

DEPARTMENT OF COMMUNICATIONS, ENERGY AND NATURAL RESOURCES (EIRCODE)



Background

This investigation was a particularly important one which concerned how the Eircode system used place names and people's names and surnames. Indeed, this Office received more complaints on this subject alone than on any other single matter since the establishment of the Office.

The Department of Communications, Energy and Natural Resources breached the statutory language requirement in respect of the implementation of its language scheme insofar as it concerns Gaeltacht place names. The relevant section in the scheme is as follows:

Gaeltacht Place Names

The Department has put in place the necessary arrangements to ensure that official Placenames of Gaeltacht areas as declared by the Minister in the (Ceantair Ghaeltachta) Placenames Order 2005 will continue to be used as the default for corporate purposes, including, where appropriate, legislative, corporate and statistical purposes.

In this case, the statutory obligation falls upon the Department of Communications, Energy and Natural Resources and not upon Eircode itself or An Post, which distributed the Eircodes, as the Department is responsible for granting and regulating the contract.

Despite how strange it seemed that English place names were being used by a public body for people's addresses outside the Gaeltacht despite their wish that the Irish language place name be used, there was no legislative infringement. This is yet another example of the inadequacy of the Official Languages Act in safeguarding a basic language right. The same applied to the translation of people's names from their original language, Irish, to English. I asserted at the time that "having one's identity recognised in one's official language of choice is a fundamental right".

Recommendations

- That it is ensured that due regard is given hereafter to language scheme commitments when the Department is agreeing a contract with a third party to deliver services.
- That any other contract that was in progress in the Department at the time be examined in order to find out whether this finding has implications for any other contract.
- That a report be submitted to this Office by 12 February 2016 giving a comprehensive overview in relation to the compliance status of the other contracts with the statutory scheme commitment concerning Gaeltacht place names.
- That a comprehensive report be submitted to this Office by 30 June 2016 in relation to the progress made in updating the database on which Eircode depends, including analysis of any discrepancy in the use of Gaeltacht place names in An Post GeoDirectory (APG).

The monitoring process

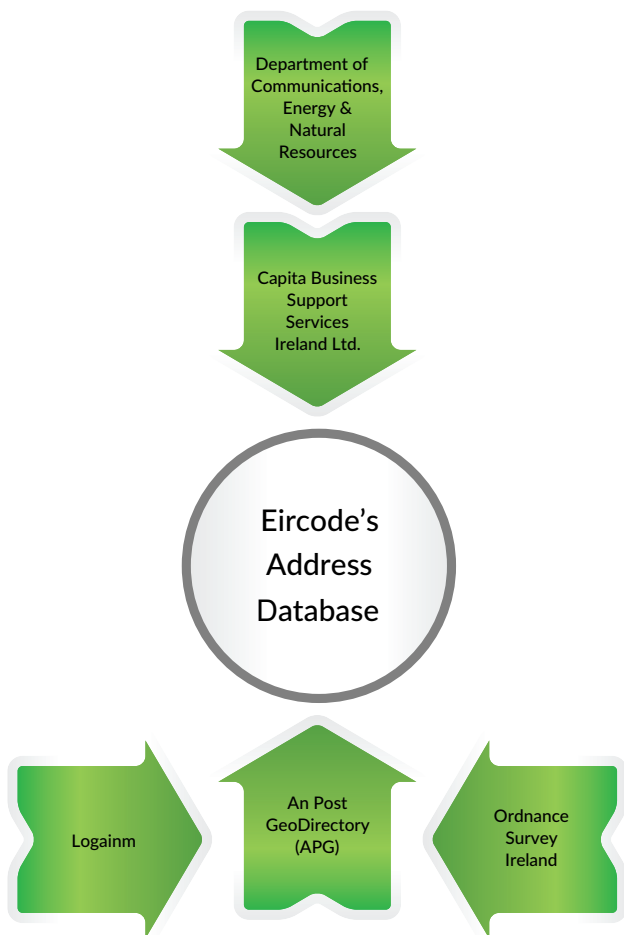
The monitoring process of the implementation of the investigation's recommendations was initiated during 2016. There has been much correspondence between my Office and the Department of Communications' officers since that time.

I reminded the Department in April 2019 that the relevant Gaeltacht place names should be in Irish only on the Eircode system in order to implement correctly the commitment in the scheme as well as the recommendations of the investigation. I notified the Department that I am still receiving complaints from members of the public regarding private bodies using their addresses in English. This is contrary to their wishes and is a result of using the Eircode system, due to the fact that Gaeltacht addresses are not on that system in Irish only.

At a meeting at the end of May the Office's interpretation of the statutory provision was confirmed, that is, that the relevant Gaeltacht place names should be in Irish only on the Eircode system. A final response was sought within 30 days.



