

**Minister Paschal Donohue,
Minister for Finance,
Leinster House,
Kildare St.,
Dublin 2.**

10th October, 2022

Via Email to: paschal.donohoe@oireachtas.ie

Re: Proof of Identity – Opening Bank Accounts

Dear Minister Donohue,

I refer to my letter of 8th August 2022 and a reply received on your behalf from Alex Costello, Private Secretary, on 22nd September 2022.

In my letter of August, I pointed out that the withdrawal of both Ulster Bank and KBC Bank from the Irish banking market, which necessitates many people closing their accounts and moving to another bank, is proving a challenge for a significant number of people and the issue of proof of identity is one of those challenges. Safeguarding Ireland sought that an alternative proof of identity, other than a driver's license or a passport, which are currently demanded by retail banks for the opening of bank accounts, be explored and suggested that, perhaps, the Public Service Card be considered as an alternative, given that it is issued by a Government Department - the Department of Social Protection.

Safeguarding Ireland is aware that *'credit and financial institutions are obliged to identify and verify their customers' identity on the basis of documents or information that they have reasonable grounds to believe can be relied upon to confirm the identity of the customer'*.

Your reply goes on to state that neither relevant money laundering legislation or the Central Bank are prescriptive as to what documents and information can be relied upon for identification purposes. The reply further points out provisions of the Central Bank's Consumer Protection Code in relation to vulnerable customers is that a '*regulated entity must ensure that the vulnerable customer is provided with such reasonable arrangements and/or assistance that may be necessary*'. This infers that the Public Service Card issued by the Department of Social Protection can be accepted by a regulated entity as proof of identity.

Safeguarding Ireland draws your attention to Section 263(4) of the *Social Welfare Consolidation Act 2005* which provides:

*A person who uses or attempts to use a public service card or **seeks to have a public service card produced to him or her, other than –***

- (a) the person who is the holder of the card or a person appointed to act on behalf of the cardholder,*
- (b) **a specified body**, for the purposed of a transaction, or*
- (c) a person who has a transaction with a specified body where the personal public service number on the card is relevant to the transaction between that person and the specified body,*

is guilty of an offence.

Section 262 states that a 'specified body' shall be read in accordance with Schedule 5.

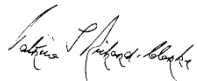
Schedule 5 lists a number of specified bodies. Since the commencement of the *Social Welfare Consolidation Act 2005* a not insignificant number of bodies have been added to the list. A 'Minister of the Government' is a specified body which includes the Minister for Finance and the Minister for Social Protection (who is copied in on this letter), but retail banks or Credit Unions are not specified bodies. Therefore, given the provisions of Section 263(4) that an offence will be committed, financial institutions will not accept the Public Service Card for identification purposes. This needs to be addressed. See the following from the Government website.

<https://psc.gov.ie/public-services-card-and-credit-unions/#>

Safeguarding Ireland asks you, as Minister for Finance, to collaborate with the Minister for Social Protection to enable arrangements/regulations to be put in place so that persons who wish to tender their Public Service Card to regulated financial and banking service providers, for identification purposes, are facilitated to do so. This is an urgent matter that needs to be addressed to reduce the stress and anguish that some are experiencing now in moving accounts from one bank to another.

Safeguarding Ireland welcomes the provisions contained in the *Assisted Decision-Making (Capacity) (Amendment) Bill 2002* amending the *Credit Union Act 1997* in accordance with a submission it made in January 2022. It notes that your Department is monitoring the progress of the Bill and will engage with the banking and financial services industry in relation to its implementation. It is important that your Department also engages in relation to the full implementation of the *Assisted Decision-Making (Capacity) Act 2015* which is scheduled for commencement on 21st November 2022.

Yours sincerely,



Patricia Rickard-Clarke,
Chairperson.

CC: Heather Humphreys, Minister for Social Protection,
via Email to: heather.humphreys@oireachtas.ie