

# Corporate Governance Framework for the Data Protection Commission



June 2022  
Data Protection Square  
21 Fitzwilliam Square, Dublin 2



An Coimisiún um  
Chosaint Sonraí  
Data Protection  
Commission

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## Foreword by the Commissioner for Data Protection

June 2022

The Data Protection Commission (DPC) has consistently prioritised strong internal governance structures and practices over the last several years, incorporating the requirements of the Code of Practice for the Governance of State Bodies<sup>1</sup> since it was introduced in 2016.

Under Section 25 of the Data Protection Act 2018, as the Commissioner for Data Protection, I have been appointed the Accounting Officer for the DPC's expenditure, effective from 1 January 2020. The DPC's funding is now being provided via its own separate Vote to enable direct control and accountability.

This change means that the DPC has extended its governance structures further. The Corporate Governance Framework for the Data Protection Commission (DPC), has been prepared in accordance with the principles, requirements and format set out in the Corporate Governance Standard for the Civil Service<sup>2</sup>. First published in January 2020, this revised Corporate Governance Framework reflects updated information on how assurance is provided to me in my role as Accounting Officer.



**Helen Dixon**  
Commissioner

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<sup>1</sup> [Code of Practice for the Governance of State Bodies](#) issued by the Department of Public Expenditure and Reform (DPER) in 2016

<sup>2</sup> [Corporate Governance Standard for the Civil Service](#) issued by DPER in 2015

## Introduction

### *Purpose*

The purpose of the DPC Corporate Governance Framework is to:

- Provide insight to our external stakeholders on the DPC's governance arrangements in the context of the DPC's work and purpose, and
- Ensure that DPC staff are clear on the DPC's governance arrangements, accountabilities and values.

This DPC Corporate Governance Framework sets out the DPC's values and behaviours. It also explains the management, governance and organisational structures that are in place to ensure that the DPC is best-placed to deliver on its organisational mission and objectives.

The DPC Corporate Governance Framework has applied the framework of Civil Service corporate governance guidance<sup>3</sup>, including constitutional and statutory provisions, and complies with the relevant provisions of the Ministers and Secretaries Acts 1924 to 2013, the Civil Service Regulation Acts 1956 to 2005, the Public Service Management Act 1997, and the Comptroller and Auditor General Acts 1866 to 1998.

### *Governance Principles*

Governance structures, policies and procedures at the DPC are underpinned by the core principles set out in the Corporate Governance Standard for the Civil Service<sup>4</sup>.

1. **Integrity** - Good governance supports a culture and ethos, which ensures behaviour with integrity, a strong commitment to ethical values, and respect for the rule of law.
2. **Responsibility** - Good governance helps to define priorities and outcomes in terms of sustainable economic and societal benefits and to determine the policies and interventions necessary to optimise the achievement of these priorities and outcomes. It means implementing good practices in transparency, reporting, communications, audit, and scrutiny to deliver effective accountability.
3. **Developing Capacity** - Good governance means developing the DPC's capacity, including the capability of the leadership team, management and staff.
4. **Accountability** - Good governance means managing risks and performance through robust internal control systems and effective performance management practices.
5. **Openness** - Good governance ensures openness, effective public consultation processes and comprehensive engagement with domestic and international stakeholders.

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<sup>3</sup> This includes but is not limited to codes and guidance such as the [Public Financial Procedures](#) issued by DPER in 2012, the [Public Spending Code](#) issued by DPER in 2019, the [Civil Service Code of Standards and Behaviour](#) issued by the Standards in Public Office Commission in 2004, and [Report of the Working Group on the Accountability of Secretaries General and Accounting Officers](#) issued by DPER in 2002.

<sup>4</sup> [Corporate Governance Standard for the Civil Service](#) issued by DPER in 2015.

## Chapter 1 - Overview of the Data Protection Commission

*The purpose of this chapter is to provide an overview of the work we do at the Data Protection Commission. This chapter sets out our mission, how we are structured, our core values and how we plan our work.*

### 1.1 The Work of the DPC

#### ***Role of the DPC***

The DPC is the national independent authority in Ireland responsible for upholding the fundamental right of individuals in the European Union (EU) to have their personal data protected. This means that the DPC is responsible for monitoring compliance with the General Data Protection Regulation (GDPR) and with several other legal frameworks.

By law, the DPC has always been an entirely independent body in how it delivers its regulatory tasks, including being independent of the Government. The GDPR also requires that the DPC has complete independence. The independence and objectivity of the DPC is reinforced by the fact that all of our funding is now directly voted by the Oireachtas, and none of our funding is from fees, levies or fines.

The GDPR defines the work of each supervisory authority in the EU, including the DPC, with reference to the main tasks (Article 57 of the GDPR) and the powers (Article 58 of the GDPR). The Data Protection Act 2018 (the Act) also defines the statutory powers, duties and functions of the DPC. The scope of the DPC's work is very broad as we supervise every organisation that is processing personal data, whether public<sup>5</sup> or private, and regardless of industry or sector or size.

#### ***Legal Framework***

The GDPR entered into application on 25 May 2018, with the Act introduced at the same time to give further effect to the GDPR. The Act also gave effect to the EU Directive known as the Law Enforcement Directive (LED)<sup>6</sup>.

The Data Protection Acts 1988 to 2003 continue to apply to complaints and investigations into potential infringements that relate to the period before 25 May 2018, as well as in relation to complaints and infringements which relate to certain limited other categories of processing, irrespective of whether that processing occurs before or after 25 May 2018<sup>7</sup>.

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<sup>5</sup> With the sole exception of the Courts.

<sup>6</sup> [Directive \(EU\) 2016/680](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA

<sup>7</sup> These other categories of processing are set out in Section 8(1) (a) and (b) of the Data Protection Act, 2018.

