

## **Transcript: 'Know Your Data' – Contacting Organisations on Behalf of Someone Else**

Welcome to 'Know Your Data', a podcast by the Irish Data Protection Commission. My name is Graham Doyle and I am Head of Communications here at the DPC.

In this episode I'm going to look at the issue of contacting organizations on behalf of somebody and the issues that you can run into if you are not the account holder. This is something that we receive a lot of queries about here at the DPC, through our help desk, whether that be over the phone or via e-mail. When you contact an organization about an account they will normally ask you to identify yourself in some way and there are many ways in which they would do this, such as confirm your name, your date of birth and address, your account number or your phone number. The reason for this is to check that you are who you say you are and that you don't go and share the account holders details with someone else without having a good reason to do so. However this can cause some issues when you are contacting an organization on behalf of someone else such, as a family member, a friend, a client, or a patient. In these situations you may be asked to provide additional proof that the person you're speaking on behalf of has given you permission to do so. You may even be told that the organization will only, or can only, speak with the account holder themselves and this can also be an issue when you contact an organization via e-mail letter or a form online. Under the General Data Protection Regulation, organizations must keep personal data safe and secure and not share it with anyone that they shouldn't. However, it's important to note that the General Data Protection Regulation, or the GDPR as it's more commonly known, refers to measures organizations should take to secure personal data. Organizations should consider what level of security is appropriate in different situations and that they take certain factors into account such as, the nature and sensitivity of the personal data concerned, the potential harm that could be caused if an individual's personal data is disclosed to the wrong person, and the likelihood that people may legitimately be speaking on behalf of an account holder. Organizations should also consider what action the caller is requesting. Are they asking for a bill to be reissued to the address listed on the account which seems straightforward enough, or are they requesting sensitive information or trying to close an account. They may not require the same level of security dependent on

what the issue is at hand. An organization may have reasons for not speaking with anybody other than the account holder such as their internal policies or other legal requirements around secrecy or confidentiality.

The DPC's advice to organizations is that data protection law does not prevent dealing with a person who is representing the account holder once you have taken reasonable and proportionate steps to ensure compliance with their security and confidentiality obligations. As a rule, our advice to organizations when they are planning what measures to put in place to protect personal data particularly service providers and those with busy customer care role is, ensure a balanced and proportionate approach to security and identity verification measures. Organizations should put in place measures which provide both a high level of protection to individuals but which also don't disproportionately disadvantage those who cannot easily engage with those measures and who may need someone to make contact on their behalf. For example, we have come across some organizations who introduce an additional question or two that only an account holder would know the answer to and when they do receive that answer it gives them the assurance that they require.

You can find out more information on our website [w.dataprotection.ie](https://www.dataprotection.ie) where we have a blog on contacting organizations on behalf of someone else based on a recent case study and that's up on our website now. If you're not sure about any of the terms that I've used here in this podcast you can find a list of key definitions our data protection terms there as well.

This has been Know Your Data the Data Protection Commission podcast. Don't forget you can find us on Twitter and Instagram @DPCIreland and on LinkedIn.

Thank you very much for listening.