



UCD Centre for Digital Policy

Ionad um Bheartas Digiteach UCD

Thank you to the Joint Committee on Social Protection, Rural and Community Development for the opportunity to discuss matters arising from the Pre-Legislative Scrutiny of the General Scheme of the Social Welfare and Other Matters Bill 2026.¹

A particular concern within the General Scheme, and especially under Head 7, is Ireland's Public Services Card (PSC). As drafted, Head 7 appears to facilitate through further amendments of a 'byzantine'² legal framework the normalisation of the PSC as a general-purpose identity card. The most striking feature of Head 7 is not simply that it seeks to expand PSC use in this way, but that it appears to do so without resolving the core legality problems that continue to surround the system.

The Public Services Card's history

It is now well established that the PSC issue in Ireland was never simply about a physical card. Rather, it concerns a comprehensive state biometric identity infrastructure, somewhat paradoxically branded the 'SAFE' system,³ which expanded over time far beyond its original welfare-administration purpose into multiple areas of public service access.

¹ Department of Social Protection, General Scheme of the Social Welfare and Other Matters Bill 2026 (2026) https://assets.gov.ie/static/documents/f4ddd9f2/General_Scheme_of_the_Social_Welfare_and_Other_Matters_Bill_2026.pdf

² Philip Alston, 'Ireland's Public Services Card discriminates against the marginalised, warns UN rights expert' (Office of the High Commissioner for Human Rights, 21 April 2020) <https://www.ohchr.org/en/press-releases/2020/04/irelands-public-services-card-discriminates-against-marginalised-warns-un>

³ Comprehensive Guide to SAFE Registration and the Public Services Card (Department of Social Protection, October 2017) <https://assets.gov.ie/static/documents/comprehensive-guide-to-safe-registration-and-the-public-services-card.pdf>

This expansion took place despite sustained interventions from data protection experts,⁴ civil liberties organisations,⁵ community interest groups,⁶ and the former UN Special Rapporteur on extreme poverty and human rights.⁷ These concerns ultimately foreshadowed the decisions of the Data Protection Commission (DPC) in both 2019⁸ and 2025⁹, including findings that there was no lawful basis for certain PSC-related processing beyond core social welfare purposes.

Mandatory in effect

Head 7 does not resolve the longstanding concern¹⁰ that the PSC has become effectively mandatory for Ireland. As drafted, it enables a PSC holder to use it voluntarily as proof of identity or age with any person, whether a specified body or otherwise (at Head 7 (d)(1E)). However, ‘voluntary’ identity systems can become de facto mandatory when banks, landlords, employers, utilities, venues or service providers start treating the PSC as the easiest or preferred form of identification.¹¹ If over time, alternative processes are slower, more burdensome, or treated with suspicion, people will be nudged toward wholesale PSC use. The long stated risk regarding the creation of a general-purpose identity card ‘by stealth’¹² is not resolved by Head 7.

Risks of universal identifiers

Expanding the PSC into everyday life risks embedding it as a universal identifier across both public and private sectors. This creates the foundations for a broad, interoperable identity infrastructure in which datasets can become linkable, profiling becomes easier, and information collected for one

⁴ See for eg Digital Rights Ireland, ‘Digital Rights Ireland welcomes €550,000 fine for illegal PSC biometric data gathering’ (Digital Rights Ireland, 12 June 2025) <https://www.digitalrights.ie/digital-rights-ireland-welcomes-e550000-fine-for-illegal-psc-biometric-data-gathering/>

⁵ See for eg the Irish Council for Civil Liberties, Joint Committee on Employment Affairs and Social Protection, ‘Public Services Card: Discussion’ (8 February 2018) https://www.oireachtas.ie/en/debates/debate/joint_committee_on_employment_affairs_and_social_protection/2018-02-08/3/ and Privacy International, ‘Identity schemes and data protection: lessons from Ireland’s Public Services Card’ (21 August 2019) <https://privacyinternational.org/news-analysis/3177/identity-schemes-and-data-protection-lessons-irelands-public-services-card>

⁶ Pavee Point hosts ICCL talk on privacy issues and Public Services Card (Pavee Point Traveller and Roma Centre, 30 July 2019) <https://www.paveepoint.ie/pavee-point-hosts-iccl/>

⁷ Mandate of the Special Rapporteur on extreme poverty and human rights, ‘Communication to Ireland, Reference OL IRL 1/2020’ (14 April 2020) <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25176>

⁸ Final Investigation Report of the Data Protection Commission on the Public Services Card (Data Protection Commission, August 2019) <https://assets.gov.ie/static/documents/report-of-the-data-protection-commission-on-the-public-services-card.pdf>

⁹ Decision of the Data Protection Commission pursuant to ss 111 and 124 of the Data Protection Act 2018: In the matter of the Department of Social Protection (DPC Case Reference: IN-21-7-3) (Data Protection Commission, 9 June 2025) https://www.dataprotection.ie/sites/default/files/uploads/2025-09/IN-21-7-3_DSP_Final_Decision_2025.pdf

¹⁰ Elaine Edwards and Vivienne Clarke, ‘Regina Doherty says public services card now mandatory for welfare’ The Irish Times (25 August 2017) <https://www.irishtimes.com/news/social-affairs/regina-doherty-says-public-services-card-now-mandatory-for-welfare-1.3198024>

¹¹ In addition to the PSC example itself, India’s Aadhaar system was initially framed as voluntary and targeted toward welfare efficiency. Over time, however, it became deeply embedded across everyday life.