I received a response dated 24 June 2019, indicating that the Department had written to An Post, who own the IP rights of all the addresses used in the Eircode system (that is the numerical address used as an internet protocol for every address), requesting that it amend its address database so that every relevant Gaeltacht place name is in Irish only. It was confirmed, as was mentioned earlier, that every address that the Eircode system provides is derived exclusively from the GeoDirectory database. This database is made available to Capita under licence from An Post GeoDirectory (APG). APG is a cooperative enterprise between An Post and Ordnance Survey Ireland.



In November 2019 An Post asserted that English forms of Gaeltacht addresses cannot be removed from its database as they are required to ensure correct delivery of letters. The reason given for this was that a good deal of people use English addresses in the Gaeltacht. An Post stated that it has a statutory

obligation under ComReg to adhere to certain distribution objectives and that this would be impossible without the English version of the addresses in its database. We were informed that An Post is focusing on introducing technology for its postmen and postwomen so that in future a hand-held device could assist in recognising addresses.

The Department also notified us that gradual progress is being made in relation to updating the database on which Eircode depends, including analysis of any discrepancy between the use of Gaeltacht place names in APG.

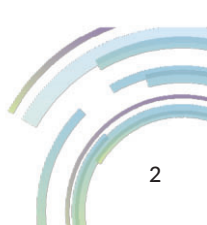
The Department claimed in November 2019 that this matter was part of a wider question, that is, that there is no legal form or version of addresses in Ireland and that a significant disparity exists in the form used for English and Irish addresses alike. The result of this was said to be that at least 35% of Irish properties do not have unique addresses.


It was also explained that an address in Eircode's database must correspond with the address in An Post's database. Significant difficulties could arise in relation to delivering post to those customers if the addresses varied. It said that Eircode does not have the option, therefore, of changing the addresses in its own database unilaterally, without reference to An Post's database.

The Department accepts that Capita – the body responsible for providing Eircode – is encompassed within its language scheme regarding the provision of new Eircodes to Gaeltacht regions once every quarter, only using the Irish address.

It was said that this includes the webtool Eircode/Finder, where the Irish form of the address will appear by default when searching Gaeltacht place names by address or by Eircode. We would expect that only the Irish form would be used for “legislative corporate and statistical purposes” in any case for which the Minister has made a place names order.

We were informed that Eircode's website and the Eircode Finder website are available in Irish. The Department stated that it was satisfied that its language scheme requirements were being met and that it is fulfilling the provisions relating to place name orders in the Official Languages Act.





It is apparent to me that the Department of Communications, Energy and Natural Resources has made a genuine effort to achieve a solution in this case by attempting to get An Post to amend the addresses in its database so that every relevant Gaeltacht place name is in Irish only. These efforts

have been to no avail, however. As a result, Gaeltacht place names continue to be used in English by Eircode. The investigation showed that the Department of Communications, Energy and Natural Resources is ultimately responsible for this.

Initial liaison: 11 February 2016

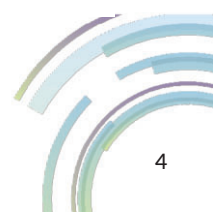
Latest liaison: 27 November 2019

Appendix 1 - Timeline

- 31 December 2015: Investigation report issued
- 11 February 2016: E-mail received from the public body requesting an extension of time to provide the report. The extension was granted.
- 16 March 2016: Further extension sought.
- 24 March 2016: E-mail received from the Department of Communications, Energy and Natural Resources in respect of the compliance of the Department's contracts with the commitments in respect of place names.
- 6 April 2016: Clarification sought from the Department, along with a copy of the attachment which had not been provided.
- 13 April 2016: Additional information and attachment received informally.
- 18 April 2016: Formal response requested in conversation with the Department.
- 09 May 2016: Formal letter received.
- 30 June 2016: Response due from the Department regarding one recommendation – telephone call received seeking an extension of time. Voicemail message left seeking proposed date for the extension of time.
- 18 July 2016: Voicemail message left with the Department seeking a response.
- 27 July 2016: Response received from the Department giving an account of the way Eircode, APG and Meitheal Logainm.ie operate.
- 30 January 2018: E-mail sent to the Department of Communications, Energy and Natural Resources seeking up-to-date information, especially regarding the initiative between An Post and Meitheal Logainm.ie.
- 2 February 2018: Acknowledgement received.
- 16 March 2018: Reminder sent to the Department of Communications, Energy and Natural Resources.
- 26 March 2018: E-mail received from the Department of Communications, Energy and Natural Resources apologising for the delay and advising a response is almost ready.
- 3 April 2018: E-mail sent to the Department of Communications, Energy and Natural Resources seeking a specific date by which the response would be provided.



