



An Roinn Airgeadais
Department of Finance

Appointments to the Irish Financial Services Appeals Tribunal

Closing Date: Midnight on Monday 10 December 2018

Department of Finance
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Appointments to the Irish Financial Services Appeals Tribunal

Location:	The Irish Financial Services Appeals Tribunal, First Floor 4/5 Arran Square, Lincoln Lane, Arran Quay, Dublin 7.
Number of Vacancies:	3 Appointed Members: 1 Deputy Chairperson 2 Lay Members
Remuneration:	Tribunal members receive a per diem (paid by cheque) for each hearing day they attend. The current per diem rates are: Deputy Chairperson: €450.00 per diem Lay Member: €416.00 per diem
Time Requirements:	Time requirements are dictated by the number of hearing days in a given year, which arise from the number of appeals in that year. It is not possible to predict how many appeals there may be in a year, however, as a point of reference there were two appeals in 2017 and four appeals in 2016. For the purpose of hearing a particular appeal, the Appeals Tribunal is constituted by 3 members, therefore it is not necessary for all Tribunal members to be present at all hearings.

1. Background

The Irish Financial Services Appeals Tribunal was established by Part VIIA of the Central Bank Act 1942 (as amended by the Central Bank and Financial Services Authority of Ireland Act 2003) (the Act). The Irish Financial Services Appeals Tribunal has the statutory responsibility to hear and determine appeals made by affected persons against appealable decisions of the Central Bank of Ireland, and has power to do whatever is necessary for or in connection with, or reasonably incidental to, the exercise of its jurisdiction.



2. Functions of the Tribunal

Specifically, the Act (as amended) sets out that the Irish Financial Services Appeals Tribunal has the following statutory functions:

Section 57B sets out that the Irish Financial Services Appeals Tribunal is an independent tribunal -

- (a)(i) to hear and determine appeals under this Part, and
- (a)(ii) to exercise such other jurisdiction as is conferred on it by this Part or by any other enactment or law;
- (b) to ensure that the Appeals Tribunal is accessible, its proceedings are efficient and effective and its decisions are fair;
- (c) to enable proceedings before the Appeals Tribunal to be determined in an informal and expeditious manner.

The legislation provides that the Irish Financial Services Appeals Tribunal shall have between three and seven members. The Appeals Tribunal consists of the following members: a Chairperson; a Deputy Chairperson; and no fewer than 1 and no more than 5 lay members. For the purpose of hearing a particular appeal, the Appeals Tribunal is constituted by 3 members, designated by the Chairperson, one of whom must be either the Chairperson or Deputy Chairperson.

The Appeals Tribunal's statutory functions are set out in Sections 57A-57AZ of the Act, as amended.

3. Legislative Requirements

Section 57D of the Central Bank Act 1942, as amended, provides that members of the Appeals Tribunal are to be appointed by the President on the nomination of the Government. Section 57E of the Act concerns eligibility for appointment as a member.

A person is eligible to be appointed as **Deputy Chairperson** only if the person is -

- (a) a former judge of the Supreme Court, the Court of Appeal or the High Court, or
- (b) a barrister or solicitor of not less than 7 years standing.

A person is eligible to be appointed as a **lay member** only if the President is satisfied that the person has special knowledge or skill in relation to the provision of financial services.

Section 57E also provides that a person will not be eligible for appointment as a member of the Tribunal if he or she:

- (a) is a member of either House of the Oireachtas or is, with the person's consent, nominated as a candidate for election as such a member or is nominated as a member of Seanad Éireann, or



- (b) is a member of the European Parliament or is, with the person's consent, nominated as a candidate for election as such a member or to fill a vacancy in the membership of that Parliament, or
- (c) is a member of a local authority or is, with the person's consent, nominated as a candidate for election as such a member.

Schedule 5 of the Act provides that a person who is a member of the Tribunal **ceases to be a member** if the person –

- is adjudged bankrupt (either in the State or elsewhere) or enters into a composition with the person's creditors, or
- becomes physically or mentally incapable of performing their duties, or
- is convicted of an offence (either in the State or elsewhere) and sentenced to serve a term of imprisonment for the offence.

For this reason, persons who meet any of the directly above criteria will not be considered as applicants.

The President of Ireland may, on the advice of the Government, remove a lay member from office for proven incompetence or misbehaviour, or, on a resolution passed by both Houses of the Oireachtas in the same session, remove the Chairperson or Deputy Chairperson from office for proven misbehaviour or incapacity.

4. Person Specification

Expressions of interest are now invited from eligible applicants who consider they possess the skills and experience necessary to join the Irish Financial Services Appeals Tribunal. Applicants must meet the legislative requirements, set out above.

