



# **HSE Guidelines for Approved Organisations accessing and searching the Decision Support Service (DSS) Register**



National Policy  National Procedure  National Protocol  National Guideline   
National Clinical Guideline

## HSE Guidelines for Approved Organisations accessing and searching the Decision Support Service (DSS) Register

### DOCUMENT GOVERNANCE

<b>Document Owner (post title):</b>	General Manager, HSE National Office for Human Rights and Equality Policy
<b>Document Owner name:</b>	Caoimhe Gleeson
<b>Document Owner email contact:</b> <i>(Generic email addresses only for the Repository)</i>	<a href="mailto:Caoimhe.gleeson@hse.ie">Caoimhe.gleeson@hse.ie</a>
<b>Document Commissioner(s): (Name and post holder title):</b>	Caoimhe Gleeson, General Manager
<b>Document Approver(s): (Name and post holder title):</b>	Dr. Philip Crowley, National Director, Wellbeing, Equality, Climate and Global Health
<b>Lead Responsibility for national implementation:</b>	Norma O'Donnell, Assisted Decision Making (ADM) Project Manager
<b>Lead Responsibility for national monitoring and audit:</b>	Norma O'Donnell, Assisted Decision Making (ADM) Project Manager
<b>Development Group Name:</b>	HSE Guidelines for Approved Organisations accessing and searching the Decision Support Service (DSS) Register review group
<b>Development Group Chairperson:</b>	Caoimhe Gleeson

### DOCUMENT MANAGEMENT

<b>Date effective from:</b>	01/07/2025		
<b>Date set for next review:</b>	01/07/2028		
<b>Your Reference No: (if applicable)</b>	Click or tap here to enter text.		
<b>Current version no:</b>	0	<b>Archived version no:</b>	Click or tap here to enter text.

<b>VERSION CONTROL UPDATE</b>		
<b>Version No.</b> <small>(most recent version first)</small>	<b>Date reviewed</b> <small>(most recent date first)</small>	<b>Comments</b> <small>(1 sentence max, if required)</small>
0	01/07/2025	The first HSE publication. HSE Guidelines for Approved Organisations accessing and searching the Decision Support Service (DSS) Register
<b>Document management notes:</b>		

<b>PUBLICATION INFORMATION</b>
<b>Topic:</b>
HSE Guidelines for Approved Organisations accessing and searching the Decision Support Service (DSS) Register
<b>National Group:</b>
HSE National Office for Human Rights and Equality Policy review group
<b>Short summary:</b>
HSE Guidelines for Approved Organisations accessing and searching the Decision Support Service (DSS) Register.
<b>Description:</b>
<p>The HSE Guidelines for Approved Organisations accessing and searching the Decision Support Service (DSS) Register provide information on how to access and search the DSS Register.</p> <p>Any Approved Organisations applying to access the DSS Register must have read, understood and confirmed that they agree to comply with these guidelines at all times.</p> <p>The HSE National Office for Human Rights and Equality Policy reserves the right to add, amend or vary these Guidelines by publishing the Guidelines on the HSE National Central Repository.</p>

## Contents

<b>1. Background to the DSS Register</b> .....	6
1.1 Purpose .....	6
1.2 Key Terminology .....	6
1.3 The Decision Support Service and the DSS Register .....	7
1.4 Scope .....	7
1.5 Supporting evidence .....	7
<b>2. Functions of the Assisted Decision-Making (Capacity) Act 2015 (the 2015 Act)</b> .	8
2.1 The Decision Support Service (DSS) .....	8
2.2 What is a decision support arrangement? .....	8
<b>3. The DSS Register of Decision Support Arrangements</b> .....	9
3.1 What is the DSS Register of decision support arrangements? .....	9
3.2 What decision support arrangements are on the DSS Register? .....	10
3.3 What types of decision support arrangements are not searchable on the DSS Register? .....	10
3.4 Why would a health or social care service need to search the DSS Register? .....	11
3.5 What different levels of information can you request to access on the DSS Register? .....	11
3.6 What types of information cannot be accessed on the DSS Register? .....	12
3.7 Fees for searching the Register .....	12
3.8 What is an 'Approved Organisation'? .....	13
3.8.1 An 'Approved Organisation' - Hospital .....	13
3.8.2 An Approved Organisation - Community Based Teams .....	14
3.8.3 An Approved Organisation - National Ambulance Service .....	16
3.8.4 An Approved Organisation - Other National Services .....	16
<b>4. Accessing the DSS Register</b> .....	17
4.1 Applying to access the DSS Register as an 'Approved Organisation' .....	17
4.2 Getting ready to apply for DSS Register access .....	18
4.3 Check your service is an approved organisation .....	19
4.4 Check that your health and social care service meets the DSS criteria .....	19
4.5 Identify an accountable officer .....	19
4.6 Identify nominated administrator(s) .....	20
4.7 Account Holders .....	20
4.8 Read the User Guidelines (Terms and conditions) for Accessing and Searching DSS Register .....	21
4.9 Gather supporting documentation .....	21
4.10 Getting ready to apply summary check list .....	21

<b>5. Making a search on the DSS Register as an Approved Organisation.</b>	<b>21</b>
5.1 When can you request to search the DSS Register?	21
5.2 When can you NOT make a search of the DSS Register?	22
5.3 Who can make a search of the DSS Register?	23
5.4 How do I make a search of the DSS Register?	23
5.5 How long can you access the decision support arrangement for?	23
5.6 What type of information can an account holder request to access on the DSS Register?	24
<b>6. Managing and Monitoring access to the DSS Register</b>	<b>24</b>
6.1 How is the information obtained from the DSS Register used?	24
6.2 How is the information obtained from the DSS Register recorded and stored?	25
6.3 Managing breach or misuse of information obtained from the DSS Register.	25
6.4 Maintaining records of DSS Register searches	25
6.5 Accountable Officers responsibility to ensure compliance with DSS User Guidelines (Terms and Conditions)	25
6.6 Nominated Administrators role in monitoring and maintaining the account	26
<b>7. Governance and approval</b>	<b>26</b>
<b>8. Communication and dissemination plan</b>	<b>26</b>
8.1 Accountability – Lead Person(s) responsible for the Implementation of the Guidelines.	27
<b>9. Review / update</b>	<b>27</b>
9.1 Review of National Document.	27
<b>10. Glossary of terms</b>	<b>27</b>
<b>11. Appendices</b>	<b>31</b>
Appendix 1: Approved Organisation Template	31
Appendix 2: Request for Register Access and Accountable Officer Declaration	32
Appendix 3: Register Searches Guidelines – February 2025	43

## 1. Background to the DSS Register

### 1.1 Purpose

The purpose of this document is to provide guidance on accessing and searching the Decision Support Service Register (herein referred to as the DSS Register) and includes guidance on

- registering an account to access the DSS Register as an 'Approved Organisation' (see section 1.2)
- making a search of the DSS Register as "account holder", "nominated administrator" or "accountable officer" (see section 1.2)
- using and retaining of the information from the DSS Register in accordance with data protection, HSE policy and DSS terms and conditions
- monitoring the use of an account
- reporting of any breach, loss or misuse of the information obtained from the DSS Register
- removal of account holders or accounts when access to the DSS Register is no longer required.

### 1.2 Key Terminology

There are a number of terms which will be used throughout this guidance in relation to the DSS Register. The frequently used terms are outlined below. A full glossary of terms can be found in section **10.0 - Glossary**.

**Approved Organisation:** This refers to a health and social care service that has been formally recognised and granted authorised access to the DSS Register. This may include a department within a hospital, a specific primary care service, a mental health service or a nursing home.

**Account Holder:** This refers to a person who holds an account within an 'approved organisation' who can access the DSS Register. Up to 15 account holder profiles within a service will be set up by the nominated administrator(s) for the Approved Organisation.

**Nominated Administrator:** This refers to one or two named nominated administrators for in a service who will be identified and nominated. Each nominated administrator must be a named person. i.e. this cannot be a shared role (this cannot be whoever is on duty and in charge on the day).

**Accountable Officer:** This refers to a single named person known as an accountable Officer who is one named person named within a service with sufficient

responsibility or authority to act as an accountable officer. This person should be a member of the management team.

### ***1.3 The Decision Support Service and the DSS Register***

The Decision Support Service (DSS) is a public body established within the Mental Health Commission by the Assisted Decision-Making (Capacity) Act 2015 (herein referred to as the 2015 Act). One of the functions of the DSS is to maintain a searchable Register for the following decision support arrangements under the 2015 Act:

- Co-decision-making agreements,
- Decision-making representation orders, and
- Enduring powers of attorney.

The DSS Register allows Approved Organisations, and members of the public to check whether a decision support arrangement exists, to view details of the arrangement or download a certified copy of an arrangement.

The DSS will keep a record of every request made to search the Register.

### ***1.4 Scope***

These guidelines apply to HSE and HSE funded services who have a legitimate reason to access the DSS Register. A legitimate reason may include the need to check whether a decision support arrangement is in place and/or to check the scope and authority of a decision support arrangement.