The DPC also has functions and powers related to other regulatory frameworks, including the Irish ePrivacy Regulations (2011)<sup>8</sup>, which includes powers to prosecute offences. In addition to specific data protection legislation, there are in the region of twenty other pieces of legislation, spanning a variety of sectoral areas concerning the processing of personal data, where we must perform a particular supervisory function assigned to it under that legislation.

### **European Context**

The DPC supervises and enforces the GDPR in a way that is consistent with the data protection supervisory authorities of other European Economic Area (EEA)<sup>9</sup> countries, who are all members of the European Data Protection Board (EDPB). The tasks of the EDPB, in ensuring the consistent application of the GDPR, are set out in Article 70 of the GDPR. As well as the supervisory authorities of the EEA countries, the European Data Protection Supervisor (EDPS) is also a member of the EDPB, with the EU Commission also participating in its activities and meetings.

The DPC has a very central EU role in safeguarding the data protection rights of many millions of people across the EU, as we supervise the technology, internet and social media companies that have their European headquarters in Ireland, on behalf of all EU individuals and not just those in Ireland. This is known as the One Stop Shop model under the GDPR.

### **Mission**

The DPC's high-level mission statement, as set out in our current Statement of Strategy (2019)<sup>10</sup> is:

*'Safeguarding data protection rights by driving compliance through guidance, supervision and enforcement'.*

The DPC's current strategic objectives are to:

- Continue to build the capacity and capabilities of the DPC to reflect our enhanced role under the new EU Data Protection Legal Framework
- Continue to closely collaborate and partner with EU and international data protection supervisory authority counterparts
- Drive increased data protection awareness and build insight into the context in which we regulate via strategic consultation
- Deliver effective oversight and exercise our enforcement powers fairly

At the time of publication of this Corporate Governance Framework, we are currently preparing our new Regulatory Strategy for the period 2021 to 2026.

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<sup>8</sup> [Statutory Instrument No. 336/2011](#) - European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011

<sup>9</sup> The European Economic Area includes all European Union (EU) member states and Iceland, Liechtenstein, and Norway.

<sup>10</sup> DPC 2019 [Statement of Strategy](#)

## 1.2 Our Values, Behaviours and Culture

### *DPC Values*

In line with the Civil Service Renewal Plan<sup>11</sup>, the DPC supports and promotes:

- A deep-rooted public service ethos of independence, integrity, impartiality, equality, fairness and respect;
- A culture of accountability, efficiency and value for money;
- The highest standards of professionalism, leadership and rigour.

The core values to which the DPC subscribes align with the standards outlined in the Civil Service Code of Standards and Behaviours<sup>12</sup>, the Ethics in Public Office Acts<sup>13</sup> and the Civil Service Renewal Plan. DPC staff are provided with these standards so that they familiarise themselves with all the relevant codes, rules and legislation governing the Civil Service.

At the DPC, we are committed to demonstrating the following values in performing our functions and fulfilling our responsibilities to the highest standards of professionalism, and in all of our interactions with individuals, organisations, statutory and regulatory bodies, as well as other stakeholders:

- Fairness
- Expertise
- Collaboration
- Professionalism
- Transparency
- Independence
- Accountability
- Integrity
- Impartiality
- Equality
- Respect

### *Code of Standards and Behaviour for Civil Servants*

The Civil Service Code of Standards and Behaviour<sup>14</sup> sets out the standards required of all Civil Servants in the discharge of their duties. At the DPC, we regularly ensure that our staff are aware of and understand the Code. We are committed to having a strong and effective framework for the management of conflicts of interest and standards of conduct of public officials to provide assurance as to the quality and efficacy of our governance standards.

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<sup>11</sup> [Civil Service Renewal Plan](#) issued by DPER (2014)

<sup>12</sup> [Civil Service Code of Standards and Behaviour](#) issued by SIPO (2004)

<sup>13</sup> [Ethics in Public Office Act](#) (1995) and [Standards in Public Office Act](#) (2001)

<sup>14</sup> [Civil Service Code of Standards and Behaviour](#) SIPO (2004)

## ***Ethics in Public Office***

The Standards Commission has published guidelines under the Ethics in Public Office Acts 1995<sup>15</sup> and 2001<sup>16</sup> (the Ethics Acts) for prescribed public servants as well as office holders to ensure compliance by them with the requirements of the legislation. At the DPC, we abide by the requirements of the Ethics Acts set out as follows.

## ***Annual Returns of Statements of Interest***

DPC staff who occupy designated positions as prescribed under the Ethics Acts must complete and return a statement of interests to the Secretary General at the Department of Justice (the Department), who is the relevant authority for the DPC. An annual notification to relevant staff is issued in relation to the submission of statements of interests and an up-to-date register is maintained by the Human Resources Division at the Department.

## ***Statements of a Material Interest***

Where an official function of a designated position of employment falls to be performed and a person who occupies that position or a 'connected' person (e.g. a relative, civil partner or a business associate) has a material interest in the matter, the person must not perform the function and must furnish a statement of the facts to the Secretary General at the Department. If the person intends to perform the function, because there are compelling reasons to do so, they must provide a statement of the compelling reasons to the Secretary General.

## ***Public Sector Equality and Human Rights Duty***

Under Section 42 of the Irish Human Rights and Equality Commission Act<sup>17</sup> 2014, all public bodies have an obligation to seek to eliminate all forms of discrimination, to promote equality of opportunity and treatment, and protect the human rights of customers, staff and service users, and everyone affected by their policies and plans.

The DPC is committed to meeting this requirement by assessing and identifying the human rights and equality issues that relate to our functions and the services we provide. We also identify the policies and practices to address these issues. We present our annual reports in a format that is accessible to the public on our developments and achievements.

