

Next week in the Oireachtas

Statements will be heard in the Dáil next week in relation to Ireland's Presidency of the Council of the European Union from January to June 2013. In the Seanad, statements will be delivered regarding the Review of the White Paper on Irish Aid. The Committee on Health and Children will hear from representatives from the sport and youth sector when they discuss the Heads of the Children First Bill on Thursday of next week.



News & Appointments

Data Protection Commissioner launches annual report

The report of the Office of the Data Protection Commissioner 2011, published this week, identifies a shift in the nature and type of complaints received by the office with individuals now concerned about the security of their personal data and the uses made of that data by software and technology applications.

Given the changing data protection landscape, the report also stresses the need for a re-alignment of resources to meet the needs that will be imposed through the legislative proposals presented by the European Commission. These proposals, according to the Data Protection Commissioner Billy Hawkes, will "involve increased responsibilities for our office under the so-called "one-stop-shop" arrangement for multinational companies providing services to EU users from an Irish base". The Office currently has a budget of €1.5m, the majority of which, 35 percent, goes towards investigations and enforcement. The office currently has a staff of 22.

Report findings: Complaints

In 2011, 1,161 complaints were opened for investigation compared to 783 complaints in 2010. 253 of these complaints (22 percent) relate primarily to unsolicited direct marketing text messages, phone calls, fax messages and emails. This is up from the 231 complaints made in this category in 2010. With regard to unsolicited direct marketing text messages, the report found that businesses, including Irish businesses, were unaware of the law surrounding this method of communication. In 2011, there were 54 prosecutions against 6 bodies and those entities that persist in infringing the law, according to the report, will be prosecuted.

Complaints were made in relation to access rights (48 percent), disclosure (10 percent), unfair processing of data (6 percent), unfair obtaining of data (4 percent), use of CCTV footage (3 percent), failure to secure data (2 percent),

accuracy (1 percent), excessive data request (1 percent), unfair retention of data (1 percent) and postal direct marketing (1 percent).

Data breach notifications

In total, 1167 data security breach notifications were received by the Data Protection Office, an increase of 300 percent on the 2010 figure of 410.

Commissioner Hawkes states in the report that this increased figure is due to "increased awareness of the need to notify my office of a data security breach", as opposed to an increase of the number of actual breaches.

Of the 1196 breach notifications, 146 stemmed from private sector organisations and 40 from public sector organisations. 870 breach complaints were in relation to postal mailing breaches and 91 breach notifications were made regarding electronic mailing breaches.

PAI Conference

Public Affairs Ireland are pleased to announce that Data Protection Commissioner Billy Hawkes will address the PAI Conference 'A New Era for Data Protection in Ireland' during which he will discuss the above mentioned EU reforms on data protection and the impact for organisations and individuals in Ireland. The Conference will also consider: Data protection and the delivery of public services and the issues arising on data sharing across public sector agencies; Ireland as a global centre for Internet Search Engines, data storage facilities and social media companies and how national regulation of data protection in Ireland has global impacts; and dealing with the consequences of a breach in data security – managing the reputational and legal risks involved.

For more information, [click here](#).

Minister for Public Expenditure and Reform presents revised Estimates to Public Expenditure and Reform Committee

The Minister for Public Expenditure and Reform, Brendan Howlin TD this week attended the meeting of the Select Sub-Committee on Public Expenditure and Reform for consideration of the 2012 Revised Estimates for Public Services.

The new Estimates format consists of strategic programmes which set out financial information and "mirror the key objectives set out in the Statements

of Strategy". Each programme contains a "clear presentation of the financial resources allocated to that area, broken down by subhead". Alongside this, the public service activities are shown, "with key outputs in each case". A Context and Impact Indicators section at the end of each estimates page "give a sense of whether the public service outputs are having an impact". For example, the Department of Public Expenditure and Reform has two

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Strategic Programmes – Public Expenditure and Sectoral Policy and Public Service Management and Reform.