### ***1.5 Supporting evidence***

The guideline has been informed by:

- Assisted Decision-Making (Capacity) Act 2015 – [gov.ie](http://gov.ie) - [Assisted Decision-Making \(Capacity\) Act 2015](#)
- Codes of Practice, 13 codes of practice for decision supporters, interveners and relevant professionals, providing guidance for their functions and responsibilities under the Assisted Decision –Making (Capacity) Act 2015 - [Codes of Practice | Decision Support Service](#)
- Guidance about searching the Register – [11640 Decision Support Service \(DSS\) Guide to Searching the Register booklet.pdf](#) and [11639 Decision Support Service \(DSS\) Getting Register Ready booklet.pdf](#)
- Guide to an Advanced Healthcare Directive - [10922 MHC DSS Your Guide to an Advance Healthcare Directive - screen.pdf](#)

- [Guide to a Decision-Making Representation Order - 10916 MHC DSS Your Guide to a Decision-Making Representation Order - screen.pdf](#)
- HSE National Consent Policy - [HSE National Consent Policy](#)
- Procedures and Specifications for the appointment of Trust Corporations as Attorneys under Part 7 of the Assisted Decision-Making (Capacity) Act 2015 - [DSS Procedures and Specifications for the appointment of Trust Corporations.pdf](#)
- [User Guidelines \(Terms and Conditions\) for Accessing and Searching Decision Support Service Arrangement Registers for Approved Persons and Organisations - Register Searches Guidelines February 2025.pdf](#)

## **2. Functions of the Assisted Decision-Making (Capacity) Act 2015 (the 2015 Act)**

### ***2.1 The Decision Support Service (DSS)***

The DSS was established under the 2015 Act. The DSS is part of the Mental Health Commission but has a separate role. The DSS provides a service for anyone who may need support now or in the future to make certain decisions about their personal welfare and property and affairs. This may include people with an intellectual disability, acquired brain injury, mental health difficulty or dementia. This also includes anyone who want to plan for a time when they might lose their decision-making capacity. Further information on the DSS can be found at: [Decision Support Service website](#).

Some of the key functions of the DSS include:

- promoting awareness and providing information about the 2015 Act.
- registering most decision support arrangements
- maintaining and managing a searchable Register of certain decision support arrangements
- supervising the actions of decision supporters
- investigating complaints under the 2015 Act
- maintaining a panel of suitable persons who assist the functions of the DSS

### ***2.2 What is a decision support arrangement?***

A decision support arrangement is a legally recognised arrangement for a person who may need support to make certain decisions. This can include decisions about the person's finances, property, accommodation, healthcare and social supports.

There are five different decision support arrangements available. These arrangements are based on the different levels of support that a person requires to make a specific decision at a specific time.

These include:

- decision-making assistance agreement<sup>1</sup>
- co-decision-making agreement
- decision-making representation order.
- Advance Healthcare Directive<sup>2</sup>
- Enduring Power of Attorney.

Under these arrangements, a person can appoint someone they trust as their decision supporter or a person can be appointed on their behalf as a decision supporter. A decision supporter has the legal authority to help with certain decisions about a person's personal welfare or property and affairs. The type of support they can provide depends on the decision support arrangement in place. Each of these arrangements provide a different level of support, with a decision-making assistance agreement being the lowest and decision-making representation order being the highest.

Arrangements such as an Advance Healthcare Directive and an Enduring Power of Attorney are available for people who do not currently face difficulties when making decisions but wish to plan for a time when they might.

A person may include decisions about their future healthcare or medical treatment in an Advance Healthcare Directive. A person may include decisions about their future personal welfare and their property and money matters in an Enduring Power of Attorney agreement.

You can find out more about decision support arrangements on [www.decisionsupportservice.ie](http://www.decisionsupportservice.ie)

### **3. The DSS Register of Decision Support Arrangements**

#### ***3.1 What is the DSS Register of decision support arrangements?***

This is a searchable Register of decision support arrangements. This Register allows Approved Organisations to view details or download a certified copy of an

---

<sup>1</sup> These arrangements are NOT searchable on the DSS register

<sup>2</sup> These arrangements are NOT searchable on the DSS register

arrangement. These Approved Organisations are detailed in Section 3.8 – Approved Organisation.

### ***3.2 What decision support arrangements are on the DSS Register?***

Only certain types of decision support arrangements are searchable on the DSS Register. This includes:



Enduring powers of attorney registered **under the Powers of Attorney Act (1996)** are NOT searchable on the Register but are kept on a register maintained by the Office of Wards of Court. You can find out more about enduring powers of attorney made under the 1996 Act on the Office of Wards of Court website [here](#).

#### **There are two stages of an Enduring Power of Attorney (EPA):**

- Where the EPA is registered but as the person has not yet lost capacity, it is not yet notified
- A notified EPA, where a person has lost capacity.

When searching for a registered EPA on the DSS Register if the EPA is not yet notified, that is the person has not yet lost capacity the DSS Register will show as '**not notified**'. If the person now lacks capacity and the DSS have been informed of this the DSS Register will show as '**notified**'.

### ***3.3 What types of decision support arrangements are not searchable on the DSS Register?***

The following types of decision support arrangements **are not currently searchable** on the Register:

- decision-making assistance agreements
- advance healthcare directives.

To check whether an advance healthcare directive exists, you will need to request a hard copy of the arrangement from the person or from their decision supporter.

To check whether a decision-making assistance agreement exists Approved Organisations can contact the DSS by emailing:

[registersearches@decisionsupportservice.ie](mailto:registersearches@decisionsupportservice.ie).

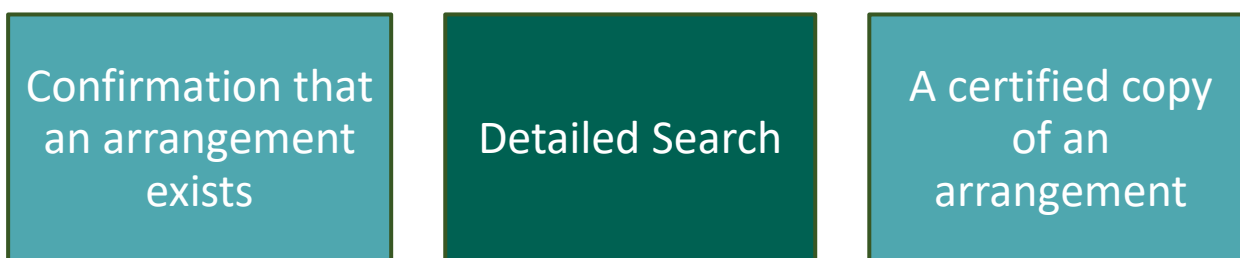
**Requests are processed during normal working hours Monday-Friday 9am-5pm. The DSS aim to respond to requests within five working days.**

### ***3.4 Why would a health or social care service need to search the DSS Register?***

Health or social care services may need to search the DSS Register to make sure that a decision support arrangement is in place or to confirm what authority a decision supporter has. For example, a service may need to confirm that a decision support arrangement is in place before sharing information or allowing a decision supporter to exercise their authority. It may be necessary to check the DSS Register if an arrangement is in place if a co-decision-maker seeks information about a relevant person to support them in making a decision. It is always necessary to ensure the specific decision comes within the scope of the decision supporter's authority to act. For example if the decision-making arrangement relates to consent to healthcare treatment, it is necessary to check the DSS Register as to whether the arrangement in question is relevant to the specific healthcare decision to be made. If relevant this may provide a basis for obtaining valid consent (or refusal) in respect of any proposed intervention.

### ***3.5 What different levels of information can you request to access on the DSS Register?***

You can request to access different levels of information about a decision support arrangement. These include:



**Confirmation that an arrangement exists** – This is also sometimes referred to as level one or tier one access. With this level of access, you can see **basic information** about the arrangement, such as the unique reference number, registration date (and in the case of an enduring power of attorney, the date it has been activated, (where relevant), relevant person and supporter(s) details, and whether it includes personal welfare or property and affair decisions or both.

**Detailed search** – This is also sometimes referred to as level two or tier two access. With this level of access, you can see **more details** of the arrangement. This

includes basic information about the arrangement as well as details of the decisions included in the arrangement and what authority the supporter has.

**A certified copy of an arrangement** – This is also referred to as level three or tier three access. With this level of access, you can see **full details** of the arrangement and you can download a certified copy of it. A certified copy is also referred to as an authenticated copy of the arrangement.

### ***3.6 What types of information cannot be accessed on the DSS Register?***

Co-decision-making agreements, decision-making representation orders and enduring powers of attorney that have **not yet been registered** by the DSS or that have been cancelled are **not searchable** on the DSS Register.

It is important to note that where changes are being made to arrangements (for example, a variation of an arrangement), the version of the decision support arrangement registered at the time a search request is approved is the only version which can be accessed through the DSS Register. Where an arrangement has been varied, you will not be able to access previous versions through the DSS Register.

### ***3.7 Fees for searching the Register***

A fee waiver is applicable to HSE and HSE funded agencies who derive 51% of their funding through public sources and who have applied as an 'Approved Organisation' to access the Register.

This fee waiver does not apply if an authenticated hard copy of a decision-making representation order is sought. A €15 fee applies for such copies. Hard copies should only be sought if there is a clear, justifiable reason to do so. Registered agreements are subject to change so it is important to always check the DSS Register in the first instance.

Please note the fee waiver applies only to 'Approved Organisations'. It does not apply to individuals seeking access to the Register.

If the service meets the criteria for a fee waiver, the accountable officer must inform the Decision Support Service of any changes to the organisation's status that may impact on its eligibility to avail of a fee waiver.

Full search	€5 (five euro)* Fee waiver applies to HSE and HSE funded agencies
Authenticated copy of a co-decision-making agreement	€15 (fifteen euro)* Fee waiver applies to HSE and HSE funded agencies
Authenticated copy of a decision-making representation order	€15 (fifteen euro)* Fee waiver <b>DOES NOT</b> apply to HSE and HSE funded agencies
Authenticated copy of an enduring power of attorney	€15 (fifteen euro)* Fee waiver applies to HSE and HSE funded agencies

### 3.8 What is an 'Approved Organisation'?

The *Assisted Decision-Making (Capacity) Act 2015 (Inspection of Register and Receipt of Copies of Documents) Regulations 2023* provides that the following bodies are 'Approved Organisations' to access the DSS Register:

- Public bodies and authorities\*
- Nursing homes (designated centres),
- Inpatient mental health services (approved centres), and

\*HSE and majority of HSE funded agencies fall into the category of a public body and authority. This includes HSE funded agencies established under section 38 and section 39 of the Health Act 2004.

**For the purpose of this guidance** an Approved Organisation refers to a health and social care service that has been formally recognised and granted authorised access to the DSS Register. This may include a department within a hospital, a specific primary care service, a mental health service or a nursing home.