## ***Environmental and Energy Issues***

The DPC fulfils its statutory and other obligations in relation to environmental and energy issues, as follows.

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<sup>15</sup> [Ethics in Public Office Act 1995](#)

<sup>16</sup> [Standards in Public Office Act 2001](#)

<sup>17</sup> [Irish Human Rights and Equality Commission Act 2014](#)



- In accordance with requirements under the Department of Communications, Climate Action and the Environment’s Public Sector Energy Efficiency Strategy 2017, the DPC’s Deputy Commissioner for Corporate Affairs, Media and Communications has responsibility for the delivery of the following actions and targets:
  - a. Striving to contribute to the achievement of the statutory target of a 33% reduction in energy use by public sector bodies by 31 December 2020, in accordance with S.I. 426 of 2014<sup>18</sup>,
  - b. Accurately reporting energy use annually, to the Sustainable Energy Authority of Ireland (SEAI) in advance of their deadline,
  - c. Publishing progress achieved on energy reduction in the DPC’s Annual Report;
- Participation in wider public sector initiatives in relation to energy and environmental issues;
- Eliminating the DPC’s use of single-use plastics, in accordance with the [Government Decision of 3 January 2019](#).

### ***Protected Disclosures***

Section 21 of the Protected Disclosures Act 2014<sup>19</sup>, requires public bodies to establish and maintain internal procedures for protected disclosures made by workers employed by public bodies.

In line with legislation, the DPC has a policy in place to guide staff at the DPC on how to raise any concern they may have about possible wrongdoing in the DPC. The policy, which is easily accessible for staff on the DPC intranet, provides for concerns to be investigated in a manner appropriate to the circumstances of the case.

In addition, the DPC is a “prescribed person” for the purpose of Section 7 of the Protected Disclosures Act 2014. This means that employees, from any organisation in Ireland, may make protected disclosures to the DPC regarding compliance with data protection legislation.

The Protected Disclosures Act applies to disclosures made to the DPC in this way if:

- the person making the disclosure reasonably believes that the relevant wrongdoing relates to compliance with data protection legislation, and
- the person making the disclosure reasonably believes that the information disclosed, and any allegation contained in it, are substantially true.

All disclosures, however made, are taken seriously and all efforts are made to address the issues raised in the most appropriate way.

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<sup>18</sup> [S.I. No. 426/2014 - European Union \(Energy Efficiency\) Regulations 2014](#)

<sup>19</sup> [Protected Disclosure Act 2014](#)

In general, protected disclosures made to the DPC are dealt with on a confidential basis. There are some exceptions to this, for example, if identifying the person making the disclosure is essential to the effective investigation of matters raised.

Further information on how to make a protected disclosure to the DPC is available [here](#).

### ***Irish Language Scheme***

The DPC is committed to meeting the obligations set down in our fifth Scheme under the Official Languages Act 2003<sup>20</sup>. The DPC publishes all leaflets, guidelines, forms and key documents in Irish and English. The DPC also has an Irish-language version of our website, which includes most of the content. All of our online webforms are available in both Irish and English.

Further information on the DPC Irish Language Scheme is available [on this page](#).

### ***Regulation of Lobbying***

The Regulation of Lobbying Act 2015<sup>21</sup> places a requirement on certain people contacting designated officials to provide details on the Register of Lobbying. The Commissioner for Data Protection is a designated official. Full details of the requirements of the legislation are available at [www.lobbying.ie](http://www.lobbying.ie). Information in relation to designated officials at the DPC can be found on our website [on this page](#).

## **1.3 Structure of the DPC**

Section 15 of the Act provides that the DPC consists of up to three Commissioners. Commissioners are appointed by the Government, on the recommendation of the Public Appointments Service, for a period of between four and five years. There is currently one Commissioner for Data Protection, Helen Dixon.

The DPC's Senior Management Committee (SMC) comprises the Commissioner for Data Protection and the seven Deputy Commissioners. The SMC oversees the proper management and governance of the DPC. Further details on the activities of the SMC are provided in Chapter 3.

The DPC is organised into distinct functional areas, with clear reporting lines and areas of responsibility. Each functional area is led by a Deputy Commissioner. Further information on our organisational structure can be found [on this page](#) on the DPC website.

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<sup>20</sup> [Official Languages Act 2003](#)

<sup>21</sup> [Regulation of Lobbying Act 2015](#)

## 1.4 Strategic Planning, Decision-Making and Performance Management

The effective operation of the DPC relies on strategic direction, strong business planning and performance management processes.

### *Strategy*

The DPC published its Regulatory Strategy to cover the period from 2022 to 2027 on 22 December 2021.

The Strategy is arranged according to fundamental goals, underpinned by the DPC's mission, vision and values, which collectively contribute to the delivery of its strategic priorities. The DPC recognises that it cannot achieve its ambitions alone – new partnerships and new ways of engaging will be necessary as we look towards a future of closer convergence. Nonetheless, the DPC builds from a position of confidence: we are a Regulatory office with ambition, a clear sense of purpose, a history of achievement, and a future of considerable promise.

In order to prepare this Regulatory Strategy, the DPC has engaged in a period of iterative consultation with a broad range of stakeholders, both internal and external, gathering insights and experiences of how the application of the General Data Protection Regulation (GDPR) has impacted the lives of individuals and organisations operating across a wide range of sectors. It is clear from the depth of thought given to these submissions that the GDPR is a matter of vital interest for many people. As is the case with any far-reaching legislation, the various interpretations from stakeholders of how best to apply the GDPR are not always in sympathy with each other. Nonetheless, the DPC is tasked with extracting the commonalities from these disparate points of view, and identifying an agenda of regulatory priorities which will drive compliance and promote better data protection outcomes for EU individuals.

