



**An Roinn Leanaí, Comhionannais,  
Míchumais, Lánpháirtíochta agus Óige**  
Department of Children, Equality,  
Disability, Integration and Youth

## **Department of Children, Equality, Disability, Integration and Youth**

**Privacy Notice for the transfer of databases, related  
records and Confidential Committee records from the  
Mother and Baby Homes Commission of Investigation**

**December 2021**

## Section 1: Who we are

The Department of Children, Equality, Disability, Integration and Youth (referred to as 'we' in this document) is the data controller.

We are the data controller for the personal data we process, unless otherwise stated.

There are many ways you can contact us, including by phone, email and post. More details can be seen [here](#).

If you have any questions or concerns about how we have handled your personal data, you can contact the Department's dedicated email address at [DPOContact@equality.gov.ie](mailto:DPOContact@equality.gov.ie).

You have the right to complain directly to the Data Protection Commission (DPC). More details are provided at the end of this document. The DPC can be contacted as follows:

**By post:** 21 Fitzwilliam Square South, Dublin 2, D02 RD28

**By e-mail:** [info@dataprotection.ie](mailto:info@dataprotection.ie)

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The Commission of Investigation into Mother and Baby Homes was established by Government in 2015 to provide a full account of what happened to women and children in Mother and Baby home institutions during the period 1922 to 1998. A link to the list of institutions that were investigated as part of the Mother and Baby Homes Commission of Investigation is [here](#). On the dissolution of the Commission, the records of the Commission of Investigation transferred to the Department.

Our Privacy Notice explains our commitment to complying with data protection legislation including the Irish Data Protection Acts 1988 to 2018 and Regulation (EU) 2016/679 (General Data Protection Regulation) for the sole purpose of archiving and when fulfilling relevant data subject rights (including rights under the Freedom of Information (FOI) Act 2014) following on from the transfer of the records from the Mother and Baby Homes Commission of Investigation to the Department.

In addition, we will continue to review the effectiveness of this notice to ensure it is achieving its stated objectives on at least an annual basis and more frequently if required, considering changes in the law and organisational or security changes.

## Section 2: What personal data do we process?

To assist in understanding what the term personal data means, you will find more information [here](#). In short, personal data is any data that relates to an identified, or identifiable living person, including electronic and hard copy records (where those records are in a structured form).

We process data of the following groups of individuals (data subjects, referred to as 'you' in this document):

- Former residents of homes

- Relatives of the former residents
- Mother and Baby Home employees and service providers
- Persons who gave evidence to the Confidential Committee and Inquiry Committee
- Members of religious orders
- State officials

The following table outlines the categories and types of personal data we may process for the purposes of storage or maintenance of the records, or to provide you with your information:

<b>Types of Personal Data (i.e. any information relating to an identified or identifiable person)</b>	
<b>Demographic Data</b>	Name, date of birth, age, information regarding parentage i.e. mother/father's name, birth of child, next of kin.
<b>Contact Details</b>	Phone numbers, postal addresses, email addresses, address of relatives, name and address of institutions, government agencies or places of employment.
<b>Financial Data</b>	Bank account number, credit card number, travel expenses
<b>Special Category Data</b>	Information relating to or revealing racial or ethnic origin, religious or philosophical beliefs, health, sexual life or orientation, medical records.
<b>Criminal Offences/Convictions</b>	Alleged crimes perpetrated by or against another person.
<b>Government Identifiers</b>	Passport number, personal public service number (PPSN), driver's licence details.
<b>Opinions and Assessments</b>	Opinions and assessments collected in the course of operational tasks and correspondence. Opinions obtained in confidence in the context of attendances before the Confidential Committee and Inquiry Committee.
<b>Any other types of data not listed above</b>	Occupation, date of admission, name of institution, house name, social work data, witness statements, witness documentation and photographs, witness support group data, proof of your address (a recent scanned copy of one of the following: a utility bill, letter addressed to you from Revenue etc.), other Photo ID bearing your date of birth <i>if requested for verification purposes</i> ).

As new data is collected and reviewed, this list will be updated accordingly.

