

Mother and Baby Institutions Payment Scheme Privacy Statement



Rialtas na hÉireann
Government of Ireland





Mother and Baby Institutions Payment Scheme

Privacy Statement

Introduction

The Mother and Baby Institutions Payment Scheme has been established to provide financial payments and health supports (in the form of an enhanced medical card or once-off health support payment) to certain eligible persons in recognition of suffering experienced in a Mother and Baby or County Home Institution (“relevant institution”).

The Payment Scheme Office of the Mother and Baby Institutions Payment Scheme (the Payment Scheme Office) is charged with the Administration of the Payment Scheme on behalf of the Department of Children, Equality, Disability, Integration and Youth (the Department).

The Payment Scheme Office is led by a Chief Deciding Officer and comprises a team situated in the Department, and third party support, provided under contract by a company called RelateCare, with both operating under the direction and supervision of the Chief Deciding Officer.

The Department is the Data Controller of records under the Payment Scheme and is committed to protecting the rights and privacy of individuals (known as “data subjects”) in accordance with both European Union and Irish data protection legislation. We place high importance on the correct, lawful and fair handling of all personal data, respecting the legal rights, privacy and trust of all individuals with whom we deal.

The EU General Data Protection Regulation (GDPR 2016/679) is the latest initiative designed to harmonise data privacy laws across Europe, to protect and empower all EU citizen’s data privacy and to reshape the way in which organisations approach data privacy. The GDPR has been in force since 25 May 2018 and this policy reflects the requirements of the GDPR and the Irish Data Protection Acts.

The GDPR applies to any organisation that collects and stores personal data (data controller) and also any other organisation working on the instructions of the data controller (data processor). Adherence to the legislation is required by employees, contractors, consultants, agents and third parties who have access to personal data either directly or indirectly.



The GDPR significantly increases the obligations on organisations in how they collect, use and protect personal data. At the centre is the requirement for organisations to be fully transparent about how they are using and safeguarding personal data, and to be able to demonstrate accountability for their data processing activities.

Further information on data protection is available on the website of the Data Protection Commission (DPC) at dataprotection.ie

The Payment Scheme Office and the Department take your privacy seriously. It is important that you know how your personal information is processed. The GDPR introduces changes which give you greater control over your personal information. Please take time to read this notice carefully. If you have any questions about how we use your information, please contact our Data Protection Officer (details below).

Section 1: Who we are

In 2021, the Government approved an Action Plan for Survivors and Former Residents of Mother and Baby and County Home Institutions centred on a number of themes including: access to personal information; archiving and databases; education and research; memorialisation; restorative recognition; and dignified burials. The Action Plan aims to provide some acknowledgement of the profound suffering experienced by Irish women and their children in these institutions and reflects our understanding of the enduring impact these experiences have had on many citizens and their families.

The Mother and Baby Institutions Payment Scheme (the Payment Scheme) is the centrepiece of the Government Action Plan. Informed by a detailed consultation with survivor groups, with input from the Irish Human Rights and Equality Commission, the Payment Scheme adopts a holistic and non-adversarial approach to the provision of payments and benefits.

Legislation underpinning the Payment Scheme, The Mother and Baby Institutions Payment Scheme Act 2023, was enacted on 11 July 2023.

The Payment Scheme will be administered by the Payment Scheme Office which is comprised of (i) an Executive Office Team within the Department and (ii) a case management team, which is provided by a third party provider acting as



processors for the Department. The Payment Scheme Office is headed by a Chief Deciding Officer, which is a statutory role concerned with administering and overseeing the Payment Scheme, independent in its decision-making functions, but part of the Department.

The Department is the data controller for all personal data collected for the Payment Scheme.

For more information on the activities of the Payment Scheme Office, please log on to www.gov.ie/paymentscheme

You can contact the Payment Scheme Office in any of the following ways:

By e-mail: info@paymentscheme.ie

By phone: +353 1 522 9992

By post: PO Box 13668, Waterford, Ireland

Section 2: The Data Protection Officer

If you are concerned about what we do with your personal data or require any additional information in respect of any of our data protection policies, you can contact our Data Protection Officer (DPO) in any of the following ways:

By e-mail: dpocontact@equality.gov.ie

By phone: (01) 647 3000

By post: Data Protection Officer
The Department of Children, Equality, Disability, Integration and Youth
Block 1
Miesian Plaza
50-58 Baggot Street Lower
Dublin 2
D02 XWI4



Section 3: Purposes of processing of your personal data

3.1 Why do we process your personal data?

We process information about you for a range of purposes. These may include:

- to provide you with information about the Payment Scheme if you have requested it;
- to contact you, if required, in connection with your enquiry or to respond to any communication you might send;
- when you make a claim for an award under the Payment Scheme, either by post or online, and subsequently receive an award under the Payment Scheme;
- when we verify your claim from the records held within the Commission of Investigation Archives or information source records;
- when we make a payment to you;
- when we notify the HSE of your entitlement to an enhanced medical card;
- if you notify us of a change in your details or circumstances;
- in order to respond to correspondence either directly from you, or from other people approved to act on your behalf;
- in order to respond to Parliamentary Questions;
- where we engage in any consultation processes;
- where you are the subject of a legal case involving the Department;
- the storage of personal data (including legacy data), depending on our retention and archive requirements.