Lay member applicants must possess significant senior level experience which demonstrates a proven specialist knowledge or skill in relation to the provision of financial services (includes financial products). As a point of reference, previous lay members of the Tribunal have come from the legal profession (solicitors and barristers), the banking sector, and the public sector.

Applicants should also demonstrate in their application, evidence of the following skills:

- Ability to read, analyse and comprehend complex summaries of evidence in the course of preparing for and the holding of a hearing
- Experience in and/or knowledge of the operations of financial services that come within the appeal remit of the Tribunal would be of particular advantage
- Ability to conduct a hearing with due regard to fair procedures



- Ability to take an active part at hearings and to write clear, coherent decisions founded on established legal principles
- Ability to work independently and as a team member
- Ability to communicate effectively, both orally and in writing
- Sound judgment
- High ethical standards and integrity
- Respect, fairness and impartiality
- Tact and discretion

5. Terms of Appointment

- Appointments are for a period of 5 years. Appointed members are not entitled to serve more than 3 consecutive terms of office.
- The conditions under which a person ceases to be an appointed member are set out in Schedule 5 of the 1942 Act as amended.
- Tribunal Members are required to take an oath of office before performing the functions of the member's office.
- Tribunal Members have as such the same protection and immunities as a Judge of the High Court.
- Details on remuneration and time requirements are listed above.

6. Submitting your Expression of Interest

Having considered the general suitability criteria for membership of the Irish Financial Services Appeals Tribunal, you should consider carefully how your background and experience fits with the specific appointment criteria set out in the Person Specification section in this booklet. Please give careful consideration to the possibility of any potential conflict of interest that may arise if appointed to the Tribunal.

Your submission should be made via email to ifsatmembership@finance.gov.ie together with your **Curriculum Vitae** and a **cover letter**. You must confirm that you do not have any conflicts of interest or legal impediment which would be likely to interfere with your ability to play a full part on the Tribunal. You must also confirm that you can make yourself available to attend hearings and to carry out the duties of a Tribunal member.



IMPORTANT NOTE

Please take care when submitting your expression of interest. As the Assessment Panel will generally make its recommendation(s) based on consideration of the documentation which you submit, it is most important that you do the following:

1. *Ensure your Cover Letter (and supporting CV) clearly specifies how your particular background and experience meets the requirements of the Tribunal position(s) specified in this booklet, and*
2. *That you fully answer any supplementary questions which may be presented to you as part of our application process.*

This will help ensure that the Assessment Panel is as informed as possible as to the basis for your candidature and why you believe you are a person who could potentially be appointed to the Irish Financial Services Appeals Tribunal.

If you have any questions regarding the application process please email ifsatmembership@finance.gov.ie.

7. Assessment Process

An Assessment Panel (the “Panel”) will be convened by the Department of Finance to consider and assess the expressions of interest received by the Department. The Panel will:

- review and discuss the expressions of interest received against the specific appointment criteria for the role, as advertised in this Information Booklet;
- assess potential candidates further once they meet the specified appointment criteria by undertaking any or all of the following steps:
 - Consideration of the written applications; and/or
 - Meeting¹/conference call; and/or
 - Referee checks; and/or
 - Any other selection or verification method deemed appropriate (this may include the Department requiring statutory declarations from shortlisted applicants as to the bona fides of the qualifications and experience contained in their applications).
- arrive at a shortlist of suitable candidates to be sent forward for consideration by the Minister;
- the Minister will present suitable candidates to Government, and with Cabinet approval, send the selected candidates to the President for appointment.

¹ The Department of Finance will not be responsible for refunding any expenses incurred by candidates.



8. Confidentiality

Subject to the provisions of the Freedom of Information Acts, 2014, applications will be treated in strict confidence. All enquires, applications and all aspects of the proceedings are treated as strictly confidential and are not disclosed to anyone, outside those directly involved in that aspect of the process.

9. Data Protection Acts 1988 to 2018 and the General Data Protection Regulation

The Department of Finance will process all personal data in compliance with the Data Protection Acts 1988 to 2018 and the provisions of the General Data Protection Regulation.

For further information please refer to the 'Candidate Privacy Statement' in Appendix A of this notice.



Appendix A

Candidate Privacy Statement



Important: Candidate Privacy Statement

This Candidate Privacy Statement has been prepared for candidates applying for appointments in the Irish Financial Services Appeals Tribunal. Candidates are requested to familiarise themselves with this document in addition to the “**Department of Finance Privacy Notice**” which is on our website: <https://www.finance.gov.ie/wp-content/uploads/2018/09/Department-of-Finance-Privacy-Notice-fin.pdf>

1. Principles of processing of personal data

The Department will ensure that any processing of personal data is in compliance with the principles related to processing. Personal data must be processed lawfully, fairly and in a transparent manner.