Presenting the Estimates, Minister Howlin commented on the “myths about civil servant pensioners and in particular those retirees during the grace period”. The 2012 estimates, he explained, “assumes an average pension of civil servants retiring this year of €29,000 with a corresponding average once off lump sum of €87,000.” Top end pensions, he added, “are not representative”.

The revised system of providing Estimates is, the Minister added, “just one part of the broader project of reform in the area of accountability, performance and Dáil oversight”. Additional developments include the move to a Medium Term Expenditure Framework which involves the setting of expenditure ceilings for each Government Department over a three year period.

The Minister also noted the Government is “on track to meet its ceiling for 2012 of 294,400” public sector workers. He added that the “pessimistic scenarios depicted by some” regarding the ending of the ‘grace-period’ at the end of February have not materialised” and “the work done by transition

teams, local managements and particularly frontline staff have ensured that service delivery has been protected as staff have co-operated with widespread workplace change and greater efficiency”.

The Croke Park Agreement “continues to serve as a key strategic framework for underpinning stability and economic recovery”. The second annual review of the Implementation Body of the Croke Park Agreement is due “in the coming weeks”, the Minister confirmed.

Progress is also being made through the public service reform plan with the establishment of the Reform and Delivery Office and an increased emphasis on detecting underperformance. The shared services plan is also continuing and the Department of Public Expenditure and Reform intends to “drive the reform agenda during 2012” and “will continue to introduce shared service models in areas such as HR, Payroll, Banking and Pensions”. Furthermore, the Business Consulting Unit “will lead the business process improvement in Departments and Offices with renewed focus on administrative and service level improvements across the Civil Service”.

Additional policy and legislative amendments have been made in the areas of Freedom of Information, Whistleblowing and the regulation of lobbyists.

Committee on Justice, Defence and Equality publish report on the proposed Mental Capacity Legislation

The Joint Committee on Justice, Defence and Equality this week published a report on the proposed Mental Capacity Legislation. The report urges for a human rights-based approach to legal capacity, something which is not currently prevalent. It highlighted the critical role for an Office of Public Guardian or equivalent to provide codes of practice, education and support. The report adds that the title of the Office of Public Guardian, as provided for in the Bill, should be amended to reflect the goal of supporting as opposed to substituting legal capacity. The report also advocates for a legal framework for these supports and safeguards.

According to the Chairman of the Committee, David Stanton TD, the

current legislation, based upon the Lunacy Act of 1871, is out-dated and “totally inadequate”. He also noted: “During the Committee hearings on legal capacity, I was particularly struck by the profound and negative impact the law as it currently stands can have on the daily lives of some of our most vulnerable citizens.”

In the most recent edition of the PAI monthly Journal, Dr Mary Keys from NUI Galway, discussed at length the legal framework surrounding mental health capacity. To view this article click here.

Minister for Small Business publishes figures on prompt payments practice

Minister for Small Business, John Perry TD has published the latest figures on Government Departments’ payments to business suppliers.

This is in line with Government requirements that all central departments, the Health Service Executive, local authorities and all other public sector bodies pay their suppliers within 15 calendar days of receipt of a valid invoice and then publish their performance on a quarterly basis.

Figures for this quarter show that of the 45,691 payments made in Quarter 1 2012 (amounting to €616.8m), 36,848 payments totalling €544m were paid within 15 days. These figures confirm Minister Perry’s statement in an interview in the PAI Journal in December of last year that the prompt

payment system was “working very effectively”.

Speaking on the matter this week, the Minister highlighted the importance of such a system when he said: “The small business sector in Ireland is vital to the creation of employment and to our economic growth. We cannot afford to constrain this vibrant sector by squeezing the cash flow upon which it is dependent for survival and growth.”

He also took the opportunity to remind businesses that the Official Notice regarding the Government’s 15 Day Prompt Payments Rule is now available to download via the Department’s website. Businesses can attach the Official Notice to their invoices and display it on their websites.

