



**AN COIMISINÉIR COSANTA SONRAÍ**  
Scéim 2006-2009 faoi Acht na dTeangacha Oifigiúla 2003

**DATA PROTECTION COMMISSIONER**  
Scheme 2006-2009 under Official Languages Act 2003

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## Chapter 1 Introduction and Background

This scheme was prepared in accordance with Section 11 of the Official Languages Act 2003 (“the Act”) by the Office of the Data Protection Commissioner.

*Section 11* 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 and their issue to public bodies to assist in the preparation of the draft schemes. This scheme has been drawn up taking account of those guidelines.

The Office published a notice under Section 13 of the Act on 05<sup>th</sup> July 2006 inviting submissions in relation to the preparation of the draft scheme under Section 11 from interested parties. Five submissions were received. All submissions received are available on the Office’s Website [www.dataprotection.ie](http://www.dataprotection.ie). The Office appreciates the time and effort put in by those concerned in this process.

The Scheme has been developed taking account of the submissions received.

## **1.2 Decentralisation**

The Office is fully committed to meeting the commitments contained in this Scheme. The Office was included in the first phase of the Government's decentralisation programme and moved to Portarlinton on 4 December 2006. In advance of the move there was an almost complete turnover of staff arising from decentralisation and the Office was not in a position to control the recruitment of staff for decentralisation in terms of Irish Language proficiency. Accordingly, the Office is starting from a relatively low base in terms of both written and interpersonal Irish language service capability. However, rather than viewing this as a potentially constraining factor, the review of all services provided by the Office which by necessity arises from such a fundamental change in staffing has allowed for consideration to be given to how best to integrate the Irish language into these services.

Our delivery of our commitments in this Scheme will need to be viewed against the basic fact that we are a relatively small Office with a staffing complement of 24 which limits our capacity somewhat to pull from a language base elsewhere in the Office as our staffing numbers do not allow for this as would be the case with a larger public body.

Against this background, we will as outlined later in the Scheme develop Irish language skills on an ongoing basis, as part of our decentralisation focused training programme which is designed to embed key skills, including language skills, into each staff member's skill set.

## **1.3 Commencement date of Scheme**

This Scheme has been confirmed by the Minister for Community, Rural & Gaeltacht Affairs. The Scheme is commenced with effect from 1 April 2007 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 earlier.

## 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, the Irish Parliament. 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. 535 of 2003](#)). These regulations make the sending of unsolicited direct marketing messages by electronic

means an offence and among other things make provision for a telephone marketing opt-out register.

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.dataprotection.ie](http://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**

1. To maximise people's ability to exercise their data protection rights.
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 people and organisations which, while supporting Information Society developments, fully protects Data Protection rights.

#### **1.4.3 Customer and Clients**

##### **Customer Service**

The Office published a Customer Charter and Customer Service Action Plan for the period 2006-2007 in April 2006. This 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. At present we provide a number of services bilingually. The Office's main corporate publications - Annual Report and Customer Service Action Plan - are available in both Irish and English.

### **Service through Irish**

We ensure that people who wish to conduct their business through Irish are facilitated, and that we respond in Irish to correspondence received in Irish.

We also aim to respond in Irish, to telephone callers who wish to speak in Irish, immediately where possible, or offer to have the call returned promptly by a member of staff who can deal with the query in Irish.

Signage and the Office's headed paper, compliment slips etc are also in Irish and English.

In accordance with our Customer Service Action Plan, the Office's policy has been to endeavour to provide a service through Irish to personal callers where possible when such a service is requested.

## 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

Some, but not all, of these are currently available in both Irish and English. The Annual Reports and the accompanying press releases are fully bilingual and Irish versions of information leaflets and of some of the other guidance material are also available in electronic and hardcopy formats.

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 website at present provides for a version which is navigable in Irish.

Where a document is published on the website (i.e. annual report) which are currently Bilingual, both versions are used.

## **Chapter 3 Enhancement of Services to be provided bilingually**

### **3.1 Enhancement of services**

In this our first 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 Irish but in going forward we will be seeking 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**

- Leaflets or guides to be published in future will be published bilingually from the commencement of the Scheme – within the one cover. Existing guides and forms not already available to the public bilingually will be made available

within the first year of the scheme. Initially separately but as new print runs become necessary this will be done under one cover.

- From the commencement of the Scheme, at least 30% of all press releases will be issued bilingually.
- The Office will be brought within the terms of the FOI Act during this year 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**

Our Office already provides extensive information in Irish on our website which was re-launched last year. We will further enhance the quality of this service in Irish on the website as follows:

- All new documents published on the website will be published bilingually from the commencement of the scheme;
- All current documents already on the website and 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, the following static content will be available bilingually:
  - About Us
  - Privacy Statement
  - Your Rights
  - Your Responsibilities
  - Registration
  - Publications and Forms
  - Guidance Material

- Enforcement
- European Functions
- Topics
- Greater prominence will be given to the Irish language version of the website on the English language version and vice-versa;
- A new url of [www.cosantasonrai.ie](http://www.cosantasonrai.ie) will be created during the course of the first year from which all Irish content can be accessed from the home page;
- Where on-line services are being provided, they will be provided simultaneously in both languages including our new on-line Registration Service.

Existing computer systems are received directly from the Department of Justice via a Citrix IT system which holds all information centrally. Accordingly they will be upgraded in line with the commitments contained in that Department's Scheme under the Act.

Irish language templates of frequently used letters/documents will be developed to encourage staff to participate in providing the Irish service, progressively from the outset of the Scheme.

A handbook of relevant vocabulary/phraseology will be made available, at the outset of the Scheme.

### **3.5 Telephone Service**

The Office dealt with 10,500 calls in 2005. Records suggest that very few of these callers sought 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 4 staff.

Suitable arrangements will be in place so that the Helpdesk can put members of the public in touch, without delay, with whatever officer is responsible for offering the service through Irish.

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:

- provide a bilingual telephone greeting by helpdesk staff from the outset of the Scheme;
- provide a pre-recorded bilingual telephone message from the outset of the Scheme; and
- staff able to provide a service through Irish will leave a bilingual version of their voice mail messages, from the commencement of the Scheme.

### **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 be enhanced as follows, from the commencement of the 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 30% of all press releases will be issued bilingually. Of those releases issued initially in English, an Irish version will be available on our website within 3 working days. A spokesperson for the organisation will 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. The Office will encourage staff to use their existing competence; we will train and support staff so that existing competence can be improved and we will provide the appropriate administrative supports required 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 affected through in-house specific Data Protection training, to be reinforced through regular training from the commencement of the Scheme.

We will seek to develop staff competence through language training courses to be provided externally. Staff will continue to be encouraged to attend language training courses during or outside office hours.

Training needs will 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 Partnership Committee in the Office 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 Deputy Commissioner.

## 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
- A copy of this Scheme has been forwarded to Oifig Choimisinéir na dTeangacha Oifigiúla.