### **Section 3: Why do we process your personal data?**

The [Commission of Investigation](#) (Mother and Baby Homes and certain related Matters) Records, and another Matter, [Act 2020](#) (“the 2020 Act”) and [section 43 of the Commission of Investigation Act 2004](#) required the Commission to deposit its databases and related records (the Mother and Baby Homes archive) with the Department.

Additional personal data may be collected in the context of dealing with data protection and FOI rights in respect of the Mother and Baby Homes archive.

We process the data as necessary for the exercise of official authority vested in the Department in the [public interest](#).

For any data we hold which is deemed [special category data](#), processing is necessary for reasons of substantial [public interest](#).

### **Section 4: What we do with your data and who we share it with**

We will process personal information in the context of maintaining and storing the records we received from the Commission, responding to data subject access or FOI requests, and in some cases, sharing data to service providers who are assisting us with fulfilling our GDPR obligations.

When your personal information is processed by an outsourced service provider (a data processor), this processing is carried out on our behalf, and under the terms of a data processing agreement or contract (e.g., where an external storage provider securely stores hard copy material in an off-site facility, the OGCIO, IT providers, etc.). We may provide your personal details to statutory organisations where necessary for compliance with a legal obligation.

We may also disclose your information **only where necessary** in the circumstances arising to the following:

- Data Protection Commission
- The Office of the Information Commissioner
- The Attorney General’s Office
- Other legal advisors
- Law enforcement/Gardaí.

## **Section 5: Will my personal data be transferred outside of the European Economic Area (EEA)**

The Department will not ordinarily transfer personal data outside the EEA, unless it is necessary to correspond with a relevant party to a request who resides abroad.

## **Section 6: How we store your data?**

**Electronic Storage:** Personal data relating to the Mother and Baby Homes archive may be stored electronically on our internal ICT systems, and on the ICT systems of our processors and shared service providers. These systems are secure and password protected. Access is restricted and monitored to protect against unauthorised or unlawful processing by internal or external parties. The systems are protected by anti-virus and anti-malware software.

**Storage of hard copy (paper) files:** The Department holds some hard copy files relating to the Mother and Baby Homes archive, which contain personal data. These files are maintained in secure off-site storage with a processing agreement in place. Files can be retrieved within a few hours if they are urgently required.

### **The Department's commitment to protect your data:**

- We use encryption where feasible
- We restrict and monitor access to sensitive data
- We train our employees in data protection and security measures
- We build secure networks to protect online data from cyberattacks
- We have established clear procedures for reporting privacy breaches.

### **Your data will be:**

- Kept up to date. When you request rectification of your records, we will take every reasonable step to ensure that personal data that is inaccurate or incomplete, having regard to the purposes for which the records are being processed, is rectified without delay.
- Processed for the purposes of fulfilling relevant data access rights or directly from you for the purpose of exercising your rights.
- Protected against unauthorised access or illegal processing by internal or external parties.

## **Section 7: The period of time for which your data will be retained**

We are generally required by law to retain your data and we will do so in line with our obligations under the National Archives Act 1986, having regard to relevant GDPR principles.

## **Section 8: Your Data Subject Rights**

### **8.1 Right of Access (Article 15):**

**When do I have the right to access my personal data from the Department?**

Where we process any personal data relating to you, you have the right to obtain confirmation of the processing from us, and to request access to your data.

### **What information will the Department provide to me?**

If we are processing your personal data, you are entitled to certain information and to request a copy of such personal data, subject to a verification process to ensure we are communicating with the correct person.

We will provide the following information as may be appropriate relating to your personal data:

- Why we are processing your personal data;
- The types of personal data concerned;
- The third parties or categories of third parties to whom the personal data have been or will be disclosed. We will inform you if any of the third parties are outside the European Economic Area (EEA) or international organisations;
- How your personal data is safeguarded where we provide your personal data outside the European Economic Area or to an international organisation;
- The length of time we will hold your data or if not possible, the criteria used to determine that period;
- Your rights to:
  - request any changes to inaccurate or incomplete personal data held by us
  - seek to have your personal data deleted on all our systems
  - seek restriction of processing of personal data concerning you
  - seek to object to such processing
  - data portability
- Your right to lodge a complaint with the Data Protection Commission, which may be contacted by email at [info@dataprotection.ie](mailto:info@dataprotection.ie)
- Where we have collected your personal data from a third party other than the Commission, we will notify you with details of the source from which the data originated.
- Any automated decision-making, including profiling which includes your personal data. We will provide you with meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for you.