The DPC Regulatory Strategy for 2022-2027 is available on the DPC website [here](#).

### *Business Plans*

The purpose of our annual business plan is to set out the key objectives and actions that will deliver our priorities as set out in our Statement of Strategy. Each unit of the DPC produces its own business plan, with reference to the Statement of Strategy, which forms the basis for individuals' goals, as part of the Performance Management Development System (PMDS) process. Business plans are consolidated into the DPC's overall annual business plan, which is reviewed throughout the year.

Assistant Commissioners, as Heads of Unit, are responsible for:

- Aligning unit business plans with the DPC's strategic objectives;
- Planning and prioritising team objectives and setting individuals' goals;
- Managing and implementing business plans.

Deputy Commissioners are responsible for:

- Consolidating business plans for their respective functional areas;
- Ensuring that the DPC's overall annual business plan will deliver the organisation's strategic priorities;
- Providing periodic updates on the implementation of strategic objectives to the Senior Management Committee (SMC).

### ***Performance Management***

Performance management is a two-way collaborative process, which encourages staff and their managers to think about, discuss and agree what needs to be done to strengthen individual performance, the performance of the DPC, and the quality of the services provided. A performance management development system (PMDS) is in place for all staff, at all levels at the DPC. PMDS is designed to be a fair and effective way of measuring and developing performance, through regular open, honest and constructive discussions between managers and staff. Effective performance management requires ongoing evidence-based review and feedback on performance throughout the year.

The key elements of PMDS are setting goals, identifying relevant competencies, establishing learning goals and completing formal reviews of performance, which are all fundamental aspects of managing performance. The annual business plan which is directed by the DPC's Statement of Strategy, enables our staff to see how their individual work contributes to their team's goals, their unit's goals and ultimately the goals of the DPC. The business planning process flows to the individual member of staff through the PMDS. Under this system, a role profile, which reflects the organisation's objectives, is agreed on an annual basis with each member of staff, setting out their goals for the year. Performance in relation to the achievement of these goals is reviewed mid-year and at the end of the year.

It is the responsibility of each person at the DPC to ensure their goal-setting is current and complete. Managers at all levels are responsible for ensuring full adherence to the PMDS process. The Senior Management Committee (SMC) collectively, and its members individually, are responsible for ensuring the effective operation of performance management across the DPC.

### ***Annual Report***

Under Section 24 of the Act, the DPC is required to prepare an Annual Report outlining our activities, key achievements, statistics and developments during the year under review. The Annual Report for the immediately preceding year must be published and copies laid before the Houses of the Oireachtas no later than 30 June each year. Our previous annual reports, for the period before the GDPR was introduced on 25 May 2018, are available on the DPC website [on this page](#) and annual reports for the period from 25 May 2018 onwards can be accessed [here](#).

## 1.5 Stakeholder Engagement

At the DPC, we recognise the importance of engaging effectively with all of our stakeholders, in Ireland, in the EU and internationally. This engagement assists us in understanding our stakeholders' diverse views and expectations, and gives insight to our stakeholders on the DPC's regulatory approach and activities.

### *Internal Communications*

Strong internal communications practices are essential to the successful operation of the DPC, particularly given the recent growth of the organisation and the changes to the regulatory legal framework. A variety of channels, both formal and informal, is used to ensure the dissemination of information on organisational goals, legal context, external developments and DPC activities. These include team meetings, email updates, a weekly DPC staff bulletin, the DPC intranet, topic-specific presentations and all-staff communications days.

### *External Stakeholder Engagement*

The DPC is committed to delivering our functions and tasks in as open and transparent a manner as possible, given the nature of our work.

Under Section 19 of the Act, the Commissioner is accountable to the Houses of the Oireachtas, generally through attendance at Oireachtas committees. As Accounting Officer for the DPC, the Commissioner also appears before the Committee of Public Accounts (PAC) of Dáil Éireann, as requested.

In accordance with the Department of Public Expenditure (DPER) Circular 25 of 2016<sup>22</sup>, the DPC provides a dedicated service to address the queries of Oireachtas members and to receive feedback.

The DPC runs open public consultation campaigns on specific matters, such as key guidance and strategy-related topics. The main aim of these consultation exercises is to ensure that our stakeholders have an opportunity to provide meaningful input that is taken into account by the DPC. Our open public consultations are published on our website [on this page](#). The DPC contributes to guidelines produced by the European Data Protection Board (EDPB) on various topics, which are subject to public consultation before being finalised.

The DPC also makes submissions in response to public consultation exercises that are run by other organisations when the subject matter makes it relevant for us to do so.

In addition to specific guidance that is open to public consultation, we regularly produce and publish guidance, blogs and information for both individuals and organisations. The

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<sup>22</sup> [Circular 25/2016 Protocol for the Provision of Information to Members of the Oireachtas by State Bodies under the aegis of Government Departments/Offices, DPER, 2016](#)

purpose of these is to raise awareness of data protection rights and obligations, provide practical advice on the application of data protection law, and clarify certain specific issues. Our guidance, blogs and publications are available on our website at [www.dataprotection.ie](http://www.dataprotection.ie).

We are committed to providing an efficient, professional and courteous service to the individuals and organisations who contact us and with whom we engage. Our Customer Charter sets out the standard of service we aim to provide and is available [at this page](#) on our website. We measure and evaluate our performance against this standard, and we report on this performance each year in our annual report.

To accompany the Customer Charter, the Quality Customer Service Action Plan sets out the steps to be carried out to enable achievement of the commitments made under the Charter.

The DPC also has a Managing Unreasonable Behaviour and Contacts policy in place and this may be found [here](#).

## **1.6 Review of Effectiveness of Corporate Governance Framework**

This Corporate Governance Framework is subject to ongoing review, by the DPC's Governance and Risk Unit, to ensure it is effective and up-to-date. It is amended in the event of changes that are relevant to its contents.