#### 3.8.1 An 'Approved Organisation' - Hospital

**Departments** within a hospital that requires access to the DSS Register should register as an 'Approved Organisation'.

Some examples of departments within a hospital who may need access to the DSS Register include:

- Occupational Therapy department
- Social Work department
- Coronary Care Unit
- Cardiology Department
- Nursing Department
- Emergency Department
- Outpatient Department, and
- Palliative Care Department.

This means that each hospital may have a number of ‘Approved Organisations’ for the purposes of accessing the DSS Register.

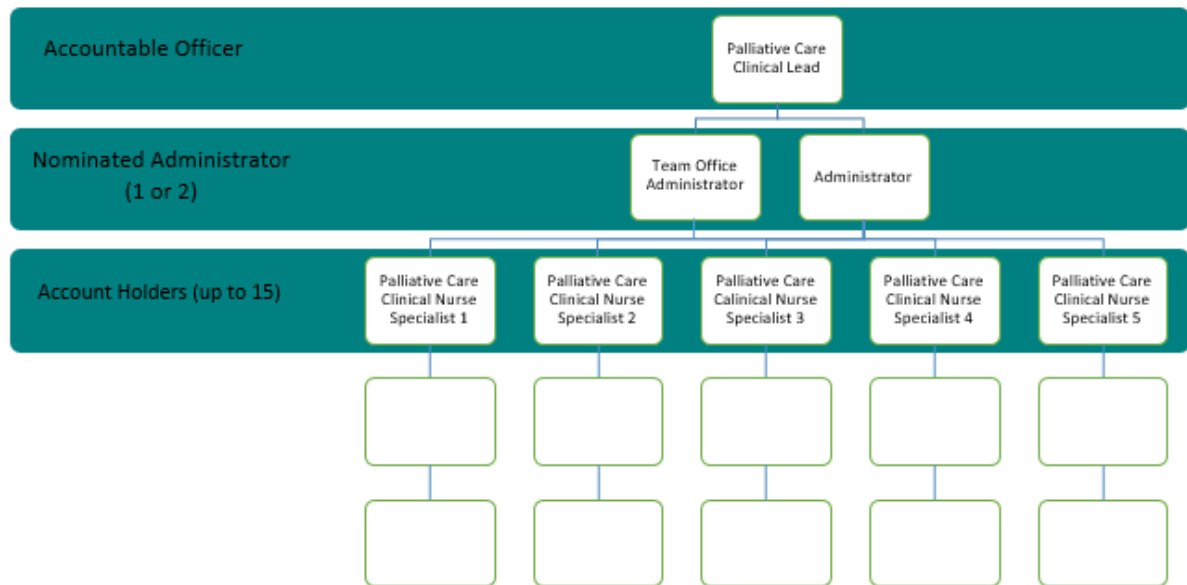


Figure 1: Example of an Approved Organisation in an acute hospital – Palliative care team

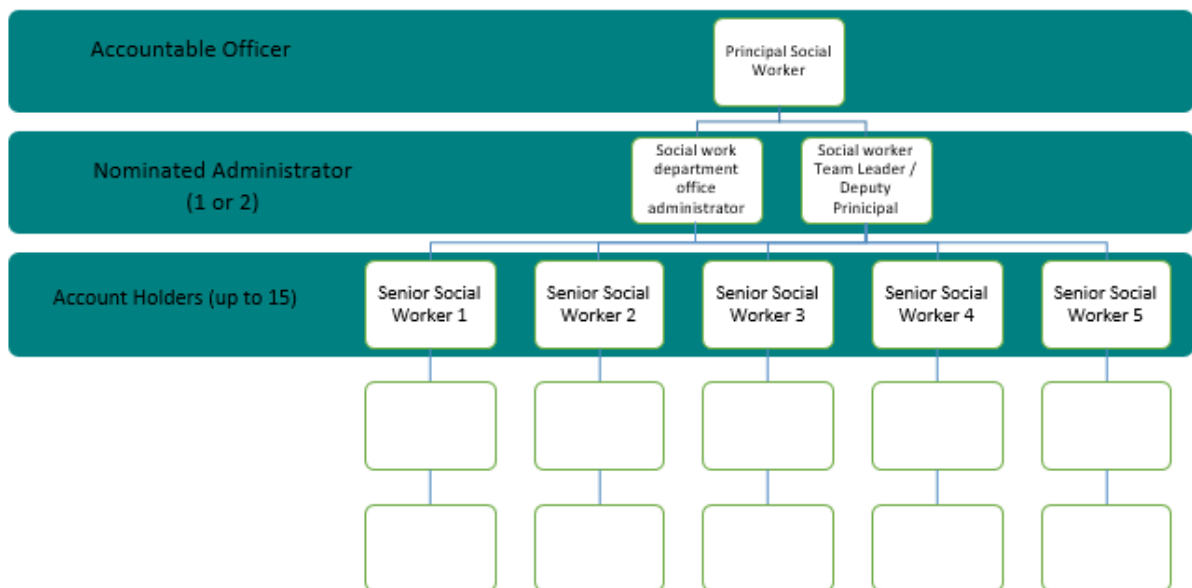


Figure 2: Example of an Approved Organisation in an acute hospital - Social work department

### 3.8.2 An Approved Organisation - Community Based Teams

**A Community-based team or service** who requires access to the DSS Register should register as an ‘Approved Organisation’. While a community-based team may be working in multiple locations, there must be a primary office base or head office for such teams to fulfil the DSS criteria.

Some examples of community-based teams or services include:

- A HSE/HSE funded disability day service
- A HSE Adult Safeguarding team
- A HSE Community Mental Health Team
- A HSE Integrated Care Programme for Older People (ICPOP) team
- A Primary Care team, with an office base in one location but providing services in people’s homes in another location
- A Public Health Nursing team, based in a health centre, providing services to people in their homes.

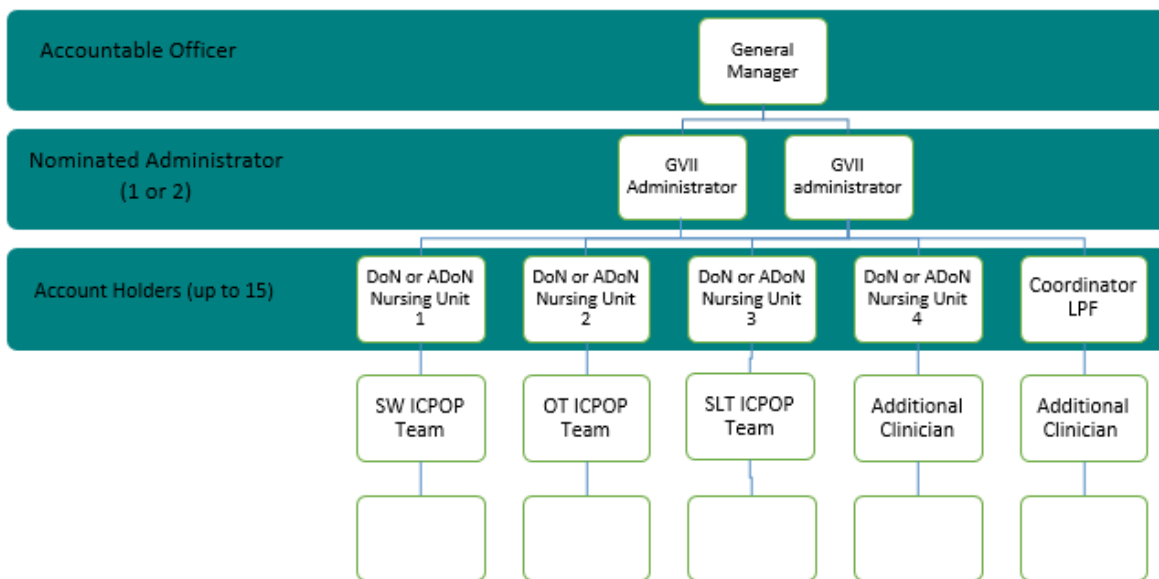


Figure 3: Example of a Community Team – Older Persons

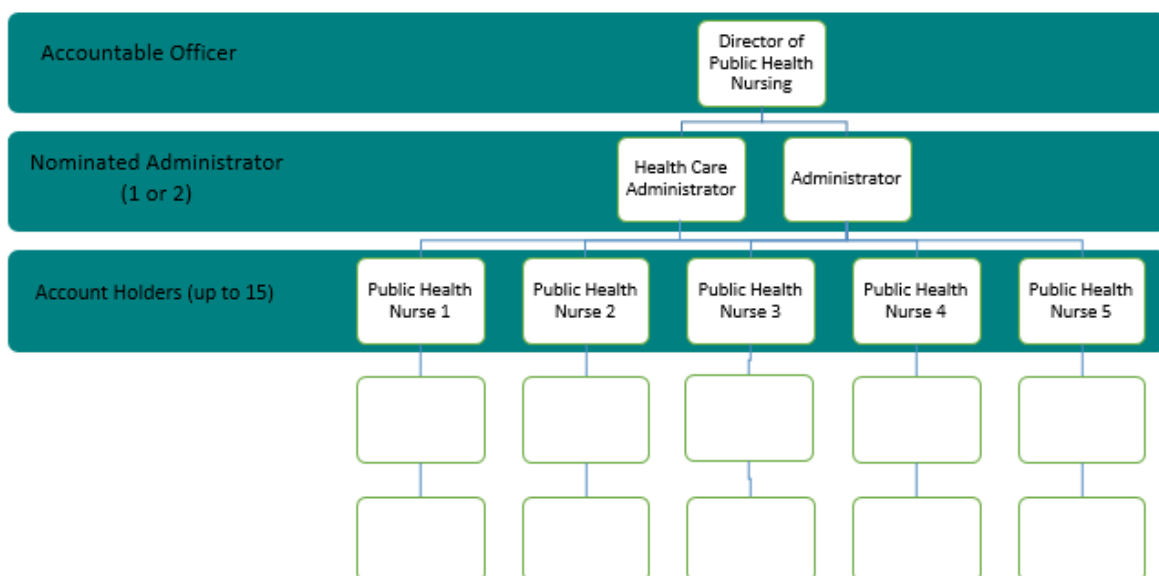


Figure 4: Example of an Approved Organisation in a community team – a public health nursing team

### 3.8.3 An Approved Organisation - National Ambulance Service

The National Ambulance Service who requires access to the DSS Register should register as an 'Approved Organisation'. The National Emergency Operations Centre should register as an 'Approved Organisation' to access the DSS Register on behalf of the National Ambulance Service (NAS).

