scheme.

- Should any new on-line interactive services be introduced during the course of the scheme, they will be introduced bilingually, simultaneously.

- Should the Office introduce any new websites during the course of the third scheme, the static content on these websites will be bilingual.

- The existing computer systems are all capable of handling the Irish language. Any new systems installed will also be fully capable of handling the Irish language.

Irish language templates of frequently used letters/documents will continue to be developed and reviewed to encourage staff to participate in providing the Irish service from the outset of the Scheme. The existing handbook of relevant vocabulary/phraseology, made available to staff under the second Scheme, will be reviewed and updated at the outset of the Scheme and annually thereafter.

3.5 Telephone Service

Very few telephone callers to the Office of the Data Protection Commissioner seek to have their business conducted in Irish. Unlike other public bodies due to our size we do not have a switchboard service. We currently operate a help desk manned by a number of staff on rotation. Arrangements were put in place under the first Scheme to ensure that the Helpdesk can put members of the public in touch, without delay, with whatever officer is responsible for offering the service through Irish. These arrangements will continue in place from the commencement of the scheme.

If an Irish speaker able to deal with the call is not available, the person receiving the call will explain the situation and take the caller's name, number and details of the query and will ensure that an Irish speaker returns the call.

We will in addition:

- continue to provide a bilingual telephone greeting by helpdesk staff, including giving the name of the Office in both Irish and English;
- staff able to provide a service through Irish will continue to leave a bilingual version of their voice mail messages; and
- continue to offer staff periodic training to ensure that they can support these services.

3.6 Face to Face Contact

Face to face contacts take place at present on a casual drop-in basis or on the basis of an appointment made. In the first case, the client's details may be recorded and sent on for action to the relevant staff member, if he or she is not available or free to meet the person.

Alternatively, clients choose to make an appointment to meet the person or persons dealing with their case. The service will continue to operate as follows from the commencement of the new Scheme:

- Appointments - a client who requires a service in Irish, and who requests a meeting to discuss his or her case, will be facilitated in meeting that staff member who will be assisted if necessary by a staff member competent in the language.
- Casual/Drop-in - a client will have access to an Irish speaker if one is available in the Office at the time. Otherwise we will offer contact details and an appointment with the assistance of an appropriate staff member.

3.7 Press/Publicity

From the commencement of this Scheme, **at least 80%** of all press releases per annum will be issued bilingually. A spokesperson for the organisation will continue to be available to the media to provide an Irish service, if advance notice is provided, from the commencement of the Scheme.

Chapter 4 Developing Staff Competence

4.1 Commitment

The Office will ensure that staff appreciate the thrust of the Act, understand the immediate legal requirements and the commitment to deliver a progressively enhanced service and see the service as an integral part of the commitment to quality client service.

To this end, a refresher presentation on the Official Languages Act 2003 and the related service obligations of the Office of the Data Protection Commissioner will be provided for staff members as part of the preparation of this Scheme. The Office will encourage staff to use their existing competence; subject to available resources we will continue to train and support staff so that existing competence can continue to be improved and we will provide the appropriate administrative supports ensuring that the identified standards/actions can be met.

Training policy within our office will promote an informed and positive attitude towards the right of the client to a service in Irish. This will be effected through in-house training and external presentations when available.

We will continue to seek to develop staff competence through language training courses to be provided externally subject to available resources. Staff will continue to be encouraged to attend language training courses during or outside office hours. Staff will be encouraged to use technical glossaries developed in connection with previous training courses.

Training needs will continue to be identified in the course of the Performance Management Development System and the Training Officer will incorporate those needs into individual and generic training programmes as appropriate.

Chapter 5 Monitoring and Revision

The Assistant Commissioner, Administration Section will keep the operation of the scheme under review. It is proposed that this will be done by way of progress reports on a yearly basis.

The day to day operation of the Scheme together with ongoing monitoring of the level of demand in the various areas will be the responsibility of the Assistant Commissioner, Administration Section.

Chapter 6 Publicising of Agreed Scheme

The provisions of the Scheme will be brought to the attention of the public by means of the following:

- The Scheme itself and subsequent updates on the delivery of commitments on particular services will be published on our website and reported upon in the Annual Reports; and
- In addition, the Office will take every opportunity in its day-to-day interactions with customers to promote and publicise the services it provides through Irish, including by:
 - Directly informing customers on a pro-active basis of the option of dealing with the Office through Irish, for example, by the display of notices at reception areas indicating the Irish language services that are available and also by prominently listing these on the Office's website;
 - Including footnotes on selected guidelines, leaflets, and applications forms explaining that these documents are also available in Irish (in cases where bilingual printed material is not produced under a single cover); and
 - Including notes in publications and advertisements that the Office provides services through Irish and, accordingly, welcomes customers who wish to deal with it in Irish, according to the commitments in its agreed Scheme.

A copy of this Scheme will be forwarded to Oifig Choimisinéir na dTeangacha Oifigiúla on approval.

The English version of this scheme is the original version.