

# Data Protection Notice for the Birth Information & Tracing Service

This notice was reviewed in March 2025



The Birth Information and Tracing Act 2022 entitles eligible applicants to apply:

1. for any **birth information** held, namely to birth certificates, birth, early life information and provided items for all persons who were adopted, boarded out, the subject of an illegal birth registration.
2. a statutory **tracing service** to search for and identify persons for the purpose of sharing information and/or contact.

The legislation provides Tusla, the Child and Family Agency and the Adoption Authority of Ireland (AAI) with the statutory basis to provide these services.

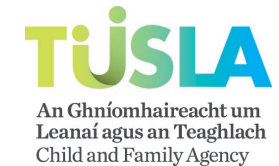
Eligibility for the services is determined by the cohort of applicants set out in the Birth Information and Tracing Act 2022.

The processes relevant to Birth Information and Tracing (BIT) Service is summarised below, describing the purpose, types of personal data, and to whom information may be shared with, where there is a required purpose and reason to do so.

Process	Type of Personal Data	Purpose*	Information may be shared with
<b>Application for and Delivery of an Information Service</b>	<ul style="list-style-type: none"> <li>– Name and contact information</li> <li>– Age and date of birth</li> <li>– Circumstances on birth and early life</li> <li>– Adoptive parents names/address</li> <li>– Where applicable, General Practitioner's details</li> <li>– Proof of identity and address documentation</li> <li>– Where applicable, details of authorised person</li> </ul>	<p>Applications for information can be made for:</p> <ul style="list-style-type: none"> <li>Birth certificates</li> <li>Birth information</li> <li>Early Life information</li> <li>Care information</li> <li>Provided items</li> <li>Medical information</li> </ul> <p>A check is performed to ascertain if any contact preference has been registered on the Contact Preference Register (CPR).</p> <p>Check/confirm name of adoption agency in order to identify the correct records</p>	<p>The Agency (Tusla) and the Adoption Authority of Ireland (AAI) shall each provide the other body with such information as is necessary for the performance by the other body of its functions under the Act.</p>
<b>Contact Preference Register (CPR)</b>	<ul style="list-style-type: none"> <li>– Name and contact information</li> <li>– Date of birth</li> <li>– Particular circumstances on birth and early life as well as any further information which may be identified, such as alternative names or dates of birth</li> </ul>	<p>The CPR, held by the AAI, allows eligible persons to register a contact preference in relation to contact with relatives.</p> <p>Under section 40 of the BIT Act, Tusla will engage with the AAI to check for any relevant entries on the CPR.</p>	<p>Tusla will use this information to check with the AAI to determine if any record of a contact preference has been entered on the CPR. The Agency (Tusla) and the Adoption Authority of Ireland (AAI) shall each provide the other body with such information, and any other information, as is necessary for the performance by the other body of its functions under the Act.</p>

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<b>Initial Eligibility Check</b>	<ul style="list-style-type: none"> <li>– Name and contact information</li> <li>– Circumstances on birth and early life</li> </ul>	To screen applications received using information provided by the applicant to determine if the applicant is a relevant person, qualifying person or qualifying relative as defined in the Act.	-
<b>Application for &amp; Delivery of a Tracing Service</b>	<ul style="list-style-type: none"> <li>– Name and contact information</li> <li>– Age, date of birth</li> <li>– Circumstances on birth and early life</li> <li>– Adoptive parents names/address</li> <li>– Proof of identity and address documentation</li> <li>– Where applicable, medical Information</li> <li>– Where applicable, details of authorised person</li> <li>– Name and status of family member being traced and personal details (if known)</li> <li>– In the delivery of the tracing service, personal data relating to the person being traced is collected such as name, data of birth, age, civil status, PPSN, contact details</li> </ul>	<p>Part 5 of the BIT Act provides a statutory tracing service to enable those eligible to trace family members for consensual contact or sharing of information.</p> <p>Any information provided will be checked against the records held by Tusla for this purpose.</p> <p>Public records are reviewed, gathered and processed in line with Parts 2-4 of the Birth Information &amp; Tracing Act 2022.</p> <p>A check is performed to ascertain if any contact preference has been registered with the AAI on the Contact Preference Register (CPR).</p>	<p>In certain situations, a tracing application made to Tusla may be transferred to the AAI where the AAI hold all or the majority of the relevant records.</p> <p>Tusla and the AAI shall each provide the other body with such information as is necessary for the performance by the other body of its functions under the Act.</p> <p>Under Part 9 of the Act, if in possession of information or document in respect of an illegal birth registration Tusla shall provide this information or documents to the General Registration Office (GRO).</p> <p>Under section 34 of the BIT Act, data may be shared or requested from the following bodies to support the tracing service:</p> <ol style="list-style-type: none"> <li>Minister of the Government,</li> <li>An office or body in relation to which functions are vested in a Minister of the Government,</li> <li>Health Service Executive (HSE),</li> </ol>

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			<ul style="list-style-type: none"><li>d) A voluntary maternity hospital providing services under Section 38 of the Health Act 1970,</li><li>e) Garda National Immigration Bureau (GNIB),</li><li>f) An Post,</li><li>g) A diocese or parish of the Roman Catholic Church or (h) the Church of Ireland,</li><li>h) Body designated by the Minister under subsection (9) as a body to which this section applies.</li></ul> <p>It may be necessary for Tusla to request information from the Department of Social Protection (DSP) for the sole purpose of tracing and contacting a person being traced. If the person being traced is not contactable via the details supplied by the DSP, Tusla will request the PPSN for the person being traced and provide this to the Revenue Commissioners. The Revenue Commissioners will advise Tusla if they have alternative contact details for the person being traced. Contact information is not shared with applicant unless by agreement with the person being trace.</p>