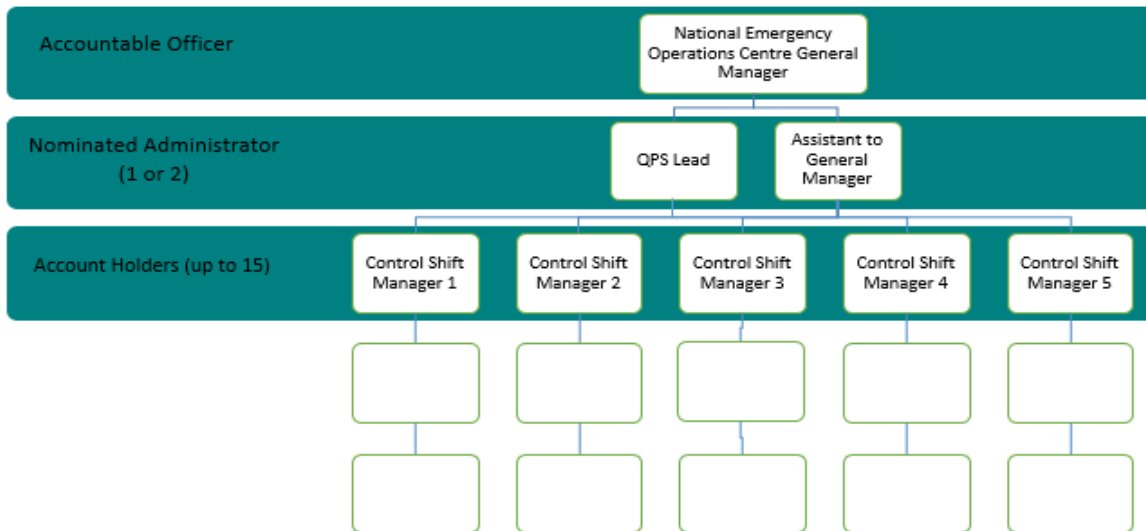


Figure 5: Example of an Approved Organisation in the National Ambulance Service

### 3.8.4 An Approved Organisation - Other National Services

It is recommended that national services such as the Primary Care Reimbursement Service (PCRS), the Nursing Home Support Office (NHSO), the National Appeals Office, the National Safeguarding Office, National Screening Service and the Patient Private Property Account Office (PPPA) should register as an 'Approved Organisation' to access the Decision Support Service Register.

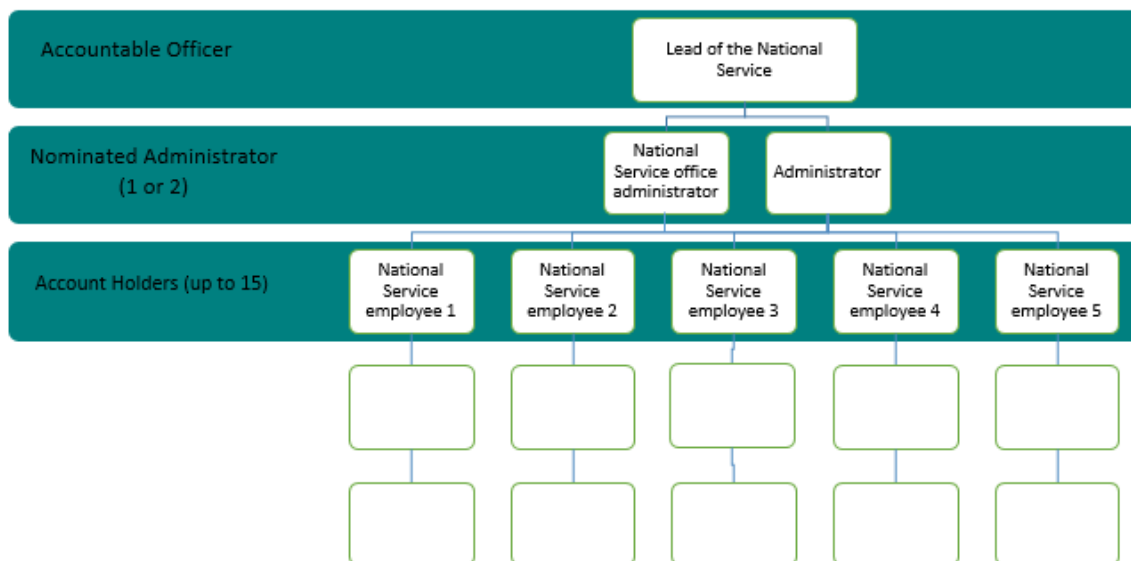


Figure 6: Example of an Approved Organisation in a National Service

## 4. Accessing the DSS Register

### 4.1 Applying to access the DSS Register as an 'Approved Organisation'

A service can apply to the DSS to search the DSS Register as an 'Approved Organisation' through the online portal **MyDSS**. The person completing the application will need to set up a basic account, which requires an email address from the same domain as the service applying to become an Approved Organisation i.e. you must use your work email address to set up the DSS Register account, you cannot use a personal email address. Users are not permitted to use shared email addresses, for example, admin@org.ie.

The application requires information about your service and why you need access to the Register. The application requires the contact details for the accountable officer and nominated administrator(s).

As part of the application for access as an 'Approved Organisation' you may be requested to provide documentary evidence that your service fits within the definition of an 'Approved Organisation'. **Please note: Such documentation will only be requested if the DSS are not sure or lack clarity in regards to the nature of your service that is requesting online access to the DSS Register.**

Documentary evidence for your service may include:

- a letter on letterhead from the accountable officer for the body or authority (not delegated)

- any other official document which names your service and identifies it within one of the approved categories.

In addition to meeting the definition of an ‘Approved Organisation’, a service **must** meet the following criteria set by the DSS to ensure the appropriate controls and processing of data contained in the DSS Register:

- The service is in a **single location**<sup>3</sup> e.g. a residential unit, a safeguarding team, a national service such as the Primary Care Reimbursement Service, a department in a hospital, a day service, a primary care team
- The service has a **single named accountable officer** such as a person in charge (PIC), General Manager of the Service, Director of Nursing, Principal Social Worker, Clinical Service Manager, Clinical Lead, and
- The service has **one or two named nominated administrators**.
- The service must have a maximum of 100 staff members. If a service is in excess of 100 staff members a second application as an Approved Organisation should be considered.
- The service may have up to 15 account holders. The DSS will determine whether this figure can be increased on a case by case basis. If the service requires a considerable increase in account holders a second application as an Approved Organisation should be considered.

Once an ‘Approved Organisation’ is registered to access the DSS Register, account holders will have 24/7 access.

## 4.2 Getting ready to apply for DSS Register access

In order to get ready to apply for approval to access the DSS Register, there are a number of steps that need to be undertaken.<sup>4</sup>



<sup>3</sup> This could be the organisations primary place of business / registered place of business if they have a number of smaller services across a number of sites.

<sup>4</sup> Services that need to search the DSS Register for a decision support arrangement before activating an account with the DSS can submit DSS register search requests on a case by case basis by contacting the DSS at [registersearches@decisionsupportservice.ie](mailto:registersearches@decisionsupportservice.ie)

### ***4.3 Check your service is an approved organisation***

Your service must be one of the following examples, though the list is not exhaustive:

- Public bodies e.g. Hospital, Community Service, National Service-Nursing Homes Support Office, Primary Care Reimbursement Service (PCRS).<sup>5</sup>
- Designated centre e.g. Nursing Homes, Residential Care facility, Day Care Centres
- Approved centre e.g. Inpatient mental health services, community based mental health inpatient facilities , Specialist Units

If you are unsure whether your service meets this legal requirement, contact the DSS.

### ***4.4 Check that your health and social care service meets the DSS criteria***

Your service must meet the following DSS criteria:

- Have no more than 100 staff<sup>6</sup>
- Is in a single location or has a primary place of business
- Must appoint an accountable officer
- Must appoint one or two nominated administrators.

### ***4.5 Identify an accountable officer***

Once it is established that a DSS Register account needs to be set up for your service, the first step will be to identify and appoint an accountable officer. You will also need to identify one or two nominated administrators.

The accountable officer must have sufficient responsibility or authority in the service to act as an accountable officer with accountability for all nominated administrators and account holders. The accountable officer must ensure all nominated administrators and account holders are familiar and compliant with the User Guidelines (Terms and Conditions) for accessing the DSS Register. This person should be a member of the relevant management team. This person will have overall responsibility, an oversight role and has access to the DSS Register if required.

---

<sup>5</sup> HSE and majority of HSE funded agencies fall into the category of a public body and authority. This includes HSE funded agencies established under section 38 and section 39 of the Health Act 2004.

<sup>6</sup> The service must have a maximum of 100 staff members. If a service is in excess of 100 staff members a second application as an approved organisation should be considered. For example in one service having team A and team B as two separate Approved Organisations.

The accountable officer is responsible for overseeing your service's use and access of the DSS Register. The accountable officer will be accountable in case of a breach of DSS User Guidelines.

#### ***4.6 Identify nominated administrator(s)***

You will need to identify and nominate up to **two nominated administrators** for your service.

The role of the nominated administrator is to monitor the Approved Organisation's search account, make applications for new account holders in the service and delete accounts for persons who no longer need access, either because they have left the service or no longer have a role which requires access to the DSS Register. The account can commence with a small number of account holders and more can be added up to a maximum of 15 as the need arises.

