

Appendix: Primary Standards and External Obligations

In forming the Department's data principles it is critically important to take account of both external and internal commitments and obligations that are already in place or underway. This is to ensure that the principles reflect the actual environment within which DTTaS operates. Again, this list is not exhaustive but does demonstrate the primary elements.

A.1 Central Statistics Office – Irish Statistical System Code of Practice (ISSCoP)

To be of value statistics must be produced in an independent and objective manner to ensure public trust. Official statistics play an important role in providing evidence to inform policy makers in support of policy formulation and evaluation.

European statistics are produced in adherence to the European Statistics Code of Practice (ESCoP), which is consistent with the UN Fundamental Principles of Official Statistics. These codes provide the necessary assurances that statistics are compiled in an objective and independent manner and in accordance with sound statistical and data management principles.

Both official and European statistics are compiled by a wide range of public authorities. While all compilers of European statistics in Ireland adhere to the ESCoP there are no standards in place for the compilation of other official statistics by public authorities other than the CSO. It is in this context that the Public Service Reform Plan, published in November 2011, tasked the CSO with developing a code of practice for the Irish Statistical System (ISS).

This code applies to the compilation of official statistics produced within the ISS. It is a subset of the ESCoP. Statistics carrying the Irish Statistical System Code of Practice (ISSCoP) logo indicate that they are official statistics and adhere to the ISSCoP.

The five principles underpinning the ISSCoP are:

1. Professional Independence
2. Timeliness and Punctuality
3. Accessibility and Clarity
4. Commitment to Quality
5. Confidentiality

The Department has formally committed to the ISSCoP and commits to implement its five principles in all its work related to data and statistics.

A.2 National Statistics Board

The National Statistics Board (NSB) was set up as a non-statutory body in 1986 and established on a statutory basis in November 1994 under the Statistics Act 1993. The role of the Board, as defined by the Statistics Act, is to guide the broad strategic direction of the CSO and, in particular, to establish priorities for the development of official statistics in Ireland.

The NSB launched its [Strategic Priorities for Official Statistics 2015-2020](#) in September 2015. In a document entitled '*A World Class Statistical System for Ireland*' it sets out a vision for the Irish Statistical System to become an example of best international practice in the production and dissemination of official statistics. Realising this vision will involve using the broadest possible range of data for the compilation of official statistics and require significant changes in the structure, management and quality of administrative data holdings across the public sector. These changes will need leadership of the public service from the highest level and the willingness of public bodies to embrace change in the management of their data holdings.

The NSB believes that "the key to unlocking the potential contained within administrative data in Ireland and moving towards a register-based system of official statistics lies in the more consistent use of unique identifiers on public datasets." It states that, to achieve this, a National Data Infrastructure (NDI) should be created. This will involve the consistent use of permanent unique identifiers on public data sources so as to enable linkage of data sets and creation of a system of integrated base registers for statistical purposes.

A.3 Department of Public Expenditure and Reform - Open Data

The Department of Public Expenditure and Reform (DPER), through work with the Open Government Partnership (OGP), have established an Open Data Governance Board to lead work in the area of open data in Ireland. Open Data refers to a process by which data held by public bodies is made freely available and accessible online for re-use and redistribution. International studies have identified the economic benefits of Open Data through the potential to develop new products and services, boosting capacity to innovate, and increased business efficiency. It also provides clear value in increasing openness, transparency and accountability, enhancing public governance, increasing public service efficiency and strengthening the quality of administrative data.

Open Data forms a core element of Ireland's Open Government Partnership Plan 2014-2016 and the Public Service Reform agenda. Improved data management is also a crucial element of ICT Strategy, the implementation of the Civil Service Renewal Plan, and the delivery of the Public Service Reform Plan. Open Data complements the Publication Scheme requirement under the Freedom of Information Act 2014 which promotes wider publication of information as a matter of routine.

The vision set out by the Open Data Governance Board is:

- To develop Ireland as a country where the economic, social and democratic opportunities and benefits for all stakeholders can be realised by publishing high value open datasets; and
- To put the ecosystem in place to enable the potential of Open Data to be exploited and to develop niche areas where Ireland has the potential to develop core competencies and be a leader in Open Data.

