

From: [DPC Info](#)
To: [REDACTED]
Subject: DPC Response
Date: Thursday 15 August 2019 17:02:29

Data Protection Commission
Ireland

Electronic Message

Rel C -19-8-448
ati Status Mail Sent
ng
To
:

Fro DPC Info <info@dataprotection.ie>
m : Date Sent On 15/08/2019

|
|
To [REDACTED]
:

cc
:

Sub DPC Response
jec
t

Comments :

Dear Mr [REDACTED]

I acknowledge receipt of your complaints against the Department of Employment Affairs and Social Protection (DEASP), received by email in this office on 10 August 2019.

In order to assist this office in fully assessing your complaints, I would be obliged if you could note the following.

1. In relation to your access request complaint against the DEASP, please note that it is not immediately apparent that you have made a valid access request for the personal data of your children. Your purported access request to the DEASP states that the request is in relation to "...payment of child benefit" and concerns "...forms that I filled out in the past looking for details of my children's school and doctor", before going on to list your children's details (names and dates of birth) and to request that the DEASP provide "...a copy of all information held by Welfare concerning my children's school or doctor. Please provide details of any date matching that has taken place with data held by other third parties (public or private) using the information on the children's school or doctors." In its response

to your request dated 23 July 2019, the DEASP states that it has "...no record of any Child Benefit claim in payment to you. This request would need to be submitted by the qualified person in question". This suggests that the child benefit application may have been signed off by the recipient of the benefit (for example, the mother of your children), and/or that the relevant child benefit payment is made to the recipient (and not to you directly).


Given that your request is worded in a manner that specifically seeks data associated with forms that you state you had filled out, it is not clear as to the basis that you consider the DEASP has erred in its response to you (presuming you accept its contention that no child benefit is payable to you). You may wish to clarify this point to the DEASP; in addition, we would respectfully suggest that, in order to obtain copies of the personal data of your children to which you are seeking access, you may wish to consider resubmitting an access request to the DEASP specifically indicating that your request is for the personal data of your children (not your own personal data).

In addition, we note that you have required data "...concerning my children's school or doctor". We would observe in this regard that it is highly likely that documents relating to information regarding your children's school or doctor would contain information to which you would not be entitled. We would suggest that you may wish to revert to the DEASP to clarify that you are requesting information on the school or doctor specifically as it relates to your children.

2. In relation to your complaint against the DEASP regarding your objection to its processing of your children's personal data, we note that, in its response to you dated 6 August 2019, the DEASP states that "...the legal basis for processing the data in question is Article 6(1)(c) [of the General Data Protection Regulation (GDPR)] which permits same when it is necessary for compliance with a legal obligation to which the controller is subject". Given that Article 21 of the GDPR provides for a data subject's right to object to the processing of personal data when the processing is based on Article 6(1)(e) or (f) of the GDPR, and given that the DEASP is asserting that Article 6(1)(c) is the lawful basis for the processing at issue in this case, we would be obliged if you could clarify the grounds upon which you consider that a right to object under Article 21(1) of the GDPR exists in this instance.

We look forward to hearing from you in this regard, at which point we will be in a position to consider the matter further.

Yours sincerely,


Higher Executive Officer

15/08/2019

ENCLOSURES:

An Coimisiún um Chosaint Data Protection Telephone: 076 1104800,
Sonraí Commission, Email:
21 Cearnóg Mhic Liam, 21 Fitzwilliam Square, info@dataprotection.ie,
BÁC 2, Dublin 2, Website:
D02 RD28, Éireann.” D02 RD28, Ireland. www.dataprotection.ie

Is le haghaidh an duine nó an eintitis ar a bhfuil sí dírithe, agus le haghaidh an duine nó an eintitis sin amháin, a bheartaítear an fhaisnéis a tarchuireadh agus féadfaidh sé go bhfuil ábhar faoi rún agus/nó faoi phribhléid inti. Toirmiscear aon athbhreithniú, atarchur nó leathadh a dhéanamh ar an bhfaisnéis seo, aon úsáid eile a bhaint aisti nó aon ghníomh a dhéanamh ar a hiontaoibh, ag daoine nó ag eintitis seachas an faighteoir beartaithe. Má fuair tú é seo trí dhearmad, téigh i dteagmháil leis an seoltóir, le do thoil, agus scríos an t-ábhar as aon ríomhaire. Is é beartas na Roinne Dlí agus Cirt agus Comhionannais, na nOifigí agus na nGníomhaireachtaí a úsáideann seirbhísí TF na Roinne seoladh ábhair cholúil a dhícheadú. Más rud é go measann tú gur ábhar colúil atá san ábhar atá sa teachtaireacht seo is ceart duit dul i dteagmháil leis an seoltóir láithreach agus le mailminder[ag]justice.ie chomh maith.

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer. It is the policy of the Department of Justice and Equality and the Agencies and Offices using its IT services to disallow the sending of offensive material. Should you consider that the material contained in this message is offensive you should contact the sender immediately and also mailminder[at]justice.ie.