Each nominated administrator must be a named person. **This cannot be a shared role i.e. this cannot be whoever is on duty and in charge on the day.**

If you do not provide details for a person to be the nominated administrator, this role will be allocated to the accountable officer.

#### ***4.7 Account Holders***

Your service will need to identify and nominate up to 15 account holders for your service. It is the role of the nominated administrators to add and remove approved account holders on the Approved Organisation's account. Once your access setup has been approved, you will be able to access the **Organisation** option on your homepage. When selecting the Organisation option, you can start to add members who are called account holders from your Service to your account. Requests to add new members to an account must be submitted to the DSS for approval.

To complete a request to add a new member of your service will require the following information:

- First name
- Surname
- Date of Birth
- Email
- Telephone Number
- What is their role in the Service
- An explanation on why this person needs access to the DSS Register.

## ***4.8 Read the User Guidelines (Terms and conditions) for Accessing and Searching DSS Register***

The Accountable Officer, nominated administrator(s) and account holders for your service must read, understand and confirm they agree to comply with the User Guidelines Terms and conditions for Accessing and Searching the DSS Register at all times as part of their application. Access to and use of the DSS Register is subject to compliance with these guidelines. You can access these User Guidelines (Terms and Conditions) on Appendix 3 or you can access [here](#)

## ***4.9 Gather supporting documentation***

As part of the application for access as an Approved Organisation you must provide documentary evidence that your service meets the defined criteria of an Approved Organisation set out by the DSS- see section 4.1. This includes a completed Accountable officer declaration form. The Accountable officer declaration can be found in Appendix 2 and you can access the Accountable officer declaration [here](#).

## ***4.10 Getting ready to apply summary check list***

Check your health and social care service meets the legal requirements	<input type="checkbox"/>
Check that your health and social care service meets the DSS legal requirements	<input type="checkbox"/>
Identify an Accountable Officer	<input type="checkbox"/>
Identify and nominate one or two Nominated Administrators	<input type="checkbox"/>
Identify up to 15 Account Holders in your service	<input type="checkbox"/>
Read the User Guidelines (Terms and Conditions) for Accessing and Searching the DSS Register <a href="#">User Guidelines Terms and Conditions</a>	<input type="checkbox"/>
Gather supporting documentation	<input type="checkbox"/>

# **5. Making a search on the DSS Register as an Approved Organisation.**

## ***5.1 When can you request to search the DSS Register?***

If you need to know whether a decision support arrangement exists and to get basic information about an arrangement, such as the registration date or supporter details, you can make a request to search the DSS Register. You can also request to search the DSS Register to find out the content and details of an arrangement or what authority the decision supporter has. If you need to download a certified copy of an arrangement, you can also request this by making a request to search the DSS

Register. If you need to access more than one decision support arrangement, you will need to submit a separate request for each arrangement.

When you are searching the Register remember:

- You need to have a legitimate reason to access the decision support arrangement at the time that you make the search.
- The reason for making a search of the DSS Register must be related to health and social care intervention or service delivery for the relevant person whose arrangement you are searching.
- You should only access the DSS Register when it is relevant to the performance of your professional functions and duties for which you have been approved access.<sup>7</sup> For example, you may need to check the decision support arrangement when seeking consent for an intervention.

Decision support arrangements are subject to review and amendment. If after a review, the arrangement has been changed, the previous arrangement will no longer be on the Register and the new arrangement will be accessible. This means that at a future date, if there is a reason for the arrangement to be checked, you will need to make a new search at that time.

In your interactions with the relevant person and their decision supporter, you can make them aware that you are making a search for the purposes of their health and social care service. You are not required to seek consent from the relevant person to access the DSS Register. The access and use of their data falls within the HSE Privacy Notice.

The relevant person and/or their decision supporter is not automatically made aware of your search of the DSS Register. However the relevant person and/or parties to the decision support arrangement may request a record of all recipients of their personal data accessed from the DSS Register.

## ***5.2 When can you NOT make a search of the DSS Register?***

- Do not make a search if you do not have a have legitimate reason to do so.
- Do not make a search for research purposes or to obtain information for future purposes.
- Do not make a search for records in a personal capacity. Account holders may set up a separate personal account on **MyDSS** for this purpose.

---

<sup>7</sup> See the DSS [User Guidelines Terms and Conditions](#) for more information.

Check the DSS User Guidelines (Terms and Conditions) before making a search in Appendix 3. [User Guidelines \(Terms and Conditions\)](#)

### ***5.3 Who can make a search of the DSS Register?***

Once approved, named account holders and nominated administrator(s) can make a search of the DSS Register. Access is restricted to these two categories of users.

Please note:

- You are not permitted to share username or password for the account with others.
- You must keep your unique username and password secure.
- Any unauthorised use of the DSS Register is strictly prohibited.
- Those who are not account holders within a service or team cannot make direct search of the Register using an account holders details.
- An account holder or nominated administrator on the team may make a search for a team member who is not an account holder once they are satisfied that the search is relevant to the performance of their professional functions and duties for which they have been approved access.

All searches will be recorded on the account on the DSS portal and this will be viewable to the nominated administrator(s) and accountable officer.

### ***5.4 How do I make a search of the DSS Register?***

Log in to your service account on the DSS Portal and follow the digital identification process.

Each time you make a search you will be asked to confirm that you will abide by the DSS Terms and Conditions for searching the DSS Register<sup>8</sup>.

### ***5.5 How long can you access the decision support arrangement for?***

Once you make the initial search for the arrangement on the account, you will have **30 days** in which you can access the details of that arrangement on the DSS portal.

---

<sup>8</sup> [User Guidelines \(Terms and Conditions\)](#)

## ***5.6 What type of information can an account holder request to access on the DSS Register?***

There are three levels of information which an account holder can access on the DSS Register as outlined in **Section 3.5**. These are the following:

1. **Confirmation that an arrangement exists** – basic information about the arrangement including the reference number, registration date, relevant person and decision supporter details, broad categories of decisions in the arrangement (e.g. property and affair, personal welfare).
2. **Detailed search** – details of the decisions included in the arrangement and the decision supporter's scope of authority.
3. **Certified copy of an arrangement** – with this level of access, you can see full details of the arrangement and you can download a certified copy of it.

A fee waiver is applicable to HSE and HSE funded agencies who derive 51% of their funding through public sources and who have applied as an 'Approved Organisation' to access the Register.

This fee waiver does not apply if an authenticated hard copy of a decision-making representation order is sought. A €15 fee applies for such copies.

Please note the fee waiver applies only to 'Approved Organisations'. It does not apply to individuals seeking access to the Register.

## **6. Managing and Monitoring access to the DSS Register**

### ***6.1 How is the information obtained from the DSS Register used?***

The information obtained from the DSS Register is used to confirm decision arrangements and identify the decision supporter.

DSS Register users must protect this information's confidentiality, as per the HSE Data Protection Policy and Privacy Notice<sup>910</sup>: The lawful basis for processing data is vested in the HSE through the Health Act 2004 (as amended).

Processing is necessary for tasks carried out in the public interest or to protect the vital interests of individuals, such as in emergency situations. This would apply in emergency situations such as in the Emergency Department when a service user is unconscious, or in the sharing of information with other emergency services for

---

<sup>9</sup> [HSE Data Protection Policy - HSE.ie](#)

<sup>10</sup> [Privacy Statement HSE.ie - HSE.ie](#)

rescue situations.

## ***6.2 How is the information obtained from the DSS Register recorded and stored?***

You must ensure that information obtained from the DSS Register is kept only for the length of time the information is required. A record of the search information and/or copy of a Decision Support Arrangement may be kept securely on the relevant person's Health Record and retained in accordance with HSE retention policy<sup>11</sup>. A record of all register searches is maintained by the DSS in accordance with the Act and with all relevant data retention policies.

## ***6.3 Managing breach or misuse of information obtained from the DSS Register***

Account holders, nominated administrators and accountable officers must abide by the DSS Terms and Conditions outlined in Appendix 3<sup>12</sup>.

Any breach, loss or misuse of information obtained from the DSS Register must be reported to the relevant Data Protection Officer and also to the DSS. Suspicion of such incidents should also be reported.

The accountable officer is responsible for ensuring compliance with the DSS Terms and Conditions. Any breach, loss or misuse of information through use of the DSS Register Account must be reported to the accountable officer to report to the relevant Data Protection Officer and also to the DSS as soon as possible.

## ***6.4 Maintaining records of DSS Register searches***

The DSS maintains a record of all DSS Register searches.

The Accountable Officer and nominated administrator has access to a live record of all DSS Register searches made on the DSS Register account.

## ***6.5 Accountable Officers responsibility to ensure compliance with DSS User Guidelines (Terms and Conditions)***

- The Accountable officer is responsible for compliance with the DSS Terms

---

<sup>11</sup> [HSE Records Retention Policy](#)

<sup>12</sup> [User Guidelines \(Terms and Conditions\)](#)

and Conditions<sup>13</sup>.

- The DSS may request information from the accountable officer relating to compliance or a breach in the compliance with DSS Terms and Conditions<sup>14</sup>.
- The accountable officer should approve new account holders before they are set up on the DSS Register account.
- In the case of a change of accountable officer or nominated administrator, the accountable officer must inform the DSS within five working days and propose a suitable person to fulfil the role.

### ***6.6 Nominated Administrators role in monitoring and maintaining the account***

- The nominated administrator's role includes monitoring the use of the approved account.
- The nominated administrator can set up new account holders and remove account holders who no longer require access.
- The account holder should notify the accountable officer and nominated administrator if they are leaving the service or their role no longer requires access.
- The DSS may request further information and/or documentation for the addition of approved users to an Approved Organisation's account.

## **7. Governance and approval**

The governance and approval arrangements for the oversight of this guidance rest with the HSE National Office for Human Rights and Equality Policy.

## **8. Communication and dissemination plan**

This guideline will be made available to all HSE and HSE funded services for onward dissemination and implementation.