Education & Training

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17th May 9am - 1pm

Maternity Leave, Paternity Leave and Parental Leave
17th May 9am - 1pm
Fixed Term and Agency Work Contracts
22nd May 9am - 1pm

Practical Writing Skills
24th May 9am - 1pm

Legislative Drafting and the Development of Policy
24th May 9am - 1pm

Cloud Computing and the Public Sector
29th May 9am - 1pm

Measuring the Effectiveness of Training
30th May 9am - 3pm

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Dáil

Seanad

May 8	May 9	May 10	May 11
<p>2pm Questions (Minister for Justice and Equality)</p> <p>3.15pm Leaders Questions</p> <p>3.36pm Questions (Taoiseach)</p> <p>4.36pm Order of Business</p> <p>5.06pm Topical Issues</p> <p>Motion re PAC Membership (without Debate)</p> <p>Motion re Sustainable Energy Act 2002 (Additional Functions- Renewable Energy) (back from Committee without debate) (Department of Communications Energy and Natural Resources)</p> <p>Motion re Transfer of Passenger Name Records between Ireland and the USA (Referral to Committee without Debate) (Department of Justice and Equality)</p> <p>Residential Institutions Statutory Fund Bill 2012 Order for Second Stage and Second Stage (Department of Education and Skills)</p> <p>Private Members Business</p>	<p>10.30am Leaders Questions</p> <p>10.51am Order of Business</p> <p>Statements re 'Looking forward to Ireland's Presidency of the Council of the European Union; January to June 2013' (to conclude within 95 minutes)</p> <p>Protection of Employees (Temporary Agency Work) Bill 2011 Amendments from the Seanad (Department of Jobs Enterprise and Innovation)</p> <p>Electoral (Amendment) (Political Funding) Bill 2011 (Seanad) Second Stage resumed (Department of the Environment Community and Local Government)</p> <p>1.30pm SOS</p> <p>2.30pm Questions (Minister for Transport, Tourism and Sport)</p> <p>3.45pm Topical issues</p> <p>4.33pm Morning business continued</p> <p>7.30pm Private Members Business</p> <p>Afternoon business continued</p>	<p>10.30am Leaders Questions</p> <p>10.51am Order of Business</p> <p>11.11am Construction Contracts Bill 2010 (Seanad) Second Stage Resumed (to adjourn at 1.30pm if not previously concluded) (Department of Public Expenditure and Reform)</p> <p>Statements re OSCE (working title) (Department of Foreign Affairs)</p> <p>Electoral (Amendment) (Political Funding) Bill 2011 (Seanad) Second Stage Resumed (Department of the Environment Community and Local Government)</p> <p>3.42pm Topical Issues</p> <p>4.30pm Questions (Minister for Agriculture Food and the Marine)</p>	<p>10.30am Comptroller and Auditor General (Amendment) Bill 2012</p>

May 9	May 10
<p>12.30pm Order of Business</p> <p>Motion regarding the agreement between the European Union and the United States of America on the use and transfer of Passenger Name Records to the United States Department of Homeland Security – Referral to Joint Committee on Justice, Defence and Equality (Without Debate) [Department of Justice and Equality]</p> <p>2.30pm - 4.30pm Statements & Q & A -Review of the White Paper on Irish Aid - [Minister of State at the Department of Foreign Affairs and Trade with responsibility for Trade and Development]</p> <p>4.30pm - 6.30pm Private Members Business</p> <p>Protection of Children's Health from Tobacco Smoke Bill 2012</p>	<p>10.30am Order of Business</p> <p>11.45am - 1.30pm Statements & Q & A "Looking forward to Ireland's Presidency of the Council of the European Union: January to June 2013" [Minister of State with Special Responsibility for European Affairs]</p> <p>13.30pm - 3.30pm Qualifications and Quality Assurance Bill 2011 – Report and Final Stages [Minister for Education]</p> <p>3.30pm - 6pm Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Bill 2012 – Order for Second Stage and Second Stage [Minister for Justice and Equality]</p>