The Corporate Governance Framework is also subject to periodic review by the SMC to identify and address any governance issues arising, which could impact on the performance of the organisation and the delivery of the DPC's obligations and functions.

## Chapter 2 - Roles and Assignment of Responsibility

*The purpose of this chapter is to provide an overview of senior management governance roles and responsibilities at the DPC. Our senior management provides leadership and manages the implementation of the strategic objectives of the DPC to promote good corporate governance across the organisation so that all staff work in collaboration as an effective team. The ongoing achievement of this is formally supported by the business planning process and regular monitoring of progress by management.*

### 2.1 Commissioner for Data Protection

#### **Commissioner Role**

The Commissioner, together with the Senior Management Committee (SMC), has responsibility for the overall effective management of the DPC including management of staff, in their delivery of the DPC's mission to safeguard data protection rights by driving compliance through guidance, supervision and enforcement.

The functions of the Commissioner, including those relating to decision-making and exercise of powers, are set out in the Act.

#### **Accounting Officer**

Section 25 of the Act provides that the Commissioner, or where more than one Commissioner has been appointed under section 15 of the Act, the Chairperson of the Commission, is the accounting officer in relation to the appropriation accounts of the Commission for the purpose of the Comptroller and Auditor General Acts 1866 to 1998. There is currently one Commissioner for Data Protection, who is therefore the Accounting Officer for the DPC.

As Accounting Officer, the Commissioner has a number of responsibilities<sup>23</sup>, including, but not limited to:

- The safeguarding of public funds and property under her control;
- The regularity and propriety of all the transactions in the Appropriation Account bearing her signature;
- Economy and efficiency in the administration of the organisation; this includes ensuring that there are adequate financial management systems in place to support the proper administration of the organisation in an economic and efficient way;
- The adequacy of arrangements within the office to ensure the correctness of all payments under her control and the prompt and efficient recovery and bringing to account of all receipts connected with the DPC's Vote (Vote 44), or with any fund for which the DPC is responsible;

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<sup>23</sup> As set out in the [Role and Responsibilities of Accounting Officers - Memorandum for Accounting Officers](#) issued by DPER in 2011.

- Ensuring that Department of Public Expenditure and Reform (DPER) sanction for expenditure has been obtained, as required, and for the maintenance of a central record of both delegated and specific sanctions;
- Responsibilities for internal audit, including regularly reviewing the internal audit function to ensure there is the desired quality of assurance on the adequacy, reliability and efficiency of the organisation's internal control system.

### ***Appropriate Authority***

Under Section 169 of the Act, the Commissioner is the Appropriate Authority for the purposes of the Civil Service Regulation Act 1956, as it applies to staff of the DPC.

A Ministerial Order designating the Commissioner for Data Protection as the Appropriate Authority, under Section 20(2) of the Data Protection Act 2018, was signed in November 2021. Data Protection Commission employees, who were previously employed by the Department of Justice, are now employees of the DPC.

## **2.2 Roles and Responsibilities**

Section 13 of the Act outlines, among other things, the authorisation under which members of staff of the Commission perform the functions of the Commission. Assignments of responsibility are in line with DPC tasks and priorities, as set out in our current Statement of Strategy and business plan. The DPC's organisational structure, which is available on the DPC's website [at this page](#), sets out the specific accountabilities that are assigned to Deputy Commissioners and Assistant Commissioners / Heads of Units. These responsibilities are the basis for the overall management and governance framework for the DPC.



## Chapter 3 – Management and Governance Structures

*The purpose of this chapter is to provide an overview of the DPC's management structures.*

### 3.1 Senior Management Committee

The DPC's Senior Management Committee (SMC)<sup>24</sup> includes the Commissioner for Data Protection and the seven Deputy Commissioners. The purpose of the SMC is to oversee and monitor the proper management and governance of the organisation in line with the principles set out in the Corporate Governance Standard for the Civil Service.<sup>25</sup> The SMC provides strategic leadership, management and oversight of the organisation, setting key priorities, goals and objectives, amongst other duties.

The SMC follows its Terms of Reference, which is reviewed by the SMC annually, or as required, to ensure it is operating at maximum effectiveness and to implement any changes it considers necessary. The Terms of Reference for the SMC are available [at this link](#).

The SMC meets regularly as required and meetings are chaired by the Commissioner. It has a formal schedule of matters for consideration and decision, to ensure effective oversight and control of the organisation. These matters include, but are not limited to:

- Strategic direction and challenges
- Operational strategies and performance
- Significant policy issues and wider external cross sector issues
- Resource management
- Performance management
- Financial management
- Media and communications matters
- Corporate governance matters
- Procurement matters
- Risk management policies – including consideration of the risk register and ongoing management/mitigation of risks
- DPC annual report and financial statements (as audited by the Comptroller and Auditor General).

The decisions reached by the SMC, and further actions required, are recorded in approved minutes, which are made available to all DPC staff. The SMC is supported by the Head of the DPC's Governance and Risk unit who acts as Secretary to the SMC. The DPC Head of Finance also attends meetings of the SMC. From time to time, other DPC staff may attend SMC meetings, depending on agenda items.

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<sup>24</sup> Although the Corporate Governance Standard for the Civil Service recommends the use of the term 'Management Board' to describe the formal management structures; the DPC does not use this term as it is not a Government Department.

<sup>25</sup> [Corporate Governance Standard for the Civil Service](#) issued by DPER (2015)

The SMC is assessed on an annual basis to measure delivery and performance.

## 3.2 Deputy Commissioners

Specific accountabilities are assigned to Deputy Commissioners in their role as heads of functional areas. As members of the Senior Management Committee (SMC), Deputy Commissioners have a key leadership role in the implementation of the DPC's strategic objectives, as well as management and governance of the organisation.