### **How long will it take to receive my personal data from the Department?**

We aim to provide you with a copy of the personal data we are currently processing within one month of validating your request. In situations where we are unable to provide you with the data within one month we will notify you, within one month of your request, explaining the reason for the delay and will commit to providing it to you within a further two months.

### **How much will it cost me to receive my personal data?**

We will not charge for providing you with your personal data.

### **Can I request additional copies of my personal data?**

The Department will provide one hard copy of personal data to you (should you request it in this format) and there is no fee for providing a copy.

### **Can I receive my personal data electronically?**

You can request your personal data by electronic means and we will provide your personal data in a commonly used electronic form, if technically feasible.

### **What will the Department do if another person's personal data is stored with my personal data?**

When providing you with your data, we must not adversely affect the rights or freedoms of others. Accordingly, in some cases, we may need to take a balanced approach, assessing your rights as a data subject against the rights and interests of others. It is our responsibility to ensure that the rights and freedoms of all are considered in this context, particularly given the highly sensitive nature of the personal data that we hold.

When fulfilling data subject access requests, you may receive mixed personal data such as birth and early life information. "Mixed personal data" is personal data which simultaneously relates to two or more people. In some cases, when responding to a subject access request, we may need to redact the details of other persons. This may happen where it is determined, following a balancing of rights, that disclosure would have an adverse impact on the rights and freedoms of an affected party that is not outweighed by the right of access. It may also be the case that personal data of another person (a third party) is contained within the same file as your personal data, but is not related to you (e.g., a register of residents at a Mother & Baby Home). Each subject access request will be examined on its own merits. In cases where we have made a decision to redact or omit a record that may contain your personal information, we will document our decision and include the justification for the action taken in our response to you.

## **8.2 Right to Rectification (Article 16):**

### **What can I do if the Department is holding incorrect or incomplete personal data about me?**

- Where you receive your data in response to a subject access request, and where you consider that the data we hold about you is inaccurate, you may wish to exercise your right to rectification. We will, on request, rectify any verified inaccuracies without undue delay and provide confirmation of the amendment(s) made.
- Where it is not possible for us to verify the inaccuracy of data held about you, it will not be possible to amend the data. We will advise you of that position and we will add a statement to your record or file that you have indicated that the data held is inaccurate and the reasons you believe it to be inaccurate.
- Where you indicate that data we hold about you is incomplete, we will, on request, consider the options available to have the data made complete, including by means of appending a supplementary statement with the text of your comments to the record.

- All practical options as may be appropriate in each case will be considered in exercising your right to rectification.

### **What happens if the Department has disclosed my personal data to third parties and I request rectification?**

Where we have disclosed inaccurate personal data to third parties, we will inform them and request confirmation that rectification has occurred. We will also provide you with details of the third parties to whom your personal data has been disclosed.

### **8.3 Right to Erasure (Article 17):**

#### **When do I have the right to erase all my personal data held by the Department?**

Ordinarily, under GDPR, a data subject may have the right to have their personal data deleted without undue delay if:

- a) The personal data is no longer necessary in relation to the purpose(s) for which it was collected/processed;
- b) They are withdrawing consent and where there is no other legal ground for the processing;
- c) They object to the processing and there are no overriding legitimate grounds for the processing;
- d) The personal data has been unlawfully processed;
- e) The personal data must be erased in order to comply with a legal obligation.
- f) The personal data has been collected in relation to the offer of information society services with a child.

It is important to note, however, that the Department holds the personal data contained in the Mother and Baby Homes archive for the purpose of providing a depository as required under the Commission of Investigation (Mother and Baby Homes and Certain Related Matters) Records, and Another Matter, Act 2020 ("the 2020 Act") and section 43 of the Commission of Investigation Act 2004 ("the 2004 Act").

The Department also holds the personal data in the Mother and Baby Homes archive for archiving purposes in accordance with the National Archives Act 1986. Therefore, the right to erasure does not generally apply in relation to the records in the Mother and Baby Homes archive.

