Questionnaire

The human rights impacts, especially on those living in poverty, of the introduction of digital technologies in the implementation of national social protection systems.

Ireland's Response

May 2019

1. **There appears to be relatively little attention paid to the impact of digital technologies on national social protection systems. It would therefore be most helpful if written submissions could focus on specific case studies involving the introduction of digital technologies in national social protection systems, and address some of the following elements:**

   SAFE Registration Process and Facial Imaging Software

   The Department of Employment Affairs and Social Protection (DEASP) has developed, in conjunction with a number of other Government Departments, a rules based standard for establishing and authenticating an individual's identity for the purposes of access to public services. This programme of work, which is known as Standard Authentication Framework Environment or SAFE for short, also provided for the introduction of a Public Services Card (PSC) to enable individuals to gain access to public services more efficiently. The introduction of the PSC provided for a card with key security features such as a photograph and signature which should minimise the rate of fraud and error arising from incorrectly identified and authenticated individuals.

   Facial Image Matching software is used as a tool to further strengthen the SAFE registration process and to help detect and deter duplicate SAFE registrations. This software has been operational on the DEASP IT systems since 13th March 2013. The normal digital photograph (in JPEG format) captured during the SAFE registration process is input into and stored in this facial image matching software. It is then modelled and searched against the Department's photo database to ensure that the person in the photograph has not already been registered using a different Personal Public Services Number or a different identity dataset.

   The software compares photographs by converting the image into an arithmetic template based on the individual's facial characteristics, e.g., distance between their eyes, height of cheekbones etc., and checking it against the other image templates already held in that software's database from other SAFE registrations. It is important to be clear while DEASP is not collecting or sharing biometric data, the processing of the photographic image through these arithmetic templates and models produces biometric data.

   Furthermore, DEASP does not ask for nor collect biometric data from its customers (e.g., fingerprints, retinal scans, etc.) nor does it use advanced facial mapping cameras when taking the photo as part of the SAFE registration process.

   The primary and overriding rationale for the application of facial recognition software by the Department is to prevent identity fraud entering the Social Welfare system and

indeed other public services. The deployment of the SAFE registration process and the legal requirement that all identities must be established to the satisfaction of DEASP before an entitlement is awarded and payments made is a significant protection against fraudulent exploitation of the social welfare system.

DEASP is satisfied that its use of facial imaging software is compliant with the law and is covered by the current legislative framework including the GDPR, the Social Welfare Consolidation Act, and the Data Protection Act 2018.

The Government of Ireland is currently developing a State sponsored supplementary retirements savings system in which employees without personal retirement savings will be automatically enrolled. It is intended that the new system will be implemented by 2022.

The Automatic Enrolment (AE) retirement savings system is designed to address the low coverage rate in the current supplementary pension system, particularly amongst those on lower incomes. While the social insurance based State Pension has largely protected older people from the effects of poverty, it is not designed or intended to deliver full income adequacy in retirement. To achieve income adequacy in retirement most employees should supplement their State pension income with personal retirement savings.

Under AE retirement savings system, employees will be automatically enrolled into a quality assured retirement savings system, with freedom of choice to opt-out. The policy objective of automatic enrolment is therefore to encourage long term saving amongst those who may otherwise suffer an unwanted and significant reduction in living standards at retirement.

To facilitate a wide ranging national public consultation process on the operational structure and design of the AE retirement savings system, a 'Strawman' proposal, which contained a possible approach to an AE system, was published in 2018. While the 'Strawman' proposal was not to be read as a confirmation of what form AE will ultimately take, it did detail a realistically plausible approach to delivering automatic enrolment in Ireland.

The findings from the consultation process will complement the extensive domestic research and analysis of AE systems internationally and these inputs will help the Government improve the decisions that will need to be made in terms of the operational structure and design of AE.

In terms of the introduction of digital technologies in the implementation of national social protection systems, it is likely that the AE system will be implemented through a 'Digital by Default' approach, so as to ensure that the system that is delivered is secure, low cost and understandable. In this regard, the AE Strawman proposal envisages the setting up of a web-based "AE Provider Information and Administration Portal', as a central hub/portal that will be a repository of key AE information for service providers, employers and members.