Personal data can be processed lawfully in the following ways:

- 1) Article 6(1) (a) Consent Basis
- 2) Article 6(1) (b) Contract Basis
- 3) Article 6(1) (c) Legal Obligation compliance
- 4) Article 6(1) (d) Vital Interests
- 5) Article 6(1) (e) Public Interest
- 6) Article 6(1) (f) Legitimate Interests

In general, the processing of data by the Department for the purposes of this process will fall under GDPR Article 6(1) (b) - Contract Basis or/and Article 6(1) (c) - Legal Obligation compliance and Section 71(2) (a) of the Data Protection Act 2018. Application data processing is covered under GDPR Article 6(1) (b) and Section 71(2) (a) of the Data Protection Act 2018.

As part of your application for a position on the Irish Financial Services Appeals Tribunal, you are being asked to submit a range of documents, i.e., contact information, application form, CV and cover letter/personal statement.

Article 6(1) (b) permits the processing of personal data where the “processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract” (“the Contract Basis”). Article 6(1) (b) may be relied upon as the legal basis for processing operations carried out in the context of recruitment to employment; e.g. processing (i.e. receiving, copying, reviewing and storing) of job applications, references, CVs and interview notes and “onboarding” of appointed candidates.



2. Sharing of information

Phase	Personal data	Recipient/Shared With	Comment
1	Application and Curriculum Vitae	Department of Finance Banking Division (section with responsibility for the Irish Financial Services Appeals Tribunal)	This process is being carried out by the Banking Division in the Department of Finance. All applications received will be shared within the Banking Division section with responsibility for the IFSAT. This section stores your application and contact information and corresponds with you as a candidate.
2	Application and Curriculum Vitae	Department of Finance Secretary General and Minister for Finance	Your application form/CV and cover letter is shared with the Department's Secretary General and the Minister for Finance for the shortlisting process.
3	Application and Curriculum Vitae	Government Departments	Only the personal data (CVs) of those candidates who have been recommended for nomination for appointment to the Irish Financial Services Tribunal will be included in a draft Memorandum for Government for observations of Ministers.
4	Application and Curriculum Vitae	Government Ministers (Cabinet)	The personal data (CVs) shared in phase 4 above will be shared with the Taoiseach and Government Ministers at Cabinet.
5	Application and Curriculum Vitae	President of Ireland and staff	Only the personal data of those nominated to be appointed by the President to the Irish Financial Services Appeals Tribunal will be shared with the staff of the Office of the President and with the President of Ireland.



3. Article 30 Report

The Department maintains an Article 30 Report as required under the GDPR.

The Department, as a data controller, is required to maintain a record of the following:

- the name and contact details of the controller, where applicable, the joint controller, the controller's representative and the data protection officer;
- the purposes of the processing of personal data;
- a description of the categories of data subjects and of the categories of personal data;
- the categories of recipients to whom the personal data have been or will be disclosed, including recipients in third countries;
- where applicable, transfers of personal data to a third country or an international organization, including the identification of that third country or international organization and, in the case of transfers referred to in the second paragraph of Article 49(1), the documentation of suitable safeguards;
- the envisaged time limits for erasure of the different categories of data;
- where possible, a general description of the technical and organizational security measures referred to in Article 32 (1) of the GDPR.

4. Data Retention

Personal data contained in applications (e.g. CVs and cover letters) will be retained by the Banking Division of the Department of Finance, stored on secure servers.

5. Candidates Entitlements

The GDPR provides data subjects with a number of rights - these are set out in the Department's internal Data Protection Policy and Procedures document, and include the following:

- ACCESS:** Candidates can request and receive access to their data at any time and can request and receive a copy of this data, in electronic/transferable format.
- RECTIFICATION:** Candidates can have any incorrect information corrected.
- ERASURE:** Candidates can request the data held be erased. However, if the retention period is still applicable it may not be possible to accede to any request to erase personal data.



OBJECTION: Applications can object to this information being processed.

COMPLAIN: Candidates can make a complaint to our internal Data Protection Officer “DPO” (contact details below) and/or make a complaint to the relevant authority the Data Protection Commission.

6. Contact details for the Department of Finance Data Protection Officer

Name: Colm O’Neill
Email: dataprotection@finance.gov.ie

Postal Address: Data Protection Officer
Department of Finance
Government Buildings
Upper Merrion Street
Dublin 2
D02 R583

7. Contact Details for the Department of Finance HR Data Protection Liaison Officer

Name: Liz Doyle
Email: liz.doyle@finance.gov.ie

Postal Address: HR Data Protection Liaison Officer
Department of Finance
Government Buildings
Upper Merrion Street
Dublin 2
D02 R583

8. For Further information on Data Protection

The website of the Data Protection Commission – www.dataprotection.ie or make contact by telephone at 1890 252231 or by email on info@dataprotection.ie.