

Consultation on the transposition of Directive (EU) 2019/1937 of the European Parliament and the Council on the protection of persons who report breaches of Union law (EU Whistleblowing Directive)

Privacy Notice

This notice relates to the use of personal data that the Department of Public Expenditure and Reform (DPER) collects as part of the public consultation process regarding the transposition into law of the provisions of Directive (EU) 2019/1937 (the whistleblowing directive). It is a requirement under Article 13 of the General Data Protection Regulation (GDPR) that we provide you with this information.

Why do we process your personal data?

The transposition of Directive 2019/1937 will require amendments to the Protected Disclosures Act 2014. A number of the provisions in the Directive are considered subject to Member State discretion in their implementation. In order to collect and collate the views of both the general public and stakeholders who may be directly impacted by these changes, DPER is carrying out a public consultation process in order to inform the transposition of the Directive into Irish law. The data gathered through this consultation will be used for that purpose in accordance with Departmental best practice procedures and GDPR.

In addition to such personal data as an individual may choose to disclose as part of their submission, DPER is requesting the name, where relevant the affiliation to a particular organisation, enterprise, advocacy group, etc., address, phone number and e-mail address of any parties providing a submission, as DPER may be in contact with any of the parties that makes a submission for the purposes of conducting the review (i.e. seeking clarifications / further information) etc.

DPER, in the interests of transparency, intends to publish on its website the content of all submissions received in response to this public consultation process, and the identity of the party making the submission, consisting of their name and where relevant their affiliation. Other contact information such as email addresses and phone numbers will be redacted as standard.

“Special category” personal data is defined under Article 9(1) of the GDPR as “personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and ... genetic data, biometric data ... uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation”.

Special category personal data that you choose to provide in your submission will be processed for the purpose of considering same. You will be contacted before any special category personal data that may be contained in your submission is published.

Otherwise, it should be taken that all material contained in your submission, including personal data, may be published for transparency purposes without further reference to you. If you feel that any part of your submission should not be published, please clearly draw attention to this fact and set out a brief summary of your reasons. If you have flagged concerns in relation to the publication of your submission, in whole or in part, you will be contacted in this regard before any part of the submission is published.

On what lawful basis do we process your personal data?

Our Lawful basis for Processing under the GDPR	
<p>Processing is necessary in order to meet the legal obligations of the Department (Ireland) to transpose European Union Directives</p> <p>Article 6(1)(c) GDPR</p>	<p>This information will assist in the correct transposition of Directive (EU) 2019/1937 which must be transposed into Irish law by 17th December 2021.</p>
<p>Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller</p> <p>Article 6(1)(e) GDPR Section 38 Data Protection Act 2018</p>	<p>This information will ensure that the transposition of the Directive will reflect the views of the relevant parties and sectors who are likely to be affected by the provisions which are implemented and will guide Ireland's/the Department's decision making process on matters of member state discretion contained with the Directive.</p>
<p>In the case of any special categories of personal data you choose to provide in your submission, processing is necessary for reasons of substantial public interest</p> <p>Article 9(2)(g) GDPR</p>	<p>In addition to the lawful bases above, special category personal data may be processed on the basis of Article 9(2)(g).</p> <p>Depending on the nature of the special category data you choose to provide, other provisions may also apply, for example Article 9(2)(e) GDPR in relation to special category data that has already "manifestly been made public" by you.</p>

What personal data do we process?

Categories of Personal Data	
Personal identification data	First name, last name If relevant, details of affiliation to any a particular organisation, enterprise, advocacy group, etc.
Contact information data	Postal address, e-mail address, telephone number
Any other information that you decide to voluntarily share with us	Personal data, including any special category personal data, that is provided in the submission

Who has access to your personal data?

Contact information will be held solely within the Government Reform Unit of DPER. The name and where relevant affiliation of the party making a submission to a particular organisation, enterprise, advocacy group, etc., along with the submission itself, will be published on the DPER website if not otherwise identified as to be redacted.

Data storage and retention

We will retain your personal information as necessary, in order to fulfil the purposes for which it was collected. Material provided may be archived in due course in accordance with the provisions of the National Archives Act 1986. Identifying data, along with the submission itself, will remain on the DPER website for a reasonable period of time to allow for suitable openness, transparency and public scrutiny following the conclusion of the review process.

Applicant data rights

You have rights under data protection law in relation to how we use your personal information. You have the right, free of charge, to:

- Request access to or a copy of the personal data held about you. This can be done by contacting the Department at the contact details below and completing a [Subject Access Request Form](#).
- Rectify any inaccurate personal data held about you.
- Restrict processing of your personal data in certain circumstances.
- Request the erasure of personal data in certain circumstances.
- Object to the processing of personal data in certain circumstances.
- Not be subject to a decision which is based solely on automated processing where that decision produces a legal effect on you or otherwise significantly affects you. Your personal data submitted as part of this process will not be the subject of automated decisions of this nature.

What if I do not want to provide my Personal Data?

You are under no obligation to provide your personal data to us. The extent to which you wish to include personal data in your submission, if at all, is a matter entirely for your own discretion. However, if you do not provide us with personal identification data and contact information data, as outlined above, your submission may not be considered for the purposes of the review and may not be published on the DPER website, or referred to in the final review report.

Contact Details

DPER is the data controller in relation to this public consultation process.

Any queries about the use of your personal data as part of this process can be referred to the Department's Data Protection Officer at dataprotection@per.gov.ie.

If you wish to make a complaint about the use of your personal data you can contact the Data Protection Commission (DPC). Further details are available at www.dataprotection.ie.