There are currently seven Deputy Commissioners at the DPC and their roles are set out within the DPC's organisational structure, available on the DPC's website [at this page](#). These responsibilities form the basis for the overall management framework for the DPC.

## 3.3 Other Committees

The Commissioner for Data Protection may establish committees to assist and advise her in relation to the performance of her functions. Currently, the following committees are established:

- Senior Management Committee (see 3.1 above)
- Inquiries Committee (see below)
- Audit and Risk Committee (see Chapter 4)
- Health and Safety Committee (see below)

### *Inquiries Committee*

Our Inquiries Committee assists the DPC in its supervisory activities. The primary purpose of the Committee is to make decisions on:

- i. The commencement of inquiries under either Section 110(1) or 123(1) of the Act;
- ii. The accountability and assignment of resources for conducting any inquiry that has been confirmed under i above.

The Committee may also make other decisions related to inquiries or provide specific direction, such as, but not limited to, the following examples:

- The basis for an inquiry, under Section 111/124 (own volition) or Sections 112/125 (complaint-based);
- The deferment or de-prioritisation of an existing inquiry;
- The suitability of an alternative approach for a given matter, which may include the exercise of powers;
- The commencement of an investigation under Section 110(2) (b) of the Act.

The Inquiries Committee's scope includes decisions on both cross-border and non-cross-border inquiries to be commenced under the GDPR. Its scope also includes decisions on inquiries commenced under the Law Enforcement Directive. The Terms of Reference for the Inquiries Committee are available [at this link](#).

## ***Health and Safety Committee***

We are committed to providing a safe and healthy work environment for all our staff, visitors, contractors and members of the public in accordance with the Safety, Health & Welfare at Work Act 2005<sup>26</sup>, the Safety, Health & Welfare at Work (General Application) Regulations 2007<sup>27</sup> and other relevant legislation.

The Deputy Commissioner for Corporate Affairs, Media and Communications is responsible for the coordination of the DPC's health and safety arrangements. He is assisted by the Assistant Commissioner with responsibility for Corporate Services and his team.

The DPC has an established Health and Safety Committee to assist with the promotion of health and safety in the DPC. The Health Safety Committee meets periodically and, among other things, acts as a conduit for the two-way exchange of information between management and employees in relation to matters of safety, health and welfare, considers and makes recommendations on matters of general health, safety and welfare, reviews risk assessments, inspection reports and audit reports and ensures prompt remedial action is taken when required, reviews accident/incident statistics and makes recommendations, and considers methods of promoting health and safety within the organisation.

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<sup>26</sup> [Safety, Health and Welfare at Work Act 2005](#)

<sup>27</sup> [Safety, Health & Welfare at Work \(General Application\) Regulations 2007](#)

## Chapter 4 – Audit, Assurance and Compliance Arrangements

*The purpose of this chapter is to provide an overview of the financial accountability relationships, the audit and scrutiny functions, and the organisational assurance arrangements at the DPC.*

### 4.1 Compliance Arrangements

Our compliance arrangements are an important part of the DPC's management of risk and adherence to statutory obligations. Our monitoring and review of the effectiveness of the system of internal financial control is informed by the work of the DPC Finance Unit, internal and external auditors, the DPC Audit and Risk Committee, the DPC Governance and Risk Unit, and the SMC.

#### **Finance Unit**

The Finance Unit reports to the Deputy Commissioner for Corporate Affairs, Media and Communications and oversees the administration of the DPC's Vote (Vote 44). The role of the Finance Unit is to:

- Negotiate, co-ordinate and monitor budgets in respect of the administrative costs of the DPC;
- Agree the budget programme(s) and report on the performance indicators;
- Process all payments and receipts from/to the DPC's accounts in compliance with the Department of Public Expenditure and Reform Public Financial Procedures<sup>28</sup>;
- Monitor and analyse expenditure against agreed budgets and report as required to the SMC and to the Department of Public Expenditure and Reform (DPER) via the monthly Finance Committee that oversees the Justice Vote Group;
- Prepare the Appropriation Account at the end of each financial year for audit by the Comptroller and Auditor General and provide information as required for follow-up audits;
- Liaise with the Department of Justice Financial Shared Service team to ensure the service level agreement is being met for accounts payable, payroll, banking, taxation and fixed assets;
- Liaise with the Department of Justice's Human Resources Division regarding the management and delivery of the payroll for staff assigned to the DPC;
- Provide management information on the DPC's finances to the SMC and relevant external stakeholders as required;
- Provide high-quality service to internal and external stakeholders.

The DPC Finance Unit maintains the financial policies and procedures for the DPC and provide information to staff of obligations relating to financial matters.

The Department of Public Expenditure and Reform circulars apply to all staff in respect of expenses arising from official business travel and subsistence payments which are

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<sup>28</sup> [Public Financial Procedures](#) DPER (2012)

underpinned by Circular 11/82. The Finance Unit periodically issues notifications to staff to remind them of their obligations under DPER circulars in order to submit a claim for travel and subsistence. Operationally, claims are processed via the Payment Shared Services Centre (PSSC) portal. Claims submitted through the portal are checked and approved by line managers.

### ***Internal Audit***

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve the DPC's operations. Internal Audit's primary objective is to provide independent advice and assurance to the Accounting Officer in respect of the effectiveness of the internal control, governance and risk management processes in place across the DPC.

Internal Audit forms part of our governance and accountability function. It does this by providing reasonable audit assurance that significant operating risks are identified, managed and controlled effectively.