The proposed portal would also provide employees, and other service users, with access to Automatic Enrolment services and allow them to select from the available saving

scheme options. These options would be presented in a readily comparable manner so as to facilitate ease of understanding and assist members in choosing a savings fund. This approach is also designed to keep cost down and reduce savings fund management fees for the ultimate benefit of the members.

- **In which part of the social protection system were digital technologies introduced?**

  Since 2015 DEASP has developed services for the Department's customers to access through the Department's website www.mywelfare.ie.

  These services are optimised for customer use and DEASP approaches development of same by speaking with Department customers and making sure that the service is customer focused and makes sense to Department customers from a usability point of view. These services are developed in conjunction with DEASP's contracted partners.

  Once applications are submitted usual control practices would apply the same as if the application was submitted by another method.

  Initially online services were introduced to facilitate the online booking of appointments for a Personal Public Service Number (PPSN) or a Public Service Card. Since then online applications have been developed for certain schemes such as maternity, paternity and jobseekers. A service to check what difference working increased hours may have on social welfare entitlements has also been developed.

  Since launch the following services have been built on MyWelfare:

  • Make Appointment to get Personal Public Service (PPS) Number (Live July 2015)
  • Make Appointment to get your Public Services Card (PSC) (Live July 2015)
  • Apply for Jobseeker's Payment (Live Feb 2016)
  • Apply for Maternity Benefit (Live Sept 2016)
  • Apply for Paternity Benefit (Live Sept 2016)
  • Apply for Child Benefit (Live Sept 2016) (invited service only)
  • Apply for PRSI refund (Live June 2017)
  • Close your Jobseekers Benefit Claim (Live Jan 2016)
  • Request a Jobseeker's Holiday (Live Jan 2016)
  • Request Payment Statement (Live Feb 2016)
  • Submit Work and Skills Details (Live May 2016)
  • Request a Contribution Statement* (Live July 2017)
  • Update/Change address (Live July 2017)
  • Check Treatment Benefit eligibility (Live Nov 2017
  • Benefit of work estimator for disability or illness payment (2018)
  • Benefit of work estimator for jobseekers or one parent family (2018)
  • Pension Recalculation (Jan 2019)

  In addition, the following services have been developed on the Welfare Partners platform which provides digital services for business partners of DEASP. Access to these services is authenticated utilising a digital certification infrastructure provided by the Revenue Commissioners and used by businesses and entities across Ireland.

- Community Employment Project Sponsor services (April 2017)
- Treatment Benefits digital services for practitioners providing dental, optical and medical appliance (including hearing aids) services to qualified people (Nov 2017) including:

  - Submit a Treatment Benefit Eligibility Check for your customers
  - View Treatment Benefits Eligibility Check status for your customers
  - Submit a Treatment Benefit claim for your customers
  - View claim status and payments made to you
  - View your Department of Employment Affairs and Social Protection Contract information
  - Send a request to update your contact or payment information

- **What kind of digital technologies were introduced?**

  In 2014/15 the Department started work on the objective of delivering secure, personalised, services online. The Department developed a new government-wide, cloud based online authentication service for individuals called MyGovID which provides a single, secure, online account, based on the SAFE registration programme, and that can be used to access a range of government services in Ireland including MyWelfare, Revenue MyAccount, JobsIreland, the National Driver Licence Service, and from April 2019 the Voter.ie online service. The MyGovID platform is a hybrid cloud architecture comprised of a number of individual solution components which are hosted in public cloud with the underlying databases and applications supporting MyGovID related business processes hosted in DEASP data centres.

  To enable the Department's customers to access personalised and online welfare services the Department also built a secure, online customer facing portal called MyWelfare. MyWelfare also utilises hybrid cloud architecture with personal data and business processes hosted on- premise.

  New services continue to be added to MyWelfare and in 2018 a full review of the customer experience to ensure online services are accessible, intuitive and meeting customer needs was undertaken. This resulted in a major piece of work to completely overhaul the Information Architecture of MyWelfare and new design patterns have been adapted for all 'apply for' services. In addition, a Content Management System to complement and assist driving traffic towards MyWelfare.ie was built and launched in 2018. This addition provides summary information on services available online, what's involved in applying and how long the process might take.