As outlined in the introduction, RelateCare are supporting the delivery of the Payment Scheme Office by providing case management and call-centre services and, as a result, process personal data in relation to the Scheme. RelateCare are a data processor and they have engaged a sub-processor, called TEKenable, to develop and maintain the Payment Scheme's Case Management System. The arrangements with RelateCare as a data processor are governed by a contract and a Data Processing Agreement.



3.2 What types of personal data do we collect?

Personal data we collect can include the following:

- your name;
- your address;
- your date of birth;
- your phone number;
- your email address;
- your Personal Public Services Number (PPSN); and
- certain financial information (i.e. bank account details).

We also collect special category data under Article 9(2)(g) of the General Data Protection Regulations including the following:

- name of institution(s) which you resided in;
- date(s) of entry to and date(s) of exit from the relevant institution(s);
- other information relevant to your residence in an institution (e.g. temporary absences).

There will be three main sources of data for the processing of applications: the applicants themselves; the Mother and Baby Home Commission archive and database; and the records of 'Information Sources'. An Information Source may include:

- A local authority
- The Health Service Executive
- The Child and Family Agency
- The Adoption Authority of Ireland
- The National Archives



3.3 What is our lawful basis for processing your personal data?

The following are the key pieces of legislation which underpin the Executive Office core functions, and which allow for the processing of personal data by us, or on our behalf:

- Mother and Baby Institutions Payment Scheme Act 2023
- Commissions of Investigation Act 2004
- General Data Protection Regulations, Article 6(1)(e) and Article 9(2)(g)

The Chief Deciding Officer is entitled to process personal data and special categories of personal data under the Mother and Baby Institutions Payment Scheme Act 2023 (Section 52). This function can be delegated to staff of the Executive Office Team or with any other person, for example the Case Management Team, with which the Minister has an agreement, subject to the general superintendence and control of the Chief Deciding Officer. This is provided for under Sections 9 and 11 of the Act.

Note: The Department has undertaken a Data Protection Impact Assessment before any data processing activity started within the Payment Scheme Office. In line with the GDPR, the Department consulted with its Data Protection Officer and the Data Protection Commission before commencing this new data processing activity. The Data Protection Impact Assessment can be accessed at www.gov.ie/paymentscheme.

Section 4: Where is your personal data stored?

4.1 Electronic storage

Personal data will be stored electronically on the Payment Scheme Office Case Management System hosted by our processors. It may also be stored on the ICT systems of the Department. These systems are fully protected by anti-virus and anti-malware software. Electronic data includes scanned copies of application forms, contact information, financial information, family details, health records (where applicable), copies of institutional records, copies of electronic correspondence, affidavits, legal waivers and claim history.

Access to personal data is restricted to those staff members who need the



information to carry out their official duties. Access is controlled by the requirement to have a unique login username and password, with usernames being linked to the minimum permissions necessary to allow the staff member to work in a secure environment and to only access the personal data that they need.

4.2 Storage of hard copy (paper) files

Where the Payment Scheme Office holds paper records containing your personal data, these are stored on individual files which are secured on premises and where only staff of the Payment Scheme Office can access them. This is achieved through physical security, where access to an office is by a swipe card or access card and where visitors are screened, signed in and accompanied by a member of staff, so that they cannot access any personal data stored by us. The Payment Scheme Office promotes a clean desk policy.

4.3 Secure off-site storage

Inactive and legacy files may be maintained in secure off-site storage, under contract. A limited number of staff members will have access, and the movement of files between the Payment Scheme Office and off-site storage is done according to protocol and under strict supervision.

Section 5: Sharing personal data

5.1 Categories of recipients with whom we may share your personal data

The **Department** may share your data with a range of organisations, but only where legally permissible, and where it is necessary for verification of information. In general, the types of organisations that the Department would normally share information with are as follows:

- Other public sector bodies or agencies for the purposes of verification of records, such as Tusla, HSE, General Register Office, Local Authorities, Adoption Authority of Ireland.
- Regulators or supervisory authorities.



- IT consultants, third-party contractors contracted by the Department, where they may be working on data handling systems & processes.
- The HSE, in the event you are eligible for an enhanced medical card as part of the Payment Scheme.

Section 6: Transfers of personal data

6.1 Will your personal data be stored outside of the European Economic Area?

No, your personal data will not be stored outside the European Union or the European Economic Area (EEA - EU 27, Iceland, Norway, and Liechtenstein).

6.2 Will we transfer your data outside of the EEA?

We will not transfer information about you to a country or international organisation outside the EEA.

