

GRA

GIBRALTAR REGULATORY
AUTHORITY

Information Rights Division

E-Newsletter 01/18

Welcome to the second newsletter from the Information Rights Division (IRD). Our newsletters aim to provide you with news, updates, developments and additions to our website in relation to data protection matters and our work as the statutory body responsible for the enforcement of current data protection laws.

OUR WORK

17th January 2018 - Data Protection Commissioners' Meeting

The Data Protection Commissioner and a member of the IRD attended a meeting in Manchester (UK) to discuss final preparations before the introduction of the General Data Protection Regulation (GDPR). The meeting also involved Data Protection Commissioners from the UK, Ireland, Malta, the Channel Islands and Isle of Man.

22nd January 2018 - Delivering Accountability under the GDPR

A member of the IRD attended a two-day workshop in Dublin which focused on the topic of accountability under the GDPR. The workshop was hosted by the Irish Data Protection Commissioner in collaboration with The Centre for Information Policy Leadership (CIPL). Through interactive discussions and presentations from the Irish Data Protection Commissioner, and other leading industry experts, the event discussed the measures that organisations must put in practice, to comply with the GDPR.

13th February 2018 - Impact of the GDPR on the Royal Gibraltar Police (RGP)

The IRD delivered a presentation to the RGP on the GDPR and the Data Protection Law Enforcement Directive. The presentation formed part of an RGP initiative to raise awareness of the new requirements in data protection amongst its staff.

22nd February 2018 - CTO Forum

The Data Protection Commissioner and the Head of the IRD actively participated in a 2 day forum organised by the Commonwealth Telecommunications Organisation. This forum was held at the University of Gibraltar and focused on the GDPR and its reach.



GDPR AWARENESS

In months leading up to the introduction of the GDPR, the IRD have noticed an influx of data protection queries from organisations in regard to the regulatory policies required by the new Regulation. A series of presentations was delivered by the IRD to different organisations and authorities in Gibraltar to promote and raise awareness about the GDPR.

25th of May

2018

With just 2 months until the GDPR starts being enforced, every organisation needs to take compliance seriously. The IRD has issued several Guidance Notes on this topic with the most recent publication of the series focusing on Data Portability (IRO5/17). These can be found on our website: www.gra.gi/data-protection/general-data-protection-regulation

The IRD makes use of social media platforms to disseminate advice and information, and engage with the general public. In addition to ad hoc advice and social media messages based on “current news”, the Division has developed specific social media campaigns that run for a number of weeks, focusing on a particular subject. The last series of social media posts, running for 8 weeks between the 26th February 2018 and 16th April 2018 relate to Individual Rights under the GDPR. This information can be accessed via our Facebook/Twitter account or the GRA website using this address: <http://www.gra.gi/news/rights-of-individuals-under-GDPR>



Under the GDPR

#CONTROLYOURPRIVACY CAMPAIGN

Our #CONTROLYOURPRIVACY campaign is ongoing and has become a focal point for raising awareness about data protection issues amongst students between the ages of 11-16 years. In this first quarter of 2018, members of the IRD have delivered the interactive and thought-provoking presentation to St. Bernard’s Middle School and Prior Park School. Students in all middle and secondary schools in Gibraltar are also asked to fill out a Privacy Survey. Results from this Survey are published in a Data Protection School Survey Report to be issued in the second quarter of 2018.

INVESTIGATIONS The IRD focus on three main regulatory functions which are; inbound enquiries, investigations and inspections.

Under section 25 of the Data Protection Act (DPA), the Data Protection Commissioner is empowered to carry out investigations to ensure compliance with the DPA. An investigation is any process which sees the IRD taking action either as the result of a complaint or as a result of information obtained as part of the day to day function of the Division and which raises doubts as to whether the DPA is being complied with. In the first quarter of 2018, the IRD has worked on a total of 7 investigations, 2 of which have been closed and 5 are ongoing.

Below are two summaries of the investigations that have been closed in the first quarter of 2018:

1. A complaint was received by an individual (the “Complainant”) in relation to a Subject Access Request (“SAR”) that was submitted to MedDoc Healthcare (“MedDoc”).

The IRD undertook an investigation which concluded that MedDoc contravened section 14 of the DPA by not responding in writing to the Complainant’s SAR. However, following the Commissioner’s Decision, MedDoc provided the Complainant with the information requested in the SAR.

In view of this, the Commissioner considered the matter resolved and the case was closed on the 9th January 2018.

2. A complaint was received by an individual (the “Complainant”) in relation to a recording of a telephone conversation (the “Recording”) between the Complainant and an employee of Ibex Insurances Services Limited (“Ibex”).

The Complainant claimed that the Recording took place without notice being provided, and thereby in breach of his rights under the DPA. The IRD undertook an investigation concluding that Ibex had procedures in place to notify individuals (in advance) about the recording of phone calls. It was also determined that it was not practicable to require organisations to repeat pre-recorded messages when an individual involved in a telephone conversation passes the telephone to another individual for the latter’s involvement in a conversation that has already been initiated.

The Commissioner concluded that a breach of the DPA had not been identified and considered the case closed on the 15th February 2018.

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