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Process	Type of Personal Data	Purpose*	Information may be shared with
<b>Online and Social Media Searches</b>	<ul style="list-style-type: none"> <li>– Name and contact information</li> <li>– Age and date of birth</li> <li>– Circumstances on birth and early life</li> <li>– Adoptive / birth family personal data</li> </ul>	<p>Tusla <u>may</u> utilise other available resources such as publicly available elements and perform internet and social media searches to:</p> <ul style="list-style-type: none"> <li>– To search, locate and/or initiate contact with a relevant family member in order to provide a tracing service for an eligible person.</li> <li>– Initial contact may occur via an online messaging application.</li> <li>– Where an individual wishes for Tusla to continue to engage solely via this method of communication, Tusla may use the following: <ul style="list-style-type: none"> <li>o Facebook Messenger</li> <li>o WhatsApp</li> <li>o Snapchat</li> <li>o Telegram</li> </ul> </li> <li>– Global search engines and subscription sites to which Tusla have subscribed, these include but not limited to: <ul style="list-style-type: none"> <li>o Irish Newspaper Archives</li> <li>o Lexis-Nexis (formerly Tracesmart)</li> <li>o Ancestry</li> <li>o Find My Past</li> </ul> </li> <li>– The following publicly accessible social media sites that <u>may</u> be used (depending on user's security settings): <ul style="list-style-type: none"> <li>o Facebook</li> <li>o X (formerly Twitter)</li> <li>o Instagram</li> <li>o Reddit</li> </ul> </li> </ul>	<p>Tusla may maintain a copy of individuals online/social media profile to evidence the tracing research conducted.</p>

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		<ul style="list-style-type: none"> <li>○ Pinterest</li> <li>○ Flickr</li> <li>○ Tumbler</li> <li>○ Tik Tok</li> <li>○ Snapchat</li> <li>– Other sites/resources that may be used (this list is not exhaustive): <ul style="list-style-type: none"> <li>○ <a href="http://www.rip.ie">www.rip.ie</a></li> <li>○ <a href="http://www.boards.ie">www.boards.ie</a></li> <li>○ Parish, sports clubs, social club websites,</li> <li>○ Land Direct</li> <li>○ Electoral Register</li> </ul> </li> </ul>	
<b>Support and Counselling</b>	<ul style="list-style-type: none"> <li>– Name and contact information</li> <li>– Date of birth</li> <li>– Reason for referral</li> </ul>	To provide counselling where required to those seeking our services as mandated under section 63(b) and section 69 of the BIT Act.	Tusla currently has a Service Level Agreement (SLA) in place with Barnardos to provide counselling where required to those seeking support service. Tusla may share personal data with alternative counselling support services in agreement with an applicant seeking this service.
<b>Relationship DNA to prove a genetic relationship between two individuals</b>	<ul style="list-style-type: none"> <li>– Name and contact information</li> <li>– Date of birth</li> <li>– Gender</li> <li>– Doctors' details</li> <li>– DNA markers and results analysis</li> </ul>	In some cases, prior to arranging contact or reunification between two individuals it may be necessary to determine that a genetic family relationship exists between two individuals using genetic DNA testing. Tusla will consult with both parties to determine their willingness or otherwise to engage in DNA testing.	Information will be shared by Tusla with the DNA testing provider with the consent of both parties undertaking the DNA testing

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### **\*Purpose and Legal Basis**

Our purpose for processing personal data is to provide a birth information and tracing service under the following legal basis:

- Compliance with a legal obligation to which Tusla is subject, namely the Birth Information and Tracing Act 2022 (sections 32(1), 33, 34(1) and 66) as well as section 4(k) of the Adoption Act 2010. [Article 6(1)(c) of the General Data Protection Regulation (GDPR)].
- For archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) of the GDPR.
- For the performance of tasks carried out in the public interest or in the exercise of official authority vested in Tusla [Article 6(1)(e) of the GDPR] and Section 38 Data Protection Act 2018.
- To protect the vital interests of a data subject and for reasons of substantial public interest, based on the Birth Information and Tracing Act 2022.
- Consent from the data subjects for the purposes of DNA tracing [Article 9(2)(a) of the GDPR].
- Processing by online and social media search relates to personal data manifestly made public by the data subject [Article 9(2)(e) of the GDPR].

### **International Transfers**

In accordance with Department guidelines and EU Adequacy Decisions, Tusla may use other internationally available resources, such as social services, voluntary or religious adoption societies in other jurisdictions such as the UK, USA, and Australia, for the purpose of the tracing function.

### **Data Protection Rights**

All individuals have legal rights in relation to their personal data. These rights however are not absolute and are subject to certain exceptions or qualifications. In the context of the BIT records and legislation, there are restrictions to these rights. The right to erasure (Articles 17 & 19 of the GDPR) does not apply to information which is necessary for archiving purposes in the public interest.

In addition, the right to rectification (Article 16), the right to be informed (Article 14), restriction of processing (Article 18), and the right to object (Article 21) may in certain circumstances be limited due to the allowable restrictions outlined in Article 23 of the GDPR and the provisions of the BIT Act. Such rights requests will however be considered on a case-by-case basis. For further data protection information or to exercise these data rights please see the main Tusla Data Protection Notice.