

Data Protection Update

IIPM May Webinar

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An Coimisiún um
Chosaint Sonraí
Data Protection
Commission

Overview

- Data Protection and Pension Scheme Governance
- Key Activities of the DPC
 - Supporting individuals
 - Supporting industry
 - Regulating
 - Engaging with stakeholders
- DPC Regulatory Strategy 2022 to 2027



Data Protection and Scheme Governance

- Article 5(2) of the GDPR
 - The controller shall be responsible for, and be able to demonstrate compliance with, [the principles of data protection] ('accountability').
- Article 24
 - Appropriate technical and organisational measures.
- Article 28
 - The controller shall use only processors providing sufficient guarantees to implement appropriate technical and organisational measures.
- Treated on par with your wider regulatory responsibilities?



Supporting Individuals

- 23,930 electronic contacts, 13,663 phone calls and 1,594 postal contacts.
- 10,888 queries and complaints from individuals in 2021 (an increase of 7% on 2020 figures).
- In total 10,645 cases - 7,081 queries and 3564 complaints - were concluded by the DPC in 2021.
- The DPC received 3,419 complaints last year and concluded 3,655 complaints, including 1,884 complaints received prior to 2021.
- Just under 52% (1,771) of complaints lodged with the DPC in 2021 were concluded within the same calendar year; and
- The DPC concluded 170% more access complaints than it received.



Supporting Individuals - Information

- Queries
 - Advising individuals on rights
 - Controllers and data subjects looking for nuanced advice
 - Topical issues
 - Large-scale data breaches
 - Phone scams
 - Data sharing



Supporting Individuals – Complaint Handling

- Complaints
 - Often about not meeting the basic obligations
 - Access: application of restrictions
 - Unfair processing – retention periods, data minimisation
 - Breaches/unauthorised disclosure
 - Right to be forgotten
- Policy approaches
 - Domestic CCTV
 - Receivership
 - Statutory decision-making bodies



Supporting Industry

- Total valid breach notifications received in 2021 was **6,549** - down 2%.
- Of the total recorded breach cases, **95% were concluded** in 2021 (6,274 cases).
- Unauthorised disclosure at **71%** of the overall total.
- The DPC launched a revised Breach Notification webform in 2021.
- Publication of **Fundamentals for a Child-Oriented Approach to Data Processing**.
- Publication of Five-Year **Regulatory Strategy for 2022-2027**.
- The DPC continued its partnership in EU-Funded project (**The ARC Project**) to provide practical supports to SMEs, first **workshop** was held in May.
- The publication 10 substantive pieces of **guidance**.



Regulating

- **81 Statutory Inquiries** on-hand, including **30 Cross-Border Inquiries**.
- Conclusion of GDPR investigations into WhatsApp Ireland Ltd. The decision was subject to an Article 65 Dispute Resolution Process, after which the **DPC imposed a fine of €225 million**, in addition to a reprimand and an order for WhatsApp to bring its processing into compliance.
- Publication of “**Data Protection Audit of Political Parties in Ireland**”.
- DPC settled legal proceedings with the Department of Social Protection on the D/SP’s processing of personal data when issuing **Public Service Cards**.
- National Decisions with **corrective measures** and/or **fines** (breaches, oversight of processors, appropriate organisational and security measures)



Regulating

- 4 Article 60 Draft Decisions.
- Provided input and observations on over **40** pieces of proposed legislation.
- **9 judgments** delivered and/or final orders made in proceedings to which the DPC was a party.
- Through **Supervision** action, the DPC has brought about the **postponement or revision** of **7** scheduled big tech projects with implications for the rights and freedoms of individuals.
- Concluded a number of large-scale inquiries and issued preliminary drafts of decisions for final submissions to regulated entities and complainants in advance of finalisation.



Engaging with Stakeholders

- Extensive consultation on children's rights guidance and regulatory strategy.
- Responded to **over 600** Article 61 Mutual and Voluntary Mutual Requests for assistance from other European Regulators.
- Attended over **200** EDPB meetings, most of which were conducted virtually due to pandemic-related travel restrictions.
- Continued to have representatives on all European Data Protection Board (EDPB) subgroups.
- Regularly met with senior regulators from the Broadcasting Authority of Ireland, ComReg and the Competition and Consumer Protection Commission to **drive regulatory coherence** and foster greater understanding of the respective regulatory roles.
- Staff of the DPC presented at over 90 speaking events.



Other Activity

- Concluded **138 electronic direct marketing** investigations.
- **Prosecuted two telco companies** for persistently contacting customers who had opted out of correspondence.
- Implemented the first release of the new DPC **case management system**.
- Worked to finalise the inter-agency agreement between the DPC and Irish National Accreditation Board on accreditation of **certification schemes** under GDPR Arts. 42 & 43.
- Worked closely with EU colleagues on the first approvals of a proposed **EU Seal** and a member state based certification scheme.
- Produced a new **ICT strategy** for the DPC.
- Handled **49 Law Enforcement Directive complaints**.



DPC Regulatory Strategy 2022 - 2027

- Implementing 5-year Regulatory Strategy
 - Regulate consistently and effectively
 - Safeguard Individuals and promote data protection awareness
 - Prioritise the protection of children and other vulnerable groups
 - Bring clarity to stakeholders
 - Support organisations and drive compliance



DPC Regulatory Strategy: Priorities

- Targeted enforcement
 - Data breaches
 - Access requests
 - ROPA sweep
- Prioritise resources
 - Risk based approach to complaint handling
 - Large scale inquiries
- Data Transfers
 - Facebook's transfers to the USA
 - TikTok's transfers to China
- Children's Data
- Codes of Conduct



Thank you