Senior management are required to make this guideline available to relevant services. Electronic and other communication means can be used to maximise distribution.

Managers must create an awareness of this guideline throughout their services and ensure that employees under their supervision have read and understood the guidelines where appropriate.

---

<sup>13</sup> [User Guidelines \(Terms and Conditions\)](#)

<sup>14</sup> [User Guidelines \(Terms and Conditions\)](#)

## ***8.1 Accountability – Lead Person(s) responsible for the Implementation of the Guidelines.***

National Directors and Regional Executive Officers are responsible for ensuring that the guideline is implemented through their Integrated Health Areas, HSE Hospitals, National Services and HSE Funded Services.

## **9. Review / update**

### ***9.1 Review of National Document***

Monitoring and review of this guidance will be the responsibility of the HSE National Office for Human Rights and Equality Policy, with input from other relevant stakeholders.

This guidance will be reviewed after six months and then annually thereafter. The guidance is subject to change and may be reviewed more frequently as circumstances or legislation require.

The collection of data and feedback locally on an ongoing basis will be central to monitoring and reviewing.

## **10. Glossary of terms**

**PLEASE NOTE:** This document uses terminology that may be used in other areas of the HSE and HSE funded organisations e.g. person in charge, nominated person, accountable officer. These terms are exclusively used in this document in relation to roles specific to accessing the DSS Register. These terms do not relate to any pre-existing term/role within the HSE and HSE funded services.

**Account Holder:** An account holder is a person who holds an account within an 'approved organisation' to access the Decision Support Service Register.

**Act (2015 ACT):** The Assisted Decision-Making (Capacity) Act 2015 is often called the '2015 Act'. The 2015 Act establishes a new legal framework for supported decision-making.

**Accountable officer (person in charge):** This is a named person within an organisation who has sufficient responsibility and authority to act as an accountable officer. This accountable officer has responsibility for all account holders and must

ensure compliance of all account holders with the Decision Support Service guidelines on accessing the Register. The person should be a member of the local governance or management team. The accountable officer may be a delegated authority from within a bigger organisation e.g. they may be a person in charge at a local level such as a service or branch manager, or Department/ unit/team. The accountable officer (person in charge) or a nominated administrator must apply for the account on behalf of the account holder.

**Advance healthcare directives:** A legally recognised arrangement that lets you plan ahead for healthcare and treatment decisions. It lets you set out your wishes about these types of decisions in case you are unable to make these decisions sometime in the future.

**Approved organisation:** An approved organisation means: Nursing homes (designated centres), Inpatient mental health services (approved centres), and Public bodies and authorities. HSE and majority HSE funded agencies fall into the category of a public body and authority. To be approved for access as an 'approved organisation' the service must provide details of an accountable officer (person in charge).

**Attorney:** A person who has the authority from an enduring power of attorney to make certain decisions on your behalf if you become unable to make them for yourself. A person does not have to be a lawyer to act as your attorney.

**Capacity:** A person's ability to make decisions for themselves. Under the new law, this will be based on the person's ability to make a specific decision at a specific time.

**Co-decision-maker:** A person who has the authority to make certain decisions together with you if you need support to make decisions. You can appoint someone you know and trust to be your co-decision-maker by making a legally recognised arrangement called a co-decision-making agreement.

**Co-decision-making agreement:** In a co-decision-making agreement, a person who is unable to make certain decisions on their own can appoint someone they know and trust to be their co-decision-maker. The co-decision-maker's role is to make certain decisions jointly with the person.

**Decision-making assistant agreement:** In a decision-making assistance agreement, a person who has difficulty making certain decisions on their own can appoint someone they know and trust to act as their decision-making assistant. This agreement lets the person specify decisions they need help with and gives someone the legal authority to help them make those decisions. The person still makes their own decision.

**Decision-making representation order:** If a person is unable to make certain decisions, the court will make a decision-making representation order appointing a decision-making representative to make those decisions on behalf of the person. The court will usually appoint someone the person knows and trusts to this role. However, if that is not possible, the court can select someone suitable from the Decision Support Service panel of trained experts. The decision-making representative can only make decisions that are written down in the order and must always consider the person's wishes and past will and preference during the decision-making process.

**Decision supporter:** This is not a term in the 2015 Act but is used by the Decision Support Service to refer to a person who has been appointed as a:

- Decision-making assistant under a decision-making assistance agreement
- Co-decision-maker under a co-decision-making agreement
- Decision-making representative under a decision-making representation order
- Attorney under an enduring power of attorney
- Designated healthcare representative under an advance healthcare directive.

**Enduring power of attorney:** In an Enduring Power of Attorney arrangement, a person who does not currently have capacity issues, but would like to plan ahead, can appoint someone they trust as their attorney. The attorney's role is to act on the person's behalf to make certain decisions if the person is unable to in the future. An attorney does not need to be a lawyer.

**Healthcare worker:** Healthcare workers refers to the various health and social care staff who support people while they are receiving healthcare treatment, investigation, using a health or social care service or taking part in research or teaching. These include for example doctors, dentists, psychologists, nurses, midwives, paramedics, social workers and social care staff. The term also covers all health and social care professions whether or not the profession is a designated profession within the meaning of Section 3 of the Health and Social Care Professionals Act 2005.

**Majority HSE funded service:** Means that over 50% of the organisation's funding comes from the HSE.

**Nominated administrator:** As part of the application process for access as an Approved Organisation, the accountable officer (person in charge) can provide the Decision Support Service with contact details of up to **two nominated administrators**. The role of the nominated administrator is to monitor the services search account, make applications for new account holders and delete accounts for person's who no longer need access, either because they have left the organisation

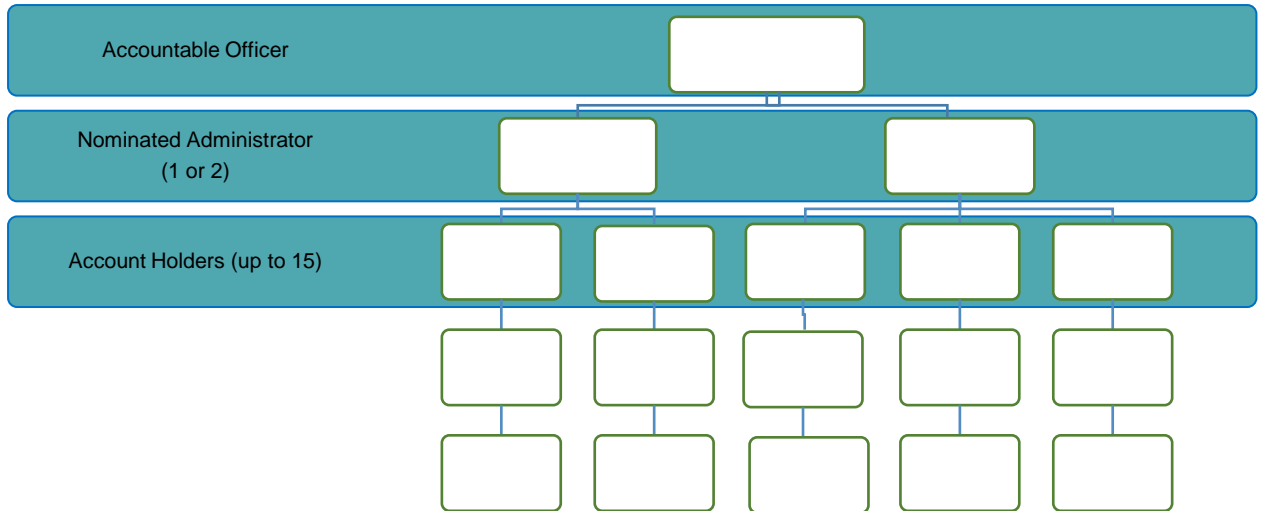
or no longer have a role which requires access. They will also be the primary liaison person with the Decision Support Service. Each nominated administrator must be a named person and cannot be a shared role (i.e., cannot be whoever is on duty and in charge on the day). All users who no longer require DSS Register access or no longer work with the service must be removed from register access by the nominated administrator within 5 working days from the requirement to access the Register ceasing.

**Relevant Person:** A relevant person means

- (a) a person whose capacity is in question or may shortly be in question in respect of one or more than one matter,
- (b) a person who lacks capacity in respect of one or more than one matter, or
- (c) a person who falls within paragraphs (a) and (b) at the same time but in respect of different matters.

## 11. Appendices

### *Appendix 1: Approved Organisation Template*



## ***Appendix 2: Request for Register Access and Accountable Officer Declaration***

### **Decision Support Service**

#### **Request for Register Access and Accountable officer declaration – Register access request (Approved organisation)**

**IMPORTANT:** The notes in this form are provided by way of guidance only and do not constitute a statement of the law or the provisions under the Assisted Decision-Making Capacity Act 2015 (as amended) or any ancillary or related legislation.

##### **General information**

- This declaration must be completed by the accountable officer for an organisation requesting access to the Register of decision support arrangements (the Register).
- The accountable officer must be one named person within the organisation with sufficient responsibility/authority in the organisation. This person should be a member of the local governance/management team. This person may be delegated authority from within a bigger organisation. For example, they may be a person in charge at a local level such as a service or branch manager, or head of a department, unit or team.
- The accountable officer must confirm they have read, understand and comply with the User Guidelines for Accessing and Searching Decision Support Service Arrangement Registers.
- The accountable officer is responsible for all nominated administrators and account holders for the organisation and their compliance with the Guidelines.
- The accountable officer is responsible for ensuring the organisation pays fees due for register searches in accordance with the User Guidelines for Accessing and Searching Decision Support Service Arrangement Registers. Where the organisation is eligible for a fee waiver, the accountable officer must inform the Decision Support Service of any changes to the organisation's status that may impact its eligibility.
- The accountable officer must confirm the details of the nominated administrator for the organisation in this form. The nominated administrator will be responsible for completing and submitting the organisation's request for access to the Register, for managing the organisation's Register access and for overseeing access by the organisation's account holders, if approved.
- This application form must be completed and submitted as a supporting document on the Register access request form.
- Incomplete forms will be returned to the sender and will not be processed until all necessary information is received.
- There are four sections in this application:
  - Section 1: Organisation details
  - Section 2: Accountable officer details
  - Section 3: Nominated administrator details
  - Section 4: Accountable officer declaration and signature
- All sections of the application must be completed, unless otherwise indicated.

