 Feidhmeannacht na Seirbhíse Sláinte Health Service Executive	<b>Feidhmeannacht na Seirbhíse Sláinte</b>  <b>Standard Operating Procedure</b>	SOP No: XXX001 Revision No: 1 Page: 1 No of Pages: 3 Date: April 2013
<b>SOP Title:</b> Dealing with the Provision of Information to Public Representatives (TD's, Senators, MEP's and Local Representatives)		
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## 1.0 Purpose

The Data Protection Commissioner has issued a guidance document which sets out how data controllers including public organisations should deal with Oireachtas members with regard to the disclosure of information to public representatives in the context of data protection legislation. The Data Protection Commissioner's guidance document is available widely and should be read in conjunction with this SOP.

## 2.0 Scope

The main purpose of this SOP is to ensure that we understand the Data Protection Commission's Guide Document, handle sensitive personal data carefully and at the same time provide an efficient and effective service to Oireachtas members as required under the Health Act 2004.

## 3.0 Definitions and Abbreviations


### Sensitive Personal Data:

Means personal data as to:

- the racial or ethnic origin, the political opinions or the religious or philosophical beliefs of the data subject,
- whether the data subject is a member of a trade-union,
- the physical or mental health or condition or sexual life of the data subject,
- the commission or alleged commission of any offence by the data subject, or
- any proceedings for an offence committed or alleged to have been committed by the data subject, the disposal of such proceedings or the sentence of any court in such proceedings.

### Data Controller:


Means a person who, either alone or with others, controls the contents and use of personal data.

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## 4.0 Responsibilities and Procedures

In order to further assist the HSE organisation, the following updated standard operating procedure should be used when dealing with public representatives (local, national and European) and their representations and in the case of Oireachtas members, their parliamentary questions.

1. Where the HSE receives parliamentary questions or a representation from a public representative which requests information on behalf of a constituent and this information is of a routine nature such as when Mrs. X will get her medical card or where on the waiting list is Mrs. X or what disability services Mr. Y is entitled to etc., these should be answered in line with the Data Protection Commissioner's guidance document (*"We advise that, where a public representative makes a written representation on behalf of a constituent, the organisation can generally assume that the constituent has given consent for the release of personal data necessary to respond to the request" Data Protection Commission, November 2007*).
2. Where a HSE Data Controller is not clear as to whether the information being requested by the public representative is of a more sensitive personal nature and is not sure as to whether to release the information to the public representative, the data controller should in the first instance check with their Line Manager to clarify the matter and then proceed as guided.
3. When the HSE receives a PQ or a representation from a public representative on behalf of a constituent and the information requested **is determined to be of a sensitive personal nature** (e.g. *What procedure did Mrs X have, what illness does she have, how much is Mr Y receiving*) the Data Controller should check with the patient or client that he/she has given consent for the information to be released to the public representative. If the client or patient can not be contacted the Data Controller in agreement with the Line Manager should contact the public representative's office to check if the public representative has consent from the patient or client to obtain the requested sensitive personal data. The details should be noted on the file, inter alia, including the date on which the contact was made, by whom and the name of the person confirming the information. When this procedure is used it needs to be handled in a sensitive manner.
4. Where after consulting local management, there is still doubt with regard to the sensitive nature of the data being requested in Parliamentary Questions or Representations the Data Controller should contact the Parliamentary Affairs Division (PAD) on (01) 6352527 or [pad@hse.ie](mailto:pad@hse.ie) for advice and assistance.

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## 5.0 Frequency of Review

To be updated as is required.

## 6.0 Method used to review operation of Standard Operating Procedure

Performance indicator data collected on a routine basis to demonstrate level of performance etc.

## 7.0 References

Data Protection Act 1988

Data Protection (Amendment) Act 2003