Committee Meetings

May 8	May 9	May 10
<p>2pm Communications, Natural Resources and Agriculture Committee Room 3, Leinster House AGENDA: Reform of the Common Agricultural Policy [Representatives from the Irish Cattle and Sheep Farmers' Association]</p> <p>2.15pm Environment, Transport, Culture and the Gaeltacht Committee Room 4, Leinster House AGENDA: (i) Value for Money and Policy Review of the Rural Transport Programme; and (ii) External Review of the Local Integrated Transport Services Pilot Project. [Ms Doreen Keaney, Principal Officer, Department of Transport, Tourism and Sport; Ms Anne Graham, Director, Public Transport Services, National Transport Authority; Mr Denis Leamy, CEO, and Mr Padraig O'Rourke, Rural Transport Programme Co-ordinator, Pobail]</p> <p>2.30pm Health and Children Committee Room 1, Leinster House AGENDA: Draft Heads of Children First Bill 2012 (resumed) [Children First Interdepartmental Implementation Group]</p>	<p>9.30am Jobs, Social Protection and Education Committee Room 3, Leinster House AGENDA: (i) Scrutiny of EU legislative proposals: COM(2011)932; COM(2011)936; COM(2012)41; COM(2012)111; COM(2012)112; COM(2012)114; and (ii) Child Benefit Reform [Officials from the Department of Social Protection]</p> <p>10.30am Environment, Transport, Culture and the Gaeltacht Committee Room 2, Leinster House AGENDA: Forthcoming European Education, Youth, Culture and Sports Council Meeting: (i) Session 1. 10.30am - 11am [Minister for Arts, Heritage and the Gaeltacht] (ii) Session 2. 11 a.m. - 11.30 a.m. [Minister of State for Sport at the Department of Transport, Tourism and Sport]</p> <p>2pm Finance, Public Expenditure and Reform Committee Room 4, Leinster House AGENDA: Private Meeting</p> <p>2.30pm Foreign Affairs and Trade Committee Room 1, Leinster House AGENDA: Financing of the EU External Action Programme and the European Development Fund [Officials from the Department of Foreign Affairs and Trade]</p> <p>2.30pm Justice, Defence and Equality Committee Room 2, Leinster House AGENDA: Submissions in relation to the Mediation Bill [Representatives from CEDR Ireland; Family Mediation Ireland; The Dublin Solicitors Bar Association; Irish Commercial Mediation Association; Chartered Institute of Arbitrators; and Mediate Ireland]</p> <p>4.15pm Sub-Committee on the Referendum on the Intergovernmental Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (Sub-Committee of the Joint Committee on European Union Affairs) Committee Room 3, Leinster House AGENDA: Private Meeting</p>	<p>10am Public Accounts Committee Room 1, Leinster House AGENDA: (i) Business of the Committee; and (ii) 2010 Annual Report of the Comptroller and Auditor General: Chapter 27: Maintenance of Regional and Local Roads; 2010 Appropriation Accounts: Vote 32: Transport.; and (iii) National Roads Authority: 2010 Annual Report and Financial Statements [Secretary General, Department of Transport, Tourism and Sport; and Mr Fred Barry, Chief Executive, National Roads Authority]</p> <p>10am Communications, Natural Resources and Agriculture Committee Room 4, Leinster House AGENDA: (i) Engagement with Ms Siún Ní Raghallaigh, Chairperson Designate, TG4 Board; and (ii) Draft Broadcasting Authority of Ireland (BAI) Children's and General Commercial Codes [Representatives from the National Dairy Council]</p> <p>11.30am Health and Children Committee Room 2, Leinster House AGENDA: Draft Heads of Children First Bill 2012 (resumed) (i) Session 1. Sports Sector [Mr John Treacy, Chief Executive, Irish Sports Council; Mr Gearoid O' Maolmhcil, Child Welfare Officer, GAA; Ms Kate Hills, National Children's Officer, Swim Ireland]; and (ii) Session 2. Youth Sector [Ms Mary Cunningham, Director, National Youth Council of Ireland; Mr John Cahill, Foróige; Mr Eddie Darcy, Youth Work Services Manager, Catholic Youth Care]</p> <p>2.30pm European Union Affairs Committee Room 3, Leinster House AGENDA: Looking to the future - the EU in twenty years time [Mr Brendan Halligan, IIEA]</p>