

Data Protection Commissioner,
Data Protection Commission,
21 Fitzwilliam Square South,
Dublin2

11 Hillcrest
Carrigaline
Cork

8th June 2021

REQUIREMENT FOR NATIONAL CAMPAIGN - EIRCODE PRIVACY ISSUE AWARENESS

Dear Madam,

In 2015, a PIA conducted by Gemserv for the Dept. of Communications, quoted the Data Commissioner as considering it ***“essential that a well resourced and expansive national campaign be undertaken”*** to create awareness about identified Privacy issues associated with Eircode. See extract as Reference A attached.

This campaign has never been undertaken.

When asked in a PQ on 13th January 2021 when the campaign would be undertaken, the Minister for Communications was unable to provide a response. See Reference B attached.

When the Secretary General of the Department of Communications was asked about the campaign, he chose not to respond. See letter dated 4th Feb 2021 attached as Reference C.

The Communications Regulation (Postal Services) Act 2011/15 identifies the Privacy and data protection responsibilities of the Minister in relation to the National Postcode. It specifically mentions those in relation to data encoders/resellers. In spite of this, in 2020 one of the most prominent Eircode data resellers/encoders showed himself to be unaware of any GDPR issues related to Eircode in a tweet. See attached as Reference D.

Currently an Eircode Encoder/Reseller is promoting Eircode services via this website <https://dataconversion.ie/eircode-services/> but does not provide an Eircode related “Privacy Notice” as required by Section 66B of the Act. See Reference E attached. It is known that the organisation was made aware of the requirement via social media on 2 occasions since March 2021.

The Sec 66A of the Postal Act also provides for sanctions & audits in relation to resellers but there is no evidence that the Minister for Communications or Departmental Officials have ever enforced such requirements.

Without such enforcement, it is not clear if Privacy & GDPR considerations were taken into account when a reseller licensed the use of Eircode to a Postcode Lotteries which use Eircode at this website <https://pickmypostcode.ie/terms/> and this one <https://www.eirelottery.ie/how-it-works>

Without the public awareness campaign recommended in 2015, members of the Public may sign up to have their Eircode used in the above lotteries without fully understanding the potential Privacy & GDPR implications.

It is assumed that a lack of awareness and understanding caused the Government's own Chief Information Officer to fail to raise related Privacy concerns in his Eircode related Circular to the Public Service in 2017 and to mis-state the Public Service's authority to undertake "**postcode matching**" activities contrary to the provisions of the Postal Act. See Reference F attached.

It is clear that when many members of the public are trying to get Google Maps to support their Eircode, they are giving their full address and Eircode associated with their full name on twitter and not requiring any restrictions as to usage by Google, there is a lack of awareness amongst the general public. See Reference G attached

It would appear, that there is no GDPR/Privacy related governance being applied to Eircode. The awareness campaign recommended in 2015, if undertaken, may have helped the Irish Public to demand that Governance themselves at this point;- almost 6 years after Eircode was rolled out and more 7 years into Capita's 10 year contract to manage the code.

I request that you would consider all these issues fully.

Yours Sincerely,

Gary Delaney

Effective public awareness campaigns will give individuals the opportunity to appreciate what choices will be made available to them regarding the information that will potentially be disclosed to third parties. As has already been discussed in Section 4.2, it is important that individuals understand whether they will have any choice about whether an Eircode is to be assigned to a particular delivery address, and if they have a choice about whether various Public Sector Bodies or other organisations may use Eircodes for any purposes.

The Data Protection Commissioner considers it essential that a well-resourced and expansive national campaign is undertaken:

It will be necessary that such a campaign highlights to Irish residents how the Eircode differs from postcodes in many other countries in that it is dwelling-specific in Ireland and then may in certain circumstances and certainly where combined with one other piece of personal data be capable of identifying an individual. The campaign should also potentially highlight that the Eircode does not allow similar "roll-back" type options which are features of other codes where stripping back the last character can drill down to province, townland, district etc. Individuals must be on notice that where they disclose their Eircode, they have disclosed their specific address and not just a non-specific address that specifies their location to within, say, 30 buildings.²³

Individuals will need to be reminded that if they publish their Eircode on a social media site or other applications on the World Wide Web, it may not be easy to subsequently delete that information.

Risk to individuals

The potential adverse impact of the provision of insufficient information about how Eircodes will be used by Direct End Users or Eircode Providers has been assessed as causing *minor inconvenience to a small number of victims, problem at the "irritant level"*. However, in the event that there is any inconvenience that relates to an individual's sensitive data, it is assessed that they may be *angry rather than irritated*. Regulatory action is likely, and there is a risk of negative media coverage.

The potential vulnerability of a victim to this impact has been assessed as being *low or medium low*.

Compliance risk

A lack of consumer knowledge about the programme could result in a failure of data controllers to meet their statutory obligation to properly notify individuals of the purposes for which their personal data are being processed, or the recipients or categories of recipients of the data.

