SmartSuite

Framework / Privacy / Global Privacy Regulations

Data Protection Act 2018 (Ireland)

Ireland's Data Protection Act 2018 gives effect to the GDPR in Ireland, sets Irish rules on children and special category data, and sets up the Data Protection Commission.



What it is

The Data Protection Act 2018 is the Irish statute that gives effect to the General Data Protection Regulation (GDPR) in Ireland, transposes the Law Enforcement Directive (EU 2016/680) for police and criminal justice processing, and establishes the Data Protection Commission (DPC). It binds every controller and processor subject to Irish data protection law, public and private, and has been in force since 25 May 2018.

The Houses of the Oireachtas enacted the Act in May 2018, and the DPC is the supervisory authority that enforces it (sections 10 and 11). The Act does not restate the GDPR. It fills the places where the GDPR leaves choices to member states: the age of a child, the special categories of data, restrictions on rights, and national enforcement procedure.

At a glance

PUBLISHER Houses of the Oireachtas (enacted); enforced by the Data Protection Commission	TYPE Regulation	VERSION Data Protection Act 2018 (Number 7 of 2018), as amended
EFFECTIVE May 25, 2018 (S.I. No. 174 of 2018)	DOMAIN Privacy	FAMILY Global Privacy Regulations
REGION Ireland	ADOPTION MODEL Regulatory Compliance	IMPLEMENTATION COMPLEXITY High

Source: irishstatutebook.ie/eli/2018/act/7/enacted/en/html

Why it matters

- **A child is anyone under 18** For the GDPR in the State, a child is a person under 18 (section 29), while the age for consent to information society services is 16 (section 31).
- **Specific grounds for sensitive data** Chapter 2 of Part 3 sets the grounds for special category and criminal conviction data, for example employment and social welfare law (section 46) and insurance and pensions (section 50).
- **Restrictions on rights** Section 60 restricts GDPR Articles 12 to 22 and 34 where necessary and proportionate, for example for national security, criminal investigation, tax administration or legal claims.
- **A named regulator with real powers** The DPC can serve information notices, enforcement notices and search warrants and carry out investigations (sections 130 to 140).

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How SmartSuite supports DPA 2018 (Ireland)

Processing Record with Section Basis

Record each processing activity with its GDPR Article 6 and 9 basis and the Irish section relied on, such as section 38 or section 46.

Children's Data Register

Flag services that reach children under 18, record the age-16 consent check for information society services and the owner of each check (sections 29 and 31).

Restriction and Exemption Log

Log each use of a section 60 restriction with the objective relied on, the necessity and proportionality note and the approver.

Data Subject Request Workflow

Run access, erasure and objection requests with deadlines, restriction decisions and audit trail, including section 56 and 57 cases.

DPC Contact and Inquiry File

Keep information notices, enforcement notices, responses and the 28-day appeal dates (sections 132, 133 and 142) in one case record.

Processor and Disclosure Controls

Track processors, their authorizations and the section 144 and 145 disclosure rules, and report open actions to the privacy owner.

Common framework mappings

Official resources

Ireland Data Protection Act 2018

Defines legal requirements for data protection and privacy, aligning with GDPR in Ireland.

dataprotection.ie/en/dpc-guidance/law/data-protection-legislation

Data Protection Commission: Guidance and Resources

Provides official guidance and resources for compliance with Irish data protection laws.

dataprotection.ie/en/dpc-guidance

Data Protection Act 2018: Key Provisions

Outlines key provisions and obligations under the Ireland Data Protection Act 2018.

dataprotection.ie/en/dpc-guidance/law/data-protection-legislation

DPC - Data Processing Notifications

Describes procedures for data processing notifications and breach reporting.

dataprotection.ie/en/organisations

Frequently asked questions

Does the Data Protection Act 2018 replace the GDPR in Ireland?

No. The GDPR applies directly in Ireland. The Act gives effect to it where the GDPR leaves choices to member states, sets up the Data Protection Commission and provides national enforcement procedure. It also implements the Law Enforcement Directive in Part 5.

Who counts as a child under the Act?

For the GDPR, a child is a person under 18 (section 29). The age of digital consent for information society services is 16 (section 31). The Act also covers micro-targeting and profiling of children (section 30).

What powers does the Data Protection Commission have?

The DPC can handle complaints, open inquiries of its own volition (section 110), serve information notices of at least 28 days and enforcement notices (sections 132 and 133), investigate (sections 137 to 140) and decide to impose administrative fines under GDPR Article 83 (section 141). A fine can be appealed to the court within 28 days (section 142).

Are there criminal offences under the Act?

Yes. A processor, or its employee or agent, that discloses personal data without the controller's authority commits an offence (section 144). So does a person who obtains personal data without authority and discloses it, or sells it (section 145). On indictment the penalty is a fine up to €50,000, imprisonment up to five years, or both.

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Is there a cap on fines for public bodies?

Yes. Where the DPC fines a public authority or body that does not act as an undertaking under the Competition Act 2002, the fine cannot exceed €1,000,000 (section 141(4)).

License included / downloadable: Yes The Act is public legislation published on the Irish Statute Book and is included with the platform for reference.

Full framework page and mappings: smartsuite.com/frameworks/data-protection-act-2018-ireland

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