Nevertheless, if you wish to make a request for erasure or redaction, your request will be individually considered having regard to the relevant GDPR principles and guidelines.

### **What happens if the Department has disclosed my personal data to third parties and I request erasure?**

Where we have disclosed your personal data in question to third parties, we will inform them of your request for erasure where possible. We will also confirm to you details of relevant third parties to whom the data has been disclosed where appropriate.



When fulfilling data subject requests where necessary and appropriate, a data subject may receive mixed personal data such as birth or early life information. Such information once provided to the data subject becomes theirs, and we cannot request erasure by them.

Personal data will only be shared with an outsourced service provider where a data processing agreement is in place. Such an agreement enables us to require the service provider to delete and/or return personal data on our instructions.

#### **8.4 Right to Restriction of Processing (Article 18):**

##### **When can I restrict processing?**

You may ask to restrict the processing of your personal data:

- While we are verifying the accuracy of your personal data, which you have contested;
- If you choose restricted processing over erasure where processing is unlawful;
- If we no longer need the personal data for its original purpose but are required to hold the personal data for defence of legal claims;
- Where you have objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and we are considering whether our legitimate grounds override your objection.

##### **What if the Department has provided my personal data to third parties and I request restriction of processing?**

Where we have disclosed your personal data in question to third parties, we will inform them about the restriction on the processing, unless it is impossible or involves disproportionate effort to do so.

When fulfilling data subject requests where necessary and appropriate, the data subject may receive mixed personal data such as birth or early life information. Such information once provided to the data subject becomes theirs and the Department cannot request restriction of processing by them.

Personal data will only be shared with an outsourced service provider where a processor agreement is in place to enable the Department to require the service provider to delete and or return personal data on the instructions of the Department.

##### **How will I know if the restriction is lifted by the Department and/or relevant third parties?**

We will inform you when a restriction on processing has been lifted.

#### **8.5 Right to Data Portability (Article 20):**

##### **When can I receive my personal data in machine-readable format from the Department?**

Under GDPR, a data subject may have the right to receive their personal data in a structured, commonly used and machine-readable format if:

- Processing is based on consent or contract;
- Processing is carried out by automated means;
- The data was provided to the Data controller by the Data Subject.

The right to data portability does not apply to the processing of personal data in the Mother and Baby Homes archive. However, the Department will provide a digitalised copy of your data held in the archive, in response to a subject access request for an electronic copy of your data.

### **8.6 Right to Object (Article 21):**

#### **When can I object to the Department processing my personal data?**

You can object on grounds relating to your particular situation. We will stop processing your personal data unless:

- We can demonstrate compelling legitimate grounds for the processing, which override your interests, rights and freedoms;
- The processing is for the establishment, exercise or defence of legal claims.

### **8.7 Automated Individual Decision Making including Profiling (Article 22):**

#### **What are my rights in respect of automated decision-making?**

We will not carry out any automated decision-making processes in relation to the records we received from the Commission.

#### **Right to withdraw consent**

Consent is generally not the basis for the processing by the Department of personal data contained in the archive, but individuals have a right to object to the processing.

## **Section 9: Right to lodge a complaint with the Data Protection Commission, or to seek a judicial remedy:**

### **Can I lodge a complaint with the Data Protection Commission?**

You can lodge a complaint with the Data Protection Commission in respect of any processing, by or on behalf of the Department, of personal data relating to you.

### **How do I lodge a complaint with the Data Protection Commission?**

Making a complaint is simple and free. All you need to do is write to the Data Protection Commission, giving details about the matter.

Postal Address:

**Data Protection Commission**  
21 Fitzwilliam Square South

Dublin 2  
D02 RD28  
Ireland

You can also contact the DPC online: <https://www.dataprotection.ie/en/contact/how-contact-us>.

You should clearly identify the organisation (in this instance the Department of Children, Equality, Disability, Integration and Youth) you are complaining about.

### **What happens after I make the complaint?**

The Data Protection Commission will then take the matter up with us on your behalf.

### **Can I seek a judicial remedy?**

Section 117 of the Data Protection Act 2018 allows you to seek a judicial remedy, if you believe your rights have been infringed as a result of non-compliance with the Act.