The Data Protection Commission has an internal audit function, which is outsourced, deploys appropriately trained personnel and operates in accordance with a written charter, which was approved by the Accounting Officer. The work of the internal audit function is informed by analysis of the financial risks to which the Data Protection Commission is exposed and its annual internal audit plans are based on this analysis. The internal audit function is reviewed periodically by the Accounting Officer and by the Audit and Risk Committee. Procedures are in place to ensure that the reports of the internal audit function are followed up and regular reports are provided to the SMC.

The Internal Audit function follows the Internal Audit Standards for Government Departments and Offices<sup>29</sup>.

The work of the Internal Audit function for the DPC is overseen by the DPC Audit and Risk Committee for assurance on internal controls and oversight.

### ***Risk Management***

The DPC's Risk Management Policy outlines our approach to risk management and the roles and responsibilities of the SMC, heads of units, DPC managers and DPC staff. The policy also outlines the key aspects of the risk management process, and how the DPC determines and records risks to the organisation. The DPC implements the procedures outlined in its risk management policy and maintains a risk register in line with Department of Public Expenditure and Reform guidelines<sup>30</sup>. This includes carrying out an appropriate assessment of the DPC's principal risks, which involves describing the risk and associated measures or strategies to control and mitigate these risks.

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<sup>29</sup> [Internal Audit Standards for Government Departments and Offices](#), DPER (2018)

<sup>30</sup> [Risk Management Guidance for Government Departments and Offices](#), DPER (2016)

The risk register is monitored and reviewed by the DPC's Governance and Risk unit. It is reviewed by the SMC on a regular basis. The register identifies the following:

- Risk
- Controls in place
- Risk rating
- Action to improve control to mitigate the risk

Reflecting on the key priorities of the DPC, risk management involves continually reviewing the internal and external environment in which the DPC operates and alerting senior management if identified risks are outside the risk appetite of the organisation. The content of the risk register is continually updated to ensure effective risk management and monitoring of controls.

## 4.2 Audit and Risk Committee

In line with the Corporate Governance Standard for the Civil Service (2015), and also with regard to the Code of Practice for the Governance of State Bodies (2016)<sup>31</sup>, the DPC established its own Audit and Risk Committee, as a Committee of the DPC, effective from 1 January 2020.

### *Purpose*

The Audit and Risk Committee is tasked with providing independent advice to the Accounting Officer regarding the suitability and robustness of the DPC's internal control systems and procedures. The Committee is authorised by the Accounting Officer to seek any information required to enable it to carry out its functions and staff are directed to cooperate with any such requests.

The Audit and Risk Committee advises the Accounting Officer on:

- The DPC's processes and assurance activities related to risk management, internal controls and governance,
- The DPC's financial policies and procedures, including the process for review of the financial statements prior to submission for audit,
- The planned activities, outputs and outcomes related to both internal and external audits;
- Adequacy of management responses to issues identified by audit activity.

The activities of the Committee can include, but may not be limited to, the following, in meeting its responsibilities in advising the Accounting Officer:

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<sup>31</sup> The [Corporate Governance Standard for the Civil Service](#) applies to the DPC as a vote-holding body. However, as that Standard does not provide detailed guidance on Audit and Risk Committees, the DPC also refers to the [Code of Practice for the Governance of State Bodies](#) issued by DPER (2016), in its governance structures including its own Audit and Risk Committee.

- Monitoring and reviewing the effectiveness of the DPC's internal audit activities , the proposed scope of audit activities and the prioritisation of areas of risk, and the progress of internal audit against the annual work programme;
- Reviewing management letters and letters of representations of the Comptroller and Auditor General (C&AG), reviewing the DPC responses, and engaging directly with the C&AG on at least an annual basis;
- Reviewing draft financial statements before recommending their adoption by the Accounting Officer, including taking account of how policies have been applied to ensure proper recording, taking account of how processes have been executed to ensure regularity, probity and propriety have been achieved, assessing whether issues raised by the C&AG have been comprehensively and appropriately dealt with, and assessing whether financial statements present the financial position of the DPC fairly;
- Monitoring, reviewing and confirming the effectiveness of the DPC's system of internal controls and related policies and procedures, including in the areas of risk management, financial controls, and procurement controls to ensure value for money.

## **Members**

The current members of the Audit and Risk Committee are:

- Dr. Conan McKenna (Chair)
- Mr. Graham Doyle (Deputy Commissioner - Head of Corporate Affairs, Media and Communications)
- Mr. Michael Horgan
- Ms. Karen Kehily
- Ms. Bride Rosney

Further information on the DPC's Audit and Risk Committee is available on the DPC's website [at this page](#), including the Committee's Terms of Reference.

## **4.3 Comptroller and Auditor General**

The Comptroller and Auditor General is the external auditor of the DPC. The DPC Audit and Risk Committee meets with representatives of the Comptroller and Auditor General directly, as necessary and at least once per year.

The DPC is required to prepare an Appropriation Account on annual basis, which is submitted for audit to the Comptroller and Auditor General by 31 March of the following year. The Finance Unit prepares the Appropriation Account, which is required to comply with the requirements of Public Financial Procedures and other directions of the Minister for Public Expenditure and Reform. It must include a Statement on Internal Financial Control signed by the Accounting Officer. The Commissioner for Data Protection appears before the Public Accounts Committee as requested, to discuss the

appropriation account, the associated statement of internal controls, and related matters.

## **4.4 Relationship with the Department of Justice**

The DPC's annual funding is provided via the DPC's own separate Vote (Vote 44), as one of the Votes within the Department of Justice Group of Votes. Some functions of the DPC involve engagement with the Minister or the Government on specific operational matters. Additionally, the Department provides the DPC with certain operational services to support the DPC's corporate functions, to take advantage of economies of scale. These services are subject to Service Level Agreements and a Data Processing Agreement.