## Section 1: Organisation details

Mandatory fields are indicated with \*

### 1. Organisation name \*

Please include the name of the organisation you are applying for. This should be, for example, your branch, department or team name. Please read the User Guidelines (Terms and conditions) for Accessing and Searching Decision Support Service Arrangement Registers for information on what constitutes an organisation for the purpose of accessing the Register.

### 2. Business address \*

Address line 1 *	<input type="text"/>
Address line 2	<input type="text"/>
Address line 3	<input type="text"/>
City *	<input type="text"/>
County/State	<input type="text"/>
Country *	<input type="text"/>
Eircode *	<input type="text"/>

### 3. Is the organisation you are applying for part of a wider organisation or body? \*

Yes  No

*If you have answered no, please skip to Question 5*

### 4. Parent organisation name \*

If your organisation name in question 1 is a branch, department or team name, you should provide the name of your overall organisation in this question.

Please provide sub-branch information where applicable:

### 5. Please select your approved organisation category (see appendix 1) \*

Designated centre	<input type="checkbox"/>
-------------------	--------------------------

Decision Support

Service

Approved centre	<input type="checkbox"/>
Public body or agency	<input type="checkbox"/>
Bank	<input type="checkbox"/>
Credit union	<input type="checkbox"/>
Regulated financial service provider	<input type="checkbox"/>
Hospital	<input type="checkbox"/>
Residential care facility	<input type="checkbox"/>
Other	<input type="checkbox"/>

6. If **Other**, please provide details \*

7. Please select your organisation type \*

Company	<input type="checkbox"/>
Charity	<input type="checkbox"/>
Subsidiary of a holding company	<input type="checkbox"/>
Public body or authority	<input type="checkbox"/>
Other	<input type="checkbox"/>

8. If **Other**, please provide details \*

9. If **Charity**, please provide charity registration number \*

Charity registration number \*

10. If **Company**, please provide company registration number and name(s) of company director(s) \*

Company registration number \*

Service

Name(s) of company director(s) \*

11. If **Subsidiary of holding company**, please provide name and address of registered holding company and name(s) of director(s) of registered holding company

Name of registered holding company \*

Name(s) of company director(s) \*

Holding company address \*

Either

<input type="checkbox"/>	Same address as <b>business address</b> in Question 2
--------------------------	---

Or

Address line 1*	<input style="width: 98%; height: 15px;" type="text"/>
-----------------	--

Address line 2	<input style="width: 98%; height: 15px;" type="text"/>
----------------	--

Address line 3	<input style="width: 98%; height: 15px;" type="text"/>
----------------	--

City*	<input style="width: 98%; height: 15px;" type="text"/>
-------	--

County/State	<input style="width: 98%; height: 15px;" type="text"/>
--------------	--

Country*	<input style="width: 98%; height: 15px;" type="text"/>
----------	--

Eircode*	<input style="width: 98%; height: 15px;" type="text"/>
----------	--

## Section 2: Organisation Account Information

This section refers to the way in which your organisation will be invoiced depending on searches completed by account holders within the organisation.

There is a fee associated with certain levels of access to decision support arrangements on the Register. Some types of organisations that are publicly funded may be eligible for a fee waiver. You can find out more about fees for approved organisations or confirm if your organisation meets the criteria for a fee waiver on our website.

12. Is your organisation seeking to apply for a fee waiver?

Yes  No

If yes, is your organisation publicly funded or partially publicly funded?

Fully funded  Partially funded to equal or exceed 51% of funding

13. How will your organisation pay fees for searching the Register

*If the organisation you are applying for is eligible for a fee waiver, you will still need to pay a fee to access a certified copy of a registered decision-*

Service

*making representation order.*

Pay per search (pay-as-you-go)	<input type="checkbox"/>
Monthly	<input type="checkbox"/>

### Section 3: Accountable officer details

This person should be a member of the local governance/management team. This person may be delegated authority from within a bigger organisation. For example, they may be a person in charge at a local level such as a service or branch manager.

#### 14. Information about the accountable officer

First name*	
Last name*	
Work email address*	
Contact number*	
What is your role in the organisation?*	

#### 15. Address\*

Either

<input type="checkbox"/>	Same address as <b>business address</b> in Question 2
--------------------------	---

Or

Address line 1*	
Address line 2	
Address line 3	
City*	
County/State	
Country*	
Eircode*	

#### 16. Will you act as a nominated administrator for the organisation?

Yes  No

*If you have answered yes, please skip to Question 15*

### Section 4 – Nominated administrator details

The nominated administrator will be responsible for completing and submitting the organisation's request for access to the Register, for managing the organisation's Register access and overseeing the organisation's account holders, if approved. If you do not provide the details of a nominated administrator, this role will be given to the accountable officer.

## Service

We recommend that you appoint two nominated administrators where possible.

**17. Information about the nominated administrator**

<b>First name*</b>	
<b>Last name*</b>	
<b>Work email address*</b>	
<b>Contact number*</b>	
<b>What is their role in the organisation?*</b>	

**18. Address\***

Either

<input type="checkbox"/>	Same address as <b>business address</b> in Question 2
--------------------------	---

Or

<b>Address line 1*</b>	
<b>Address line 2</b>	
<b>Address line 3</b>	
<b>City*</b>	
<b>County/State</b>	
<b>Country*</b>	
<b>Eircode*</b>	

**19. Are you appointing an alternate (second nominated) administrator for the organisation? \***

Yes

No

*If you have answered no, please skip to Section 4 - Declarations*

<b>First name*</b>	
<b>Last name*</b>	
<b>Work email address*</b>	
<b>Contact number*</b>	
<b>What is their role in the organisation?*</b>	

**Address\***

Either

Service

<input type="checkbox"/>	Same address as <b>organisation address</b> in Section 1
--------------------------	--

Or

Address line 1*	
Address line 2	
Address line 3	
City*	
County/State	
Country*	
Eircode*	

## Section 5 – Accountable Officer

This section must be completed by the accountable officer named in **Section 2**

- I confirm that the organisation I am completing this declaration on behalf of meets the requirements for an approved body or class of persons in accordance with the Act
- I confirm that I am a nominee authorised by a member of a class of persons to make this application as the accountable officer (if applicable)
- I confirm that the information I have provided is true and accurate to the best of my knowledge and belief.
- I have read, understood and comply with the Decision Support Service’s User Guidelines for Accessing and Searching the Decision Support Service Arrangement Registers.
- I understand that I am responsible for ensuring all account holders within my organisation comply with the *DSS Guidelines for Accessing and Searching the Decision Support Service Arrangement Registers* at all times.
- I confirm that any account holders within my organisation will only access and search the Decision Support Service Arrangement Registers for legitimate purposes in connection with their profession and role as a member of an approved organisation.
- I will take reasonable steps to ensure any information accessed by any person in my organisation is kept secure from unauthorised access, use or disclosure and is safely disposed of when it is no longer required.
- I confirm that I will ensure that any fees incurred by my organisation in searching the Register will be paid within the timeframes set by the Decision Support Service.
- I confirm that if my organisation meets the criteria for a fee waiver, I will inform the Decision Support Service of any changes to the organisation’s status that may impact its eligibility to avail of a fee waiver.
- I understand that if I, or any person within my organisation, fails to comply with the *User Guidelines for Accessing and Searching the Decision Support Service Arrangement Registers*, access for the organisation may be revoked and future access may be refused.

Decision Support

Service

Name

Signature

Date

Approved organisations	
Category	Description, where applicable
Designated centre	Must be an older person's residential facility or residential disability service that meets the definition of a designated centre within the meaning of section 2(1) of the Health Act 2007
Approved centre	Must be an in-patient mental health services that meets the definition of approved centre within the meaning of section 62 of the Mental Health Act 2001
Public body or authority	<p>Must be a:</p> <ul style="list-style-type: none"> <li>• Minister of the Government</li> <li>• local authority within the meaning of section 2 of the Local Government Act 2001 (No. 37 of 2001)</li> <li>• body (other than a company formed and registered under the Act of 2014 or an existing company within the meaning of that Act) established by or under any enactment,</li> <li>• designated institution of higher education within the meaning of section 2(1) of the Higher Education Authority Act 2022 (No. 31 of 2022).</li> </ul>
Bank	Must be a bank holding a licence under section 9 of the Central Bank Act 1971 (No.24 of 1971)
Credit union	Must be a designated credit institution under the Asset Covered Securities Act 2001 (No.47 of 2001)
Regulated financial service provider	Must be a financial service provider within the meaning of section 2(1) of the Central Bank Act 1942 regulated by the Central Bank
Nominee for a class of persons	<p>Must be a nominee for one of the following:</p> <ul style="list-style-type: none"> <li>• dietitians entered in the Register of members of the profession of dietitian, established and maintained under section 36 of the Act of 2005</li> <li>• dispensing opticians entered in the Register of members of the profession of dispensing optician, established and maintained under section 36 of the Act of 2005</li> <li>• medical scientists entered in the Register of members of the profession of medical scientist, established and maintained under section 36 of the Act of 2005</li> <li>• occupational therapists entered in the Register of members of the profession of occupational therapist established and maintained under section 36 of the Act of 2005</li> <li>• optometrists entered in the Register of members of the profession of optometrist established and maintained under section 36 of the Act of 2005</li> <li>• persons who: <ul style="list-style-type: none"> <li>○ are members of a prescribed accountancy body within the meaning of section 900(1) of the Act of 2014</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ are currently practising in the profession of accountancy, and</li> <li>○ are maintaining such minimum level of professional indemnity insurance as is required by the prescribed accountancy body concerned</li> <li>• physiotherapists entered in the Register of members of the profession of physiotherapist, established and maintained under section 36 of the Act of 2005</li> <li>• practising barristers within the meaning of section 2(1) of the Act of 2015</li> <li>• practising solicitors within the meaning of section 2(1) of the Act of 2015</li> <li>• pre-hospital emergency care practitioners entered in the Register of pre-hospital emergency care practitioners, established and maintained under Article 4(s) of the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000)</li> <li>• psychologists             <ul style="list-style-type: none"> <li>○ who practise as such</li> <li>○ who hold a qualification listed opposite the profession of psychologist in the third column of Schedule 3 to the Act of 2005 or a qualification that is a corresponding qualification, within the meaning of section 90 of that Act, to that qualification, and</li> <li>○ following the establishment under section 36 of the Act of 2005 of a Register of members of the profession of psychologist, whose names for the time being are entered in the Register</li> </ul> </li> <li>• radiographers and radiation therapists entered in the Register of members of the profession of radiographer, established and maintained under section 36 of the Act of 2005</li> <li>• registered dentists within the meaning of section 2 of the Dentists Act 1985 (No. 9 of 1985)</li> <li>• registered medical practitioners within the meaning of section 2 of the Medical Practitioners Act 2007 (No. 25 of 2007)</li> <li>• registered midwives within the meaning of section 2(1) of the Act of 2011</li> <li>• registered nurses within the meaning of section 2(1) of the Act of 2011</li> </ul>
--	--