6.3 Are there any other appropriate and suitable safeguards?

Personal data will only be transferred if appropriate safeguards are provided and on the condition that enforceable data subject rights and effective legal remedies are available. Appropriate safeguards may include:

- legally binding and enforceable instruments between public authorities/bodies;
- binding corporate rules;
- standard data protection clauses adopted by a Supervisory Authority and approved or adopted by the EU Commission;
- standard contractual clauses between controller/processor and recipient in the third country or international organisation.



Section 7: Retention – how long will we keep your personal data?

Data protection best practice requires that organisations should not store personal data for any longer than is required.

The Payment Scheme Office is responsible for the personal data that it collects for business reasons, including that which does not need to be retained indefinitely.

Records under the Scheme are Departmental records and therefore the retention of records will be in accordance with the National Archives Act 1986. Records may include personal data that have been processed by the Payment Scheme Office or on its behalf. The Department has and will continue to engage with the National Archives to determine retention periods across all relevant classes of records, and the Payment Scheme Office retention policy and retention schedule will be updated to reflect any approved retention changes and instructions issued by the National Archives.

Broadly speaking, as departmental records, successful applications under the scheme will be retained for a period of 7 years, will then be reviewed and may be subject to Archival under the National Archives Act 1986.

Unsuccessful or incomplete applications under the scheme will be retained for a period of 6 years and will be destroyed subject to authorisation from the National Archives.

Section 8: Your rights as a data subject

All data subjects engaging with the Department, the Payment Scheme Office and its processors have certain rights under EU (GDPR) and Irish data protection legislation. Guidance on the rights of individuals is available on the Data Protection Commission website and can be accessed via www.dataprotection.ie. Your rights are summarised below:

8.1 Right of access

You can make a formal request for a copy of your personal data being processed by



the Payment Scheme Office. We will need you to confirm your identity first, as we cannot give your personal data to others (except by specific request). Once we have verified your identity, we will seek to get the information that you have requested as soon as possible, but at the latest within one month of receipt of the request.

For complex requests, or where there are large numbers of requests, we can extend our time to respond to you by a further two months, but we must tell you we are going to do this within the first month, together with the reason for the delay. If we are not going to respond to your request, we must tell you this within one month. We must remind you that that you have the option of submitting a complaint to the Data Protection Commission.

If you make an electronic request, we may be required to respond to you electronically, unless you prefer otherwise.

Anything we do in response to your request and any information we give you must be free. If you make excessive requests (e.g. make the same one repeatedly) or your requests have no basis in fact, we may either charge you a fee or refuse to act on it.

Due to the size and nature of our operational areas, we may ask you to clarify your request. You can help us to fulfil your request by being as specific as possible about your dealings or contacts with us.

A Data Subject Rights Policy and Subject Access Request Form is available on the Department website and the Payment Scheme Office's website at www.gov.ie/paymentscheme, or on request.

8.2 Right to rectification

The Payment Scheme Office is committed to holding accurate data about you and will implement processes and procedures to ensure that you can rectify your data where inaccuracies have been identified.



8.3 Right to erasure (right to be forgotten)

The right to erasure and or deletion will be restricted on the basis that the records processed in the implementation of the Payment Scheme are subject to archival obligations as set for the Department. There will be, nonetheless, a process to remove unnecessary information prior to archival.

8.4 Right to restriction of processing

The Payment Scheme Office will implement and maintain appropriate procedures to assess whether your request to restrict the processing of your data can be implemented. Where the request for restriction of processing is carried out, the Department will write to you to confirm the restriction has been implemented and when the restriction is lifted.

8.5 Right to object

You have a right to object to the processing of your personal data in specific circumstances. Where such an objection is received, the Executive Office will assess the case on its merits.

8.6 Right to complain

If you are unhappy with how the Payment Scheme Office has processed a request made by you, we will endeavour to assist you in resolving any issues raised. In such circumstances you should contact the Data Protection Officer.

By e-mail: dpocontact@equality.gov.ie

By post: Data Protection Unit
Department of Children, Equality, Disability, Integration and Youth
Block 1
Miesian Plaza
50-58 Baggot Street Lower
Dublin 2
D02 XWI4

You also have the right to complain directly to the Data Protection Commission (DPC). The DPC can be contacted as follows:



By post: 21 Fitzwilliam Square South
Dublin 2
D02 RD28
Ireland

By e-mail: info@dataprotection.ie

Online: www.dataprotection.ie

By phone: 01 7650100 or lo-call number 1800 437 737

How to get in touch with us

If you have any queries about this policy, please contact the Data Protection Officer (DPO). The DPO for the Department can be contacted at dpocontact@equality.gov.ie.

How you can exercise your rights

You are entitled to exercise the rights outlined above. You can make a request under any of these rights by contacting the Department's Data Protection Office at this address:

By e-mail: dpocontact@equality.gov.ie

By post: Data Protection Unit
Department of Children, Equality, Disability, Integration and Youth
Block 1
Miesian Plaza
50-58 Baggot Street Lower
Dublin 2
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