¹² Hajar Akl, ‘No lawful basis for compulsory public services card, expert says’ The Irish Times (29 August 2017) <https://www.irishtimes.com/news/ireland/irish-news/no-lawful-basis-for-compulsory-public-services-card-expert-says-1.3202064>

purpose migrates into others. These concerns are not new. Indeed, by 2023 it was revealed that the PSC:

was being used to record times, dates, routes, length of journey, geographic location of journey, type of journey, and — most egregious of all — a unique identifying number which could be used to re-identify the holder of the pass. Not only that, said data was also being shared between the national Transport Authority(NTA) and the Department of Social Protection¹³

The present proposal, by lessening boundaries around PSC use, appears to return Ireland's movement along such a trajectory.

Biometrics/facial recognition concerns

In 2025, the DPC found that SAFE 2 registration involved large-scale processing of sensitive biometric facial data for the purpose of access to benefits. This was for vulnerable data subjects including pregnant people, persons with disabilities and the elderly, but also for anyone who sought to access a PSC. This processing was contrary to the General Data Protection Regulation and Ireland's data protection framework.¹⁴ It could have resulted in the denial of access to certain public services. The DPC therefore imposed a €550,000 fine and ordered the Department to cease unlawful biometric processing within nine months unless a valid legal basis could be established.

Perplexingly, this Bill does not appear to seek to address those foundational legality issues concluded by the DPC. Instead, it focuses almost entirely on downstream card usage rather than the upstream biometric infrastructure that enables the card's issuance in the first place. That omission is significant. Before expanding the PSC further, it is reasonable to ask: Has the unlawful biometric processing ceased? Has a valid legal basis now been established? If so, where is that legal basis contained?

Targeting, not protecting, vulnerable populations

The General Scheme is framed in user-friendly language, particularly around assisting 'vulnerable' people who may not possess passports or driving licences. Accessibility and inclusion are legitimate concerns. However, there is an uncomfortable contradiction in the Department now presenting the PSC as protective of vulnerable populations given the DPC's 2025 findings (described above) and given how the system historically emerged through welfare fraud narratives that disproportionately targeted those same groups.

Political rhetoric surrounding 'people who get up early in the morning' and 'welfare cheats cheats us all' echoed in promotion of the PSC has since been characterised as a 'dog whistle' about social

¹³ Cianan Brennan, 'Public Services Card debacle shows the State is prepared to take liberties with citizens' data' Irish Examiner (2 June 2023 <https://www.irishexaminer.com/opinion/commentanalysis/arid-41153128.html>)

¹⁴ See in particular para 205. Decision of the Data Protection Commission pursuant to ss 111 and 124 of the Data Protection Act 2018: In the matter of the Department of Social Protection (DPC Case Reference: IN-21-7-3) (Data Protection Commission, 9 June 2025) https://www.dataprotection.ie/sites/default/files/uploads/2025-09/IN-21-7-3_DSP_Final_Decision_2025.pdf

welfare fraud in Ireland.¹⁵ Such unsubstantiated claims about social protection recipients can reinforce harmful assumptions about poverty, disability, and unemployment. Indeed, the former UN Special Rapporteur on extreme poverty and human rights argued ‘de facto discrimination on grounds prohibited by international law’,¹⁶ stating that the PSC regime implementation ‘gravely prejudiced the least well-off’¹⁷ and acted as a barrier to social protection for vulnerable populations rather than facilitating access.

Next steps

The financial cost to the Irish public associated with the PSC (€69 million by 2020)¹⁸ combined with its unresolved legality, rights, and discrimination concerns, raise a difficult but necessary question: Should the PSC now be recognised as a failed identity infrastructure project and a cautionary lesson regarding the deployment of high-risk surveillance technologies? Might Ireland learn here about onboard surveillance technologies without clear legislative basis, meaningful democratic debate, or robust safeguards? Could Ireland, the heart of gold standard data protection governance, take this opportunity to model as a global example important principles like data minimisation, purpose limitation, and transparency by doing away with the PSC

Minimum interventions

Alternatively, as Irish policy makers reason that they cannot extract themselves from this project at this stage, then at minimum, the General Scheme should:

- state that non-specified bodies cannot rely on a PSC and similarly prohibit the use of the PPS number by non-specified bodies;
- require clear transparency notices wherever PSCs are accepted;
- reaffirm passports, driving licences, and other traditional forms of identification;
- remove unnecessary personal data from the card itself, including the PPS number and full date of birth;
- prohibit copying or retaining PSC data except where strictly necessary and lawful;
- fully cease or provide explicit clarity regarding the legal basis for any continuing biometric processing connected to SAFE registration.

¹⁵ Niamh Horan, ‘Oliver Callan: Public Services Card report is a “political earthquake”’ The Irish Sun (21 August 2019) <https://www.thesun.ie/news/4462733/oliver-callan-public-services-card-political-earthquake/>; https://www.cambridge.org/core/services/aop-cambridge-core/content/view/38AAE4B67F29E43F38B053BC13ECC72E/S1474746422000082a.pdf/framing_and_shaming_the_2017_welfare_cheats_cheat_us_all_campaign.pdf

¹⁶ Mandate of the Special Rapporteur on extreme poverty and human rights, ‘Communication to Ireland, Reference OL IRL 1/2020’ (14 April 2020) <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25176>

¹⁷ Philip Alston, ‘Ireland’s Public Services Card discriminates against the marginalised, warns UN rights expert’ (Office of the High Commissioner for Human Rights, 21 April 2020) <https://www.ohchr.org/en/press-releases/2020/04/irelands-public-services-card-discriminates-against-marginalised-warns-un>

¹⁸ Karlin Lillington, Taxpayers on the hook for Public Services Card farce: Net Results. The Irish Times (2020, Jan 09)

Conclusion

The issue raised by the General Scheme is not whether some individuals would like to use the PSC as proof of identity. It is whether Ireland continues to incrementally construct a de facto national identity scheme through piecemeal amendments following years of contested legality. That is ultimately the question now before the Committee.

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