	<ul style="list-style-type: none"><li>• registered pharmacists entered in the Register of pharmacists, established and maintained under section 13 of the Pharmacy Act 2007 (No. 20 of 2007)</li><li>• social workers entered in the Register of members of the profession of social worker established and maintained under section 36 of the Act of 2005;</li><li>• speech and language therapists entered in the Register of members of the profession of speech and language therapist established and maintained under section 36 of the Act of 2005.</li></ul>
--	--

## ***Appendix 3: Register Searches Guidelines – February 2025***

### **User Guidelines (Terms and conditions) for Accessing and Searching Decision Support Service Arrangement Registers for Approved Persons and Organisations**

---

#### **Introduction**

The Decision Support Service (DSS) is a statutory body established under the Assisted Decision-Making (Capacity) Act 2015 (as amended) (the Act).

The DSS is responsible for establishing and maintaining a Register of decision support arrangements (the Register). The Register includes co-decision-making agreements and decision-making representation orders that are currently registered and enduring powers of attorney that are registered or notified under the Act.

The Act provides that certain prescribed bodies or classes of persons can access and obtain information from the Register for specified purposes. Prescribed bodies are referred to as approved organisations in this document. Prescribed classes of persons are referred to as approved persons.

The Register can be accessed through **MyDSS**. This is an online services portal that allows registered users (individuals and organisations) to access services provided by the DSS.

#### **Purpose**

The User Guidelines (Terms and Conditions) for Accessing and Searching the Decision Support Service Arrangement Registers (the "Guidelines") set out the terms and conditions for approved organisations and approved persons who need to access information from the Register. Any approved persons or organisations applying to access the Register must have read, understood and confirmed that they agree to comply with the Guidelines at all times. Access to and use of the Register is governed by these Guidelines.

These Guidelines are important for the protection of you, the parties to the registered decision support arrangement, and the DSS. Please read them carefully. The DSS reserves the right to add, amend or vary these Guidelines by publishing the Guidelines on the DSS website.

If you do not accept the terms and conditions in these Guidelines, you will not be permitted access to the Register. Each time you access the Register, you reaffirm your agreement to be bound by the published guidelines.



Effective from February 2025

## 1. Applying to access the Register

- Access to the Register is permitted in accordance with these Guidelines.
- Approved organisations and approved persons are responsible for making all arrangements necessary for their access to the Register.
- Approved organisations and approved persons must apply for access to the Register in the manner and format specified by the DSS and must comply with any related requests for information from the DSS.
- Approved organisations and approved persons must ensure:
  - the information they provide when applying for access is correct
  - they meet the requirements for prescribed bodies or class of persons who can access the Register in accordance with the Act
  - All users have read, understood and agree to comply with the Guidelines.
  - All users understand and agree that the Data Protection Act 2018 shall apply to access to the information on the Register. The Decision Support Service may receive a request from a party to an arrangement for a record of all recipients of their personal data, which may identify the requestor and all nominated administrators for the organisation directly.

## 2. Terms of Access Approval

- Access to the Register by an approved person or an approved organisation (and any of its users) must be approved by the DSS.
- By accessing the Register, all users confirm they are aware of and agree to, the terms and conditions for use of the Register.
- Users must not open an account by using any alias or through another user.
- Users are not permitted to use shared email addresses, for example, [admin@org.ie](mailto:admin@org.ie)
- Users must use a professional email address that is not associated with another **MyDSS** personal or professional account.
- The DSS reserves the right to withdraw or amend the service the DSS provides on **MyDSS** without notice. The DSS will not be liable if for any reason the Register is unavailable at any time or for any period. The DSS will attempt to rectify any unavailable service in a timely manner.



Effective from February 2025

### 3. Terms of Use

- Any unauthorised use of the Register is strictly prohibited. Each user account must be used by the approved user only. Users are not permitted to share usernames or passwords.
- Users must keep their unique username and password secure and may not disclose it to any third party for any reason.
- Users must only access the Register when it is relevant to the performance of their professional functions and duties for which they have been approved access.
- Access to the Register for research purposes or to obtain information for future purposes is strictly prohibited.
- Users must not access the Register to search for records in a personal capacity and must submit a legitimate interest search request on a case-by-case basis to the DSS for any such records. Users may set up a separate personal account on **MyDSS** for this purpose. This requires using a different email account to the email used for approved register access.
- Users must ensure that any information obtained from the Register is kept only for the length of time the information is required.
- Users must ensure that information obtained from the Register is stored on a secure device and destroyed in a secure manner when no longer required.
- Users must protect the confidentiality, security, and integrity of the information obtained from the Register, and not disclose, share, or transfer the information to any third party. The Data Protection Act 2018 (No.7 of 2018) shall apply to the access that the Register affords to a registered user in respect of access to the information on the Register. The Decision Support Service may receive a request from a party to an arrangement for a record of all recipients of their personal data, which may identify the requestor and all nominated administrators for the organisation directly.
- A record of all register searches is maintained by the DSS in accordance with the Act and with all relevant data retention policies.
- Approved persons and organisations must report to the DSS and any other relevant authorities any breach, loss, or misuse of the information obtained from the Register, or any suspicion or allegation of such breach, loss, or misuse, as soon as possible.
- Fees to search the Register are specified by the Director pursuant to section 95(3) of the Act. Register searches are subject to payment of the appropriate fee as prescribed by regulation. The fee amount will apply per search of the Register. A fee waiver may apply to publicly funded organisations.
- The DSS reserves the right to undertake appropriate usage checks or ensure the Guidelines are being complied with. Approved users are required to provide any such information the DSS considers necessary to carry out such checks. Failure to comply with these Guidelines may result in the DSS



Effective from February 2025

suspending or revoking an individual or organisation's authorisation to access the Register, without prejudice to any other rights at law which the DSS may have. Revocation of access to the Register as an approved user may be taken into consideration in the event of any future applications for access to the Register.

#### **4. Approved Organisations**

- The accountable officer is responsible for ensuring these Guidelines are complied with by all nominated administrators and account holders within the organisation who access the Register.
- The accountable officer for an approved organisation must approve the application to request access to the Register in the manner specified by the DSS.
- The accountable officer will provide, on request, information to the DSS relating to compliance with, or potential breach of, these Guidelines.
- The accountable officer must ensure that any fees incurred by the organisation in searching the Register is paid within the timeframes set by the Decision Support Service. The Decision Support Service reserves the right to suspend or terminate the organisation's access to the Register where fees incurred are not paid within set timeframes.
- If the organisation meets the criteria for a fee waiver, the accountable officer must inform the Decision Support Service of any changes to the organisation's status that may impact its eligibility to avail of a fee waiver.
- The role of the nominated administrator is to monitor the organisation's search account, make applications for new account holders and delete accounts for person's who no longer need access, either because they have left the organisation or no longer have a role which requires access. All users who no longer require Register access or no longer work with the organisation must be removed from Register access by the nominated administrator within five working days from the requirement ceasing. In the case of an accountable officer or nominated administrator who no longer requires access to the Register or no longer works with the organisation, the accountable officer must inform the DSS within five days and propose a suitable person to fulfil the role.
- The DSS reserves the right to request further information and/or documentation in relation to an application for register access or for the addition of approved users to an organisation's account.



Effective from February 2025

## 5. Approved Persons

- Approved persons must apply for approval to access the Register directly.
- You must inform the DSS if you no longer require access to the Register in relation to your professional role, or if you no longer meet the requirements of an approved person, within five working days.
- You will provide, on request, information to the DSS relating to compliance with, or potential breach of, these Guidelines.
- The DSS reserves the right to request further information and/or documentation in relation to an application for register access by an approved person.

## 6. Changes to the Register

- If required, the DSS may temporarily suspend access to the Register.
- The DSS reserves the right to add, amend or vary these Guidelines by publishing the Guidelines on the DSS website. The continued use of the Register will signify your acceptance of such changes. We recommend that you periodically review these Guidelines. The Guidelines will specify the latest date on which the terms have been amended at the top of the document.
- The DSS has used every effort to ensure the accuracy of the content contained on the Register. Where an arrangement has been updated by the relevant person or another party to the arrangement, the DSS shall update the Register where necessary and reserves the right to do so without notice and without liability. In making any such changes the DSS will also have due regard to Article 5(1)(d) of the GDPR (accuracy). We disclaim all liability for any loss or damage, direct, indirect or consequential, arising from any inaccuracy or incompleteness of any information supplied. Full responsibility rests with the user for any loss arising from the use of the information appearing on the Register.