INOU Submission on the Social Welfare, Pensions and Civil Registration Bill 2017

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INTRODUCTION

The Irish National Organisation of the Unemployed (INOU) *"is a federation of unemployed people, unemployed centres, unemployed groups, community organisations and Trade Unions. The INOU represents and defends the rights and interests of those who want decent employment and cannot obtain it. We promote and campaign for policies to achieve full employment for all. We also campaign for an acceptable standard of living for unemployed people and their dependents. The INOU is an anti-sectarian, anti-racist, non-party political organisation which promotes equality of opportunity within society."* (Mission Statement)

The organisation has over 210 affiliated organisations and 2,600 individual members. We work at the local and national level on issues affecting unemployed people through the provision of training and welfare rights information services; analysis of Government policies and related advocacy work; and working with a wide range of other organisations on issues of common concern.

SOCIAL WELFARE, PENSIONS AND CIVIL REGISTRATION BILL 2017

On May 17th the INOU published its submission on the General Scheme of the Social Welfare and Pensions Bill 2017. Of particular concern to the INOU was Part 2: Amendments to Social Welfare Acts and how these legal changes could amplify the potentially negative impact on unemployed people of the public campaign ran entitled *Welfare Cheats Cheat Us All*.

It is important that there is accurate information out in the public domain, and that people understand clearly the terms and conditions that apply to whatever social welfare payment they are receiving. To ensure that there is such clarity and accuracy social protection services must engage constructively with their service users an on-going basis and through a variety of media. The danger of the recent campaign and the proposal to publish the list of people found guilty of an offence is that they run contrary to the ethos that should underpin a more constructive relationship.

As the national organisation of the unemployed, we are keenly aware that, even with an improving economy, many people still struggle to find decent employment. These include young people who feel lost in the system; older people suffering from age discrimination; women who can't afford good childcare and people living in rural areas who struggle to access reliable public transport. The organisation is equally concerned at the potentially negative impact of the publicity campaign and the Bill's proposals on the Department's own work to engage with and encourage a wide range of employers to give serious consideration to employing unemployed people, and in particular those who are long-term unemployed. Ensuring better outcomes from this work, would lead to more effective use of public resources.

On July 7th the Social Welfare, Pensions and Civil Registration Bill 2017 was published. The INOU welcomes the fact that the proposal of 9 week penalty of up to 25% contained in *Head 5: False Statements and Offences, Including Offences Relating to Bodies Corporate* of the General Scheme of the Social Welfare and Pensions Bill 2017 has not been carried forward into the actual Bill.

In the Social Welfare, Pensions and Civil Registration Bill's Explanatory Memorandum published it states *"The main policy focussed change to the Social Welfare Consolidation Act 2005, as provided for in the Bill, is a measure designed to deter and reduce fraud in the social welfare system, by providing for the publication, on a quarterly basis, of the name and address of persons convicted in a court of social welfare fraud."* This policy change is covered under Section 4 of the Bill which deals with the *"Publication of Names, Addresses and Information Relating to Conviction".*

Of particular concern to the INOU is the potential overall negative impact of this proposal; and the Data Protection and privacy issues that could arise from its implementation:

♦ The INOU believes that the publication of names and addresses is an issue for consideration under the Data Protection Act. Comparisons have been made with the Revenue tax defaulters list, but it may well be the case that such a comparison is not appropriate. The stated *"objective of the provision is to contribute to a reduction in fraudulent activity through increasing public awareness of the consequences of fraudulent activity"*. But the purpose of the list and the information it contains, to 'raise public awareness', may not constitute sufficient, or indeed appropriate, grounds for use of the data under data protection rules 1, 2, 3 and 6. The advice, and indeed a decision, by Data Protection Commissioner should be sought to clarify this matter;

♦ And on the issue of privacy, there are a number of questions that the Department of Social Protection must carefully consider:
  ▪ How will the Department prevent others from publishing, or republishing, the list?
  ▪ How will they prevent others from retaining, and publishing, the list past the three month period?
  ▪ Will the Department seek to prevent others retaining or using this information to use as data for consideration when assessing any application for other services or supports i.e. employment, financial, insurance, housing (public and private) or other?
  ▪ Will the DSP ensure that this 'data' is removed from search engine results relating to the Welfare or other state websites after the 3 month period?

♦ The INOU also notes with concern that the widely reported decision not to publish the details of individuals convicted where the amount of overpayment is less that €5,000 is not contained in this Bill.

Given that the Department of Social Protection has responsibility for the National Employment Service and the relationship it must build with employers and unemployed people to ensure maximum success, the INOU urges that Section 4 is the removed from the Social Welfare, Pensions and Civil Registration Bill 2017.

Thank you for your time and consideration