- 10 April 2018: Telephone call made to the Department of Communications, Energy and Natural Resources advising of the importance and urgency of this matter.
- 12 April 2018: E-mail received from the Department of Communications, Energy and Natural Resources advising the response was being translated. Acknowledgement issued.
- 16 April 2018: E-mail received from the Department of Communications, Energy and Natural Resources with a response to the letter from this Office in relation to the details of GeoDirectory. Acknowledgement issued to the Department.
- 22 June 2018: Letter sent to the Department of Communications, Energy and Natural Resources seeking clarification on two specific points. A response by 18 July was requested.
- 18 July 2018: Reminder sent to the Department in relation to the letter dated 22 June 2018. Response received advising the report was almost complete.
- 3 August 2018: Response received from the Department.
- 8 & 9 October 2018: Attempts made, via email, to reach a suitable date for a meeting.
- 12 October 2018: Date of 16 November 2018 confirmed for meeting.
- 16 November 2018: Meeting with the Department to assess progress.
- 15 April 2019: Letter sent to Secretary-General of the Department advising that the Office was of the opinion, having reviewed the Department's responses, that it had no choice but to present a report on the matter to the Houses of the Oireachtas. Meeting offered as a final attempt to reach agreement.
- 8 May 2019: Letter received from the Department of Communications, Energy and Natural Resources accepting the offer.
- 10 May 2019: Voicemail left by OCT with the Department of Communications, Energy and Natural Resources advising An Coimisinéir Teanga would be available.
- 13 May 2019: E-mail sent by OCT to the Department of Communications, Energy and Natural Resources advising An Coimisinéir Teanga would be available on specific dates.
- 15 May 2019: Meeting between OCT and the Department of Communications, Energy and Natural Resources confirmed for 27 May 2019.
- 16 May 2019: E-mail sent to the Department of Communications, Energy and Natural Resources stating the date and time is suitable for An Coimisinéir Teanga.
- 16 May 2019: Telephone call to the Department of Communications, Energy and Natural Resources – it was confirmed the Secretary-General or the Assistant Secretary would be in attendance at the meeting.
- 27 May 2019: Meeting held between OCT and the Assistant Secretary of the Department of Communications, Energy and Natural Resources.
- 29 May 2019: Letter from An Coimisinéir Teanga to the Assistant Secretary of the Department of Communications, Energy and Natural Resources.
- 4 June 2019: Acknowledgement received from the Department of Communications, Energy and Natural Resources.
- 24 June 2019: Letter received by An Coimisinéir Teanga from the Assistant Secretary of the Department of Communications, Energy and Natural Resources informing that it had written to An Post, as was agreed at the meeting.





3 July 2019: Acknowledgement sent to the Department.

6 August 2019: Voicemail left by OCT with the Department seeking more information in relation to progress to date.

7 August 2019: Telephone call received from the Department of Communications, Energy and Natural Resources advising it had received a response from An Post, that it must examine it and will revert then. A deadline was requested.

14 August 2019: Telephone call received from the Department. It was advised that the Assistant Secretary would be on holidays until 17 September 2019 and therefore a response would be issued by the end of September 2019.

30 September 2019: Voicemail left for the Department and telephone call received in return. It was stated that An Post advised in its response that technical difficulties had arisen with the arrangements that were being sought, but the Department did not envisage any difficulty. A meeting was being sought with An Post to discuss the matter. It was stated that a complete response was promised by 30 September 2019. The Department was asked to return the following day with information on a date for the meeting.

1 October 2019: Telephone call received from the Department. A request was made for a meeting with An Post. There was no fixed date as of yet. An e-mail will be sent to us when a date is available and the Department will revert to OCT after the meeting with information on the proposed arrangements or the technical difficulties identified by An Post.

4 October 2019: Telephone call received by OCT from the Department of Communications, Energy and Natural Resources. A meeting will be held with An Post on 8 October 2019 to nominate someone who will be dealing with this matter on its behalf. An Post is advising that there are technical difficulties with ensuring that Gaeltacht placenames are in Irish only. An explanation of this is required. The Department hopes to have a meeting with An Post before the end of next week.

10 October 2019: Telephone call from the Department of Communications, Energy and Natural Resources. Meeting with An Post is scheduled for 29 October 2019.

8 November 2019: Telephone call received from the Department of Communications, Energy and Natural Resources. The Department had the meeting with An Post. It was stated that An Post confirmed the English version of Gaeltacht addresses could not be removed from its database as it is a requirement for ascertaining precise delivery of letters, as many people use English addresses in the Gaeltacht. It says it has a statutory obligation under ComReg to comply with certain delivery targets and this would be impossible without having the English version of the addresses in its database. The Department stated that An Post was focusing on introducing new technology for its postmen and postwomen and that they could perhaps in future have a hand-held device which could assist in recognising addresses.

The Department of Communications, Energy and Natural Resources stated also that it had another discussion with GeoDirectory and it was confirmed that it is in contact with Meitheal Logainm.ie now, and matters are progressing at a slow rate in relation to amending the database, to ensure it is precise. It was stated that pressure will continue to be applied.

The Department of Communications, Energy and Natural Resources will issue OCT with a written reply.

27 November 2019: Written response received from the Assistant Secretary stating, in her opinion, that the Department of Communications, Energy and Natural Resources is complying with the statutory obligations of the scheme.