  User centric design is a corner stone of development and all services are prototyped, tested and iterated based on feedback. In line with this approach a customer dashboard is now being built for MyWelfare.

  The Department makes extensive use of modern application programme interfaces (API) in decoupling services and in sharing data across public service bodies in order to provide a more efficient service to customers. API services developed to support other public bodies include education student grants and driver licence applications. A new real time API service was put in place in January 2019 to access Revenue PAYE data in

real time in order to support applications for welfare services such as jobseeker benefits. The next major implementation will be the integration of medical certification for certain schemes by general practitioners on their practice software (c 9,000 per day) facilitated via API by the Health Service Executive. It is expected that this will be implemented by June 2019.

While a number of DEASP's application forms are now available online in addition to a range of services for the customer such as organising appointments, etc. the Department also continues to provide alternative communication channels to customers through the ongoing availability of paper based application forms.

- **What were the stated objective(s) cited by politicians and government when introducing those technologies, and how did these reflect the broader political context?**

    The DEASP faces challenges and changes to the way we do business. Customer expectation is also changing and evolving with demands that we provide services that are easy to access, quickly and securely, across different channels, including online. DEASP launched its Digital Services Channel Strategy in June 2017 which is sets out the rationale for the introduction of an online channel, the principles underpinning its introduction and the expected benefits this channel will bring to our customers and the Department.

    https://www.welfare.ie/en/pdf/DS2017-2020.pdf

    One of the core principles is 'Digital by desire' which is a commitment to make online services intuitive , while also accepting accessing the Department online will not suit all our customers .

- **Whether any analysis was undertaken by the government, legislative branch or other state institutions of the implications of the introduction of these technologies in the social protection system from the perspective of existing legal frameworks?**

    Online offers DEASP an additional channel for our customers to engage with the Department. All schemes and services exist as designed and legislated for.

- **The extent to which governments relied on the private sector for the design, building and operation of these technologies in the social protection system;**

    DEASP's digital services are developed and managed in-house by the Department's Information Systems Division (ISD). The IS Division utilises consultancy and IT external support in order to provide advice and specialised technical expertise where not otherwise available. These supports and services are procured through open tendering processes and in conjunction with the Office of Government Procurement. In addition a Digital Services Division was established in 2015 to represent the business areas within the Department and the customers or end users. Contractors are employed to assist in the design of online services for the Department. Design and user testing has

become a corner stone of all development to ensure all services are intuitive and in line with customer expectation.

- **The costs involved in the design, building and operation of these technologies in the social protection system?**

  Online services are delivered under the Department's Service Delivery Modernisation (SDM) Programme.   SDM is a multi-annual programme of continuous development involving the redesign of back office systems, business processes, procedures and work practices and the introduction of new organisational structures along with the introduction of new technology and the replacement of legacy computer systems. The programme is designed to: respond to customer expectations for a more modern and efficient service; give priority to improving customer service; facilitate the Department's commitments to provide electronic access to public services; facilitate the integration of public services; provide for improved efficiency and better value for money in the use of resources; and improve the working environment for staff.   A detailed breakdown of the annual expenditure on consultancy & IT external service provision is available on the Department's website (link). This includes some €20.5m since 2014 for the development and maintenance of MyGovID, MyWelfare, and WelfarePartners online services. Spending on external support for eGovernment in 2018 amounted to some €12.9m.

- **The expected and actual cost-savings realised through the use of these digital technologies in the social protection system?**

  The benefits of introducing online services can be both qualitative and quantitative. A piece of work is underway in developing a template to call out potential benefits associated with online services prior to project commencement. User numbers are increasing week on week with some services such as appointments recording over 780,000 online transactions since its introduction. This service has provided benefits to customers in removing the need to call to an office or ring to make an appointment, for example. Some 3.5m eligibility assessments for optical and dental treatment benefits have been completed online facilitating improved access to these services for customers.

  Data capture is cleaner in online forms which can deliver some processing efficiency for deciding officers. The benefits of security provided through the online channel is also of benefit to our customers. As stated previously online is an additional channel which provides greater choice and convenience for our customers and user testing to date has informed the Department this choice and convenience is valued by our customers .