### ***Provision of Shared Services***

The Accounting Officer in the Department of Justice provides a letter of assurance to the DPC Accounting Officer in relation to the controls in place for the provision of financial shared services which the Department's Financial Shares Services centre provides to the DPC.

The Head of ICT at the Department of Justice provides a letter of assurance to the DPC Accounting Officer in relation to the controls in place for the provision of ICT services, which the Department's ICT Division provides to the DPC.

### ***Parliamentary Questions***

The DPC provides information to the Minister for Justice, via the Department of Justice, to assist with his responsibility to Dáil Éireann to answer Parliamentary Questions, not on the supervisory activities the DPC undertakes in the discharge of its functions but on the use of funds the DPC receives and its administrative functions.

## **4.5 Responsibility of all Staff**

All staff assigned to the DPC have a responsibility for good governance through their adherence to the Civil Service Code of Standards and Behaviours<sup>32</sup> in the performance of their duties, as well as adherence to and application of all corporate policies, procedures, circulars and Office Notices. This Corporate Governance Framework is a key document for all DPC staff in setting out responsibilities and operational standards.

## **4.6 Freedom of Information**

The Freedom of Information Act 2014 gives individuals the right to access records held by Freedom of Information (FOI) bodies. FOI bodies must provide individuals with an

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<sup>32</sup> [Civil Service Code of Standards and Behaviour](#) SIPO (2004)



explanation if they are not given what is requested. The DPC is partially subject to the Freedom of Information Act 2014. This applies only in respect of records concerning the general administration of the DPC, and only specifically those created after 21 April 2008. Consequently, records relating to, for example, the DPC's supervisory, regulatory, consultation, complaint-handling or investigatory functions (including case files) are not releasable under the Freedom of Information Act.

Further information, including how to make an FOI request to the DPC, is available [here](#).

## **4.7 Data Protection**

The Data Protection Officer (DPO) provides information and advice to the staff of the DPC on their obligations pursuant to data protection legislation. The DPO monitors compliance and policies of the DPC in relation to the protection of personal data, provides advice in respect of data protection impact assessments and monitors performance in respect of these, and acts as a point of contact for data subjects.

The DPC's Data Protection Statement provides information about the ways in which the DPC collects, stores and uses personal data relating to individuals (data subjects). This Data Protection Statement relates to personal data received by the DPC where data subjects contact, or request information from, the DPC directly, and also personal data received by the DPC indirectly. The Data Protection Statement is available [here](#).

## **4.8 Public Procurement**

We are committed to ensuring that the DPC adheres to the requirements for public procurement and is fully observant of the current value thresholds for the application of EU and national procurement rules. The DPC has a Procurement Policy and Procedure, which is circulated to all staff.

The DPC participates fully in ongoing initiatives by the Office of Government Procurement to achieve procurement savings and sourcing integration. Our Accounting Officer reports annually to the C&AG outlining details of any contracts awarded which exceed a value of €25,000 (exclusive of VAT) that were not subject to a competitive tendering process, if they exist. Details of contracts awarded over €25,000 are published on [www.etenders.gov.ie](http://www.etenders.gov.ie) in line with Irish law and EU Directives.

## Appendix

### A. DPC Resources and Documents

- i. [Data Protection Statement](#) (DPC)
- ii. [Customer Service Charter](#) (DPC)
- iii. [Freedom of Information at the DPC](#)
- iv. [Making a Protected Disclosure to the DPC](#)
- v. [Designated Public Officials at the DPC](#) (Regulation of Lobbying)
- vi. [Public consultations at the DPC](#)
- vii. DPC 2019 [Statement of Strategy](#)
- viii. [Publications at the DPC](#)
- ix. [Organisational Structure of the DPC](#)
- x. [Audit and Risk Committee - Terms of Reference](#)
- xi. [Inquiries Committee - Terms of Reference](#)
- xii. [Senior Management Committee \(SMC\) - Terms of Reference](#)

### B. Guidance, Codes and Standards

- i. [Civil Service Code of Standards and Behaviour](#), SIPO (2004)
- ii. [Civil Service Renewal Plan](#), DPER (2014)
- iii. [Corporate Governance Standard for the Civil Service](#), DPER (2015)
- iv. [Code of Practice for the Governance of State Bodies](#), DPER (2016)
- v. Code of Practice for the Governance of State Bodies - [Audit and Risk Committee Guidance](#), DPER (2016)
- vi. [Internal Audit Standards for Government Departments and Offices](#), DPER (2018)
- vii. [Public Financial Procedures](#), DPER (2012)
- viii. [Public Spending Code](#), DPER (2019)
- ix. [Report of the Working Group on the Accountability of Secretaries General and Accounting Officers](#), DPER (2002)
- x. [Risk Management Guidance for Government Departments and Offices](#), DPER (2016)
- xi. [Role and Responsibilities of Accounting Officers - Memorandum for Accounting Officers](#), DPER (2011)

### C. Legislation

- i. [General Data Protection Regulation \(EU\) 2016/679](#)
- ii. [Law Enforcement Directive \(EU\) 2016/680](#)
- iii. [Data Protection Act, 2018](#)
- iv. [ePrivacy Regulations, 2011](#)
- v. [Ethics in Public Office Act, 1995](#)
- vi. [Irish Human Rights and Equality Commission Act, 2014](#)
- vii. [Official Languages Act 2003](#)
- viii. [Protected Disclosure Act, 2014](#)
- ix. [Public Service Management Act, 1997](#)
- x. [Regulation of Lobbying Act, 2015](#)
- xi. [Standards in Public Office Act, 2001](#)

- xii. [Safety, Health and Welfare at Work Act, 2005](#)
- xiii. [Safety, Health & Welfare at Work \(General Application\) Regulations, 2007](#)



An Coimisiún um  
Chosaint Sonraí  
Data Protection  
Commission



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