The Board's mandate states that the success of Open Data in Ireland requires the following from public bodies:

- Adopt best practice in data management;
- Audit datasets and publish high value datasets as appropriate;

- Ensure published datasets are in line with Technical Framework;
- Build trust in Open Data by updating published datasets regularly and safeguarding right to privacy;
- Use Open Data for data analytics to improve evidence base for decision-making, to achieve efficiency gains in functions;
- Engage in outreach and collaboration activities with users to promote usage and seek input; and
- Address capacity building requirements and identify senior management member as Open Data leader.

As such the implementation of the Open Data initiative is something that will require a whole of Government approach and this has implications for DTTaS.

A.4 Data protection

The Office of the Data Protection Commissioner is responsible for upholding the privacy rights of individuals in relation to the processing of their personal data. These rights are contained in the [Data Protection Acts 1988 and 2003](#). The 2003 Amendment Act brought our law into line with the EU Data Protection Directive 95/46/EC. The Data Protection Acts set out the rules regarding the ways in which personal data and sensitive personal data are collected, accessed, used and disclosed. The Data Protection Acts also permit individuals to access their personal data on request, and confer on individuals the right to have their personal data amended if found to be incorrect.

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. 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 Departments and State-sector bodies, financial institutions, and any person or organisation who keeps sensitive types of personal data.

A.5 Freedom of Information

The FOI Act provides, that from the effective date, every person has the following legal rights:

- the right to access official records held by Government Departments or other public bodies as defined by the act;
- the right to have personal information held on them corrected or updated where such information is incomplete, incorrect or misleading; and
- the right to be given reasons for decisions taken by public bodies that affect them.

Regulations provide that parents, guardians and next-of-kin may apply to exercise these rights in certain circumstances.

These rights mean that people can seek access to personal information held on them no matter when the information was created, and to other records created after the effective date.

The types of bodies that are subject to FOI under the Act, in whole or in part, are as follows:

- Government Departments and agencies under the remit of Government Departments;
- An Garda Síochána;
- Local Authorities;
- Education and Training Boards;
- Health Service Executive;
- Voluntary Hospitals;
- Universities and other higher education institutions;
- Regulators, such as the Commission for Energy Regulation, the Commission for Communications Regulation;
- National Treasury Management Agency and its subsidiary bodies;
- Central Bank of Ireland;
- Refugee and asylum seekers bodies, such as the Office of the Refugee Applications Commissioner and the Refugee Appeals Board; and
- Commercial State Companies operating in a monopoly market, such as Irish Water, Irish Rail and the energy network functions of ESB, EirGrid and Ervia.

A.6 The Re-Use of Public Sector Information Regulations

The European Communities (Re-Use of Public Sector Information) Regulations 2005 (as amended by SI 103/2008 and SI 525/2015) create a statutory framework for the re-use by businesses and citizens of existing information held by public sector bodies in new products and services.¹ The Regulations affect how information can be re-used, once it has been legitimately accessed, by placing obligations on the public sector to the benefits of re-users with the aim of boosting economic activity, but they do not create any new rights of access to information.

“Re-use”, in relation to a document held by a public sector body, means the use by an individual or legal entity of the document for commercial or non-commercial purposes other than the initial purpose within the public task for which the document was produced. The PSI regulations place a number of obligations on public bodies in order to be compliant with the regulations. These include:

- According to the regulations, public sector bodies shall make available to the public a list of their main documents that are available for re-use (together with relevant metadata, if possible). A public sector body shall:
 - i. where possible and appropriate, ensure that the list of its main documents is available in machine-readable format;
 - ii. where possible and appropriate, ensure that potential requesters are able to search the list of documents and relevant metadata by electronic means; and
 - iii. where possible, facilitate the cross-linguistic search for documents.
- Public bodies should include a page on their websites providing, at a minimum, the following information in relation to PSI:
 - i. The name and email address of the staff member nominated to take responsibility for this area;
 - ii. A statement of policy on release of information under PSI;

¹ More information can be found at <https://data.gov.ie/psi>

- iii. Details of any possible charges;
 - iv. A list of the main documents available for re-use and a list of any other classes of information available for re-use (where possible, this list should also be published in open format and linked to the www.data.gov.ie website).
 - v. Licencing conditions;
 - vi. A link to the publication scheme prepared by the public body under section 8 of the Freedom of Information Act 2014.
- While not required under the PSI Regulations, best practice indicates that all public bodies should assign responsibility to a staff member for matters arising under the PSI Regulations.

The PSI regulations also set out procedures for making and responding to requests, including timelines, format and charging.