2. **Without repeating information provided above, what lessons can be learned from the ways in which digital technologies have been introduced in other parts of government, such as policing, the court system, immigration, border control, and intelligence?**

   The introduction of online services is happening across Government in Ireland. There are opportunities to meet and discuss with colleagues in other departments on their project and to share lessons learned. A project manager's network has been established by central Government which provides a very useful information sharing network. Quarterly events are held where different Departments present to the network on current projects – what works, what doesn't. This provided a useful learning opportunity for all Government departments.

3. **What human rights concerns might arise in connection with the introduction of digital technologies in social protection systems?**

   - **Debate on the impact of digital technologies on human rights generally focuses on a limited range of civil and political rights, such as privacy, data protection, and freedom of expression. In addition to identifying specific civil and political rights that might be implicated in the social protection context, how are economic and social rights (such as the right to social security and the right to an adequate standard of living) affected?**

   - **In what ways, both positive and negative, might the use of these technologies affect the rights of women, children, persons with disabilities, indigenous peoples, minorities, LGBTI and other groups protected under international human rights law?**

   - **What impact has the introduction of digital technologies in social protection systems had on people living in poverty. How are their rights, such as to privacy and social security, affected and how are they impacted differently by comparison with people who are not poor? Is the prohibition on discrimination on the basis of property, birth or other status (see e.g. article 2 (2) of the ICESCR & ICCPR) relevant in this context?**

   Digital Services for customers of DEASP are improving on an ongoing basis.

   The benefits for customers are; a better and faster service; it offers more choice for the customer in providing an additional channel to access our services in a safe and secure way.

The customer's rights to privacy and social security are supported by the use of digital technology as they have the option to use this additional channel of communication that makes accessing services easier.

The introduction of digital technologies in the implementation of national social protection systems is welcomed as it could improve women's access to social protection systems which could contribute to women's economic independence and sustainable development of their livelihoods. However, if social protection systems stop being accessible in person and are only accessible digitally, this will disproportionally impact on women in poverty as they may not be able to afford the necessary technology or may not have the necessary ICT skills to access these services.

In regard to Article 2 (2) of the ICESCR -
"2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." – There is no prohibition or discrimination by DEASP.
There is no discrimination of any kind.

- **Do unavoidable tradeoffs between rights arise in the context of the application of digital technologies in national social protection systems? For example, between the right to privacy and the right to receive social protection from the State?**

  The questionnaire mentions privacy rights in a couple of places and in particular asks about the 'tradeoffs' between data subject rights and the ongoing development of digital technologies. It is important to note that General Data Protection Regulation (GDPR) sets out the overall concept of data protection by design and default and that this principal would cover ongoing digital developments. Indeed, as DEASP introduce new schemes or systems – or amend any current processes, the Department undertakes Data Protection Impact assessments to review and mitigate against any data protection risks that may arise.

  Accordingly, DEASP does not see any conflict between data protection and the expansion of digital systems. Irrespective of the service delivery channel, personal data is required by the Department to process claims and offer supports and services. DEASP data protection policies and operational procedures ensure that the amount of data collected is limited to what is required and the Department has a corporate retention policy which sets out how long to retain data for. DEASP has always been conscious of the need for data security at all levels and again, the advent of digital technology doesn't change this.

4. **What contextual circumstances affect the impact of digital technologies in specific social protection systems on human rights?**

- **Which existing laws and regulations are most relevant in curbing the risks of introducing digital technologies in social protection systems? For example: data protection law, freedom of information law, intellectual property law, and procurement law.**

DEASP adheres to the Data Protection Acts 1988 to 2018 and Regulation (EU) 2016/679 (General Data Protection Regulation) and applies best practice in the development and maintenance of its websites. A privacy statement on the websites outlines the Departments commitments in this regards and how customers can raise any concerns. As stated above, customers can access information and services across multiple channels including online, using paper forms, calling our phone banks and walking into our staffed offices provided nationwide so that if people encounter difficulties with using the digital channels the Department has a number of ways in which people can access our staff for assistance. This approach remains a fundamental part of our strategic plans for the Departments future operational model.