

By Email only: vcd@Communities-ni.gov.uk

23 January 2023

Dear Sir/Madam,

CALL FOR EVIDENCE - Debt Respite Policy Proposals for Northern Ireland

The ICO welcomes the opportunity to respond to the Call for Evidence on Debt Respite Policy Proposals for Northern Ireland.

As part of this we would like to draw your attention to your potential obligations under Article 36(4) of the UK GDPR.

Article 36(4) requires that the ICO is consulted directly in the course of the preparation of a legislative or regulatory measure which provides for the processing of personal data. Such prior consultation is deemed necessary in order to ensure compliance with the UK GDPR and in particular to mitigate the risk involved for the data subjects affected by the proposals.

Article 36(4) Consultation Process

DCMS has published [this guidance](#) which sets out a process by which all relevant public bodies should consult with the ICO to fulfil their obligations in respect of this requirement.

The [Enquiry Form](#) (set out at Annex A of the guidance) needs to be completed by the Department for Communities' policy lead in consultation with the Data Protection Officer. The form is designed to capture the initial information the ICO requires to assess whether or not policy proposals require formal consultation under Article 36(4). Therefore, it would be very helpful if your policy lead in this area could fill out this form.

The Enquiry Form should then be sent to legcon@ico.org.uk, with a subject line reading:

"Art 36(4) - Consultation request - [insert details of department] - [insert title of proposal]".

At this stage, it would be best to submit your consultation request as outlined above as soon as possible, to ensure it fulfils the Article 36(4) requirements, and to provide us with the necessary information that we require so this can be progressed quickly for you.

Once we receive this, an acknowledgement email will be sent within 48 hours of this form being submitted. Our procedures state that follow up contact will be made within two weeks to confirm whether the ICO have identified any preliminary issues from the initial information provided and confirming whether further consultation is required. If we require further consultation, we will often ask to view your Data Protection Impact Assessment (DPIA) regarding the legislation (if one has been completed), as this can form an integral part of the consultation we carry out.

I hope this helps. Please feel free to get in contact if you require any further clarity on this matter.