Associated organisation / corporate risk

A lack of transparency could harm the reputation of Eircodes and the PMLH, and lead to customer mistrust. This mistrust might lead to consumers refusing to be engaged with the programme.

²² Department of Communications Energy & Natural Resources agreement with Capita Business Support Services Ireland Ltd in relation to the development, implementation & maintenance of a National Postcode System, 20 December 2013. Schedule 14.

²³ Letter from the Office of the Data Protection Commissioner to DCENR, 9 October 2014.

Written answers

Wednesday, 13 January 2021

Department of Communications, Climate Action and Environment Postal Services

Darren O'Rourke (Meath East, Sinn Fein)

Link to this: [Individually](#) | [In context](#)

84. To ask the Minister for Communications, Climate Action and Environment further to Parliamentary Question No. 165 of 26 November 2020, if his attention has been drawn to the fact that it is estimated that approximately 30,000 new and corrected Eircodes are currently missing from a service ([details supplied](#)) and that some members of the public have been reporting that due to the fact that their code is missing they have not been able to avail of some commercial services; if he will invoke his specific oversight authority under the Communications Regulation (Postal Services Act) 2011 to consider specific non-postal services related uses of the national postcode in order to address this anomaly; and if he will make a statement on the matter. [45074/20]

1.

Darren O'Rourke (Meath East, Sinn Fein)

Link to this: [Individually](#) | [In context](#)

86. To ask the Minister for Communications, Climate Action and Environment further to Parliamentary Question No. 165 of 26 November 2020, his plans to instruct his Department to immediately proceed with the well-resourced national campaign to raise awareness regarding privacy dangers associated with the use of Eircode as recommended in the Privacy Impact Assessment for Eircode that was carried out by a company ([details supplied](#)) in 2015 under contract to his Department; and if he will make a statement on the matter. [45103/20]

2.



Hildegard Naughton (Galway West, Fine Gael)

Link to this: [Individually](#) | [In context](#)

I propose to take Questions Nos. 84 and 86 together.

No answer to Q's 1 or 2 Given

Capita Business Support Services Ireland, trading as Eircode, was awarded a 10 year contract in December 2013 to develop, implement, maintain and promote the National Postcode System "Eircode".

The Eircode Finder, is a free to use website that members of the public and businesses use to find Eircodes for addresses and to get directions to address locations using the Eircode website like a SatNav. Since the launch in July 2015, Eircode usage, as part of an address, continues to grow and is used widely among the public, businesses and public sector. This, in part, can be seen by use statistics of the free Eircode Finder website with almost 80 million lookups since launch in 2015 and an average daily lookup rate in November 2020 of 103,933.

Eircodes are assigned to new property addresses using a valid postal address and verified geo-locations. An Post collects information on new and existing buildings, as well as changes to existing addresses and Ordnance Survey Ireland provides the geo-locations for these buildings. An Post GeoDirectory, a subsidiary company of An Post and Ordnance Survey Ireland, issue a new release of the GeoDirectory database file on a quarterly basis to Eircode in accordance with their licence agreement.

Each new postal address assigned an Eircode is published on the Eircode Finder website, a notification letter is issued to the property occupant containing the Eircode of that address and an updated Eircode Database is provided to licenced businesses for their use. Eircode have informed my Department that over 128,700 property addresses have been assigned an Eircode since the launch in 2015.

Capita have informed my Department that once the Eircode database is updated they provide updates to commercial operations each quarter in line with the terms of their licence agreements. The timely release of each quarterly update is consistent across all licenced businesses, including the application referred to by the Deputy. Businesses using eircodes are obliged to abide by the terms of their licences and to comply with any general legal obligations such as data protection.

11 Hillcrest
Carrigaline,
Co. Cork

Mr. Mark Griffin,
Secretary General,
Dept. of Environment, Climate & Communications,

4th Feb 2021

Dear Mr. Griffin,

Contained in Gemserv's Privacy Impact Assessment of 2015 in relation to Eircode for your Department, it states as follows:

"The Data Protection Commissioner considers it essential that a well-resourced and expansive campaign is undertaken" to warn the Irish Public of and protect them from associated privacy issues.

Please see extract attached.

This campaign has not been undertaken at this point almost 6 years later.

Please advise when it is intended to run the campaign as recommended.

Yours Sincerely

Gary Delaney

cc
Data Protection Commissioner



Pat Donnelly

@PDverse

Director of Autoaddress - An Eircode Contractor & Official Reseller



Top 6 Eircode ~~misinformation fails~~ **FACTS**

1. Eircode was never tested

TRUE

2. Many people have the wrong Eircode

TRUE

3. Thousands of people have no Eircode

TRUE

4. Eircode often misroutes

TRUE

5. Eircode is subject to specific GDPR restrictions

TRUE

6. Non postal use must be approved by the Minister.

TRUE

10:45 PM · Jul 8, 2020 · [Twitter for Android](#)

Privacy notice

66B. The postcode contractor and a value added reseller shall each publish a notice (in this Part referred to as a ‘privacy notice’) on their respective websites containing the following:

- (a) an explanatory note on the background and origin of postcodes,
- (b) particulars of the source and types of data included in the relevant postcode database,
- (c) in the case of the postcode contractor, a list of value added resellers to whom the postcode contractor has granted a value added reseller licence,
- (d) information regarding the entitlement of owners and occupiers of property to have any data rectified or erased, and
- (e) information regarding the entitlement to make a complaint to the postcode contractor.

Personal data protection

66C. (1) Nothing in this Part shall be construed as authorising the processing of personal data contrary to the provisions of the Data Protection Acts 1988 to 2003.

- (2) Section 6A of the Act of 1988 shall not apply in respect of such processing of personal data as is required for purposes related to the carrying out of a legitimate postcode activity.



Aimee Walsh

@aimeexw



[@googlemaps](#) can you pls update my eircode on Google Maps. I have logged it on Google Maps. Plus code is C69G+6xCappagh Co. Kildare. Coordinates are 53.4180458,-6'7725134. Address is Killbrook, Enfield,Co. Kildare, A83V598

1:26 PM · Apr 16, 2021 · Twitter for Android

11 Hillcrest
Carrigaline
Co. Cork

Chief Information Officer
Office of Government Chief Information Officer
Department of Public Expenditure & Reform

07th April 2021

Dear Sir/Madam,

Your Circular Ref DPE035-049-2017:- Arrangements for the recording and utilisation of Eircode within the Public Service – 19/2017, effective from 17th November 2017

The above mentioned circular which was brought to my attention recently refers. The circular is attached in Reference A.

I wish to highlight the following with respect to the detail of the circular;

1. In a Privacy Impact Assessment in relation to Eircode by Gemserv, under contract to the Department of Communications in 2015, a requirement by the Data Protection Commissioner for a well-resourced National Campaign to raise awareness about the Privacy & Data Protection issues associated with Eircode was identified. See relevant extract attached as Reference B. This has never been carried out and whilst the circular above seeks to raise “public awareness of Eircodes” it does not recognise the requirement to raise public awareness about related Privacy issues. Such awareness would also make Public Service Personnel aware of related GDPR restrictions & limitations as to their use of Eircode.
2. In Para 3 of the Circular, sub para v. states **“all outgoing correspondence shall include Eircode, where available, as part of the customers address”**. It is reasonably assumed that this relates to postal matters and the handling of Public Service mail by An Post. However, in evidence to an Oireachtas Committee 3 months before the publications of the a/m Circular, An Post put on record that it was not using Eircode to deliver mail. Please see Reference C attached. Just recently An Post re affirmed this position in a tweet by suggesting that Eircode was more for the Emergency Services than itself. See Reference D attached. This being the case, placing a requirement to use Eircode in outgoing correspondence is causing the unnecessary expenditure of public money, including annual Eircode database updates, to satisfy this requirement. In a response to PQ’s in 2016 & 2017, the Department of Transport indicated that it had spent in the order of €370,000 on implementing Eircode to “improve mail delivery accuracy”. See Reference E attached. Therefore, requiring that Eircode be implemented across the Public Service for mailing customers could represent a very significant waste of public money as long as it continues not to be used for that purpose by

An Post. This would also represent an ongoing cost due to the need to routinely update the Eircode database to support the purpose.

3. In paragraph 5 of the circular, under the title of “Data Protection”, the matching of Eircode with addresses and personal data by the Public Service is given justification. Aside from the fact that this now needs to be updated to relate to current GDPR legislation, the statement in relation to “matching” being legitimate postcode activity seems to overlook 2 key requirements under the Communications Regulation, Postal Services Act 2011/15 as follows:
 - I. In Para 65A (2) (d), “matching” as a legitimate postcode activity is limited to the Minister, the postcode contractor or a value added reseller. Furthermore, the nature of such matching is carefully limited in the related sub paragraphs.
 - II. In Para 66 (2) the use of Eircode is limited to **“the purposes of, or relating to, the provision of postal services”** and **“to the use of the national postcode system by other persons for such other purposes as the Minister considers appropriate”**
This paragraph therefore restricts use of Eircode to primarily postal services (as previously stated, this is complicated by the fact that An Post is not using Eircode with its postal service) and only to other non-postal services purposes which the Minister has considered and found to be appropriate. In the a/m circular there is no list or reference to the specific purposes which the Minister for Communications has considered and found appropriate in relation to the Public Service use of Eircode. So as to avoid the potential for contravention of the requirements of the Act, those appropriate uses should be clearly listed.

In light of the above issues, I would like to suggest that Circular with File Reference DPE035-049-2017, effective from 17th November 2017 be immediately withdrawn and amended appropriately in the light of issues raised here, if it is to be re-issued

Furthermore, as long as it is the case that An Post does not use Eircode for mail delivery, all Public Service expenditure related to supporting Eircode on correspondence with its customers should be immediately suspended to stop unnecessary waste of public monies.

I look forward to hearing from you on this matter,

Yours Sincerely,

Gary Delaney