

# E-NEWSLETTER

Information Commissioner

E-Newsletter 03/21

The logo for the Gibraltar Regulatory Authority (GRA) features the letters 'GRA' in white on a red square background.

GIBRALTAR REGULATORY  
AUTHORITY

Welcome to the Gibraltar Regulatory Authority's ("GRA") Q3 2021 e-newsletter. Our newsletters aim to provide you with the latest developments in relation to data protection matters and our work as the Information Commissioner, with statutory responsibility for the enforcement of data protection laws in Gibraltar. Where relevant, updates on our work regarding freedom of information are also provided.

## AWARENESS EVENTS & COMMUNITY ENGAGEMENT

### SOCIAL MEDIA ENGAGEMENT

Social media engagement during Q3 2021 focused on guidance in respect of –

- exemptions that the Data Protection Act 2004 (the "DPA") provides from particular provisions in the Gibraltar General Data Protection Regulation (the "Gibraltar GDPR"); and
- the concepts of data controllers and data processors.

All published social media campaigns are available in PDF format on the [GRA's website](#).

## DATA PROTECTION GUIDANCE & ASSISTANCE

### WORKSHOP FOR DATA PROTECTION OFFICERS

The Information Commissioner's office organises periodic Workshops for Data Protection Officers ("DPO Workshops") as part of his efforts to promote awareness amongst data controllers of their data protection obligations and provide them with assistance, as appropriate.

Information regarding previous DPO Workshops is available on the [GRA's website](#).

**The next DPO Workshop is scheduled to take place in December 2021. To register your interest in attending future DPO Workshops, please email [dpoworkshops@gra.gi](mailto:dpoworkshops@gra.gi).**

### CODE OF PRACTICE ON DATA SHARING

The Information Commissioner's office published a Data Sharing Code of Practice (the "Code"), which came into force on 9<sup>th</sup> September 2021.

The Code provides detailed guidance and good practice for the sharing of personal data between organisations. It also provides a general framework which organisations can use to develop their own data sharing arrangements. Adopting the recommendations provided in the Code, will allow organisations to operate in a manner that complies with data protection legislation and that avoids insecure and/or unlawful data sharing arrangements.

All published Codes of Practice are available to download from the [GRA's website](#).

## INTERNATIONAL

### GLOBAL PRIVACY ASSEMBLY'S ("GPA") GLOBAL PRIVACY AND DATA PROTECTION AWARDS 2021

With more than 130 data protection and privacy authorities from across the globe, the GPA is one of the most important global forums for data protection and privacy authorities. Every year, the GPA's Global Privacy and Data Protection Awards celebrate the achievements of the GPA community and highlight good practice.

This year, the Information Commissioner's office has been shortlisted for two awards from the GPA in respect of work undertaken in relation to –

- The “Control Your Privacy” campaign, which takes a layered and multipronged approach to raising awareness about data protection law and privacy, combining traditional and modern outreach methods to target key sectors within the community. More information is available on the [GPA's website](#).
- The collective work undertaken in respect of a cooperative compliance initiative concerning Video Conferencing Companies (VTC) in conjunction with the U.K. Information Commissioner's Office, the Office of the Australian Information Commissioner, the Office of the Privacy Commissioner for Personal Data of Hong Kong (China), the Federal Data Protection and Information Commissioner of Switzerland and the Office of the Privacy Commissioner of Canada. More information is available on the [GPA's website](#).

Both entries are submitted to an online vote by GPA members.

A press release detailing the above can be downloaded from the [GPA's website](#).

## **BRITISH, IRISH AND ISLANDS' DATA PROTECTION AUTHORITIES**

Members of the Information Commissioner's office attended the British, Irish and Island's Data Protection Authorities (“BIIDPA”) meeting, which was hosted virtually by the Privacy Commissioner of Bermuda on the 24<sup>th</sup> and 25<sup>th</sup> June 2021. The BIIDPA meetings take place annually and provide DPAs with an opportunity to discuss the latest developments within their jurisdictions.

This year saw participants discussing data protection developments and matters of priority in their relevant jurisdictions. ‘Brexit’ and ‘Covid-19’ initiatives were amongst the top talking points as well as matters relating to CCTV, cybersecurity, children's personal data, and facial recognition technology. The group also discussed best practices in enforcement cooperation amongst data protection authorities (“DPAs”), and the interlink between data protection and financial regulation.

## **41<sup>ST</sup> PLENARY MEETING OF THE COMMITTEE OF CONVENTION 108**

The Information Commissioner's office took part in the 41<sup>st</sup> Plenary Meeting of the Committee of Convention 108 (“C108”) which took place from 28<sup>th</sup> to 30<sup>th</sup> June 2021. Further information about C108 may be found on the [Council of Europe's website](#).

Convention 108 is the only global legally binding agreement on data protection law. Amongst other things, C108 facilitated discussions regarding law enforcement issues, transborder access to data, digital identity, and personal data processing by and for political campaigns.

## **INVESTIGATIONS**

The Information Commissioner conducts investigations surrounding the application of data protection law in Gibraltar. Investigations may be instigated as a result of information obtained that raises compliance concerns, a complaint lodged with our office, or information/complaints referred by another data protection authority or other public body.

In Q3 of 2021, 9 new investigations were initiated, whilst 8 cases have been resolved/closed and 24 are ongoing. In regard to the 8 cases resolved/closed, 3 of these were closed following the completion of a full investigation (summarised below).

### **IV07/19**

#### **Lottohelden Limited (“Lottohelden”)**

The investigation concerned an alleged transfer of personal data, and information provided to individuals regarding the processing of personal data by Lottohelden. Lottohelden was held to have breached Articles 12(1), 13 and 5(1)(a) of the EU General Data Protection Regulation 2016/679 (the “EU GDPR”).

Lottohelden were required to review their arrangements to ensure compliance with data protection law.

**C53/19**

**GVC Services Limited (“GVC”)**

The investigation concerned a response to a Subject Access Request (“SAR”). GVC provided information in response to a SAR, albeit outside of the prescribed timeframe. As a result, GVC breached Articles 12(1) and 12(3) of the EU GDPR.

GVC were asked to review their arrangements to ensure their procedures for facilitating SARs comply with data protection law. No further action was required taking into account the circumstances of the case and corrective action taken.

***Although the EU GDPR ceased to form part of Gibraltar law as of 1<sup>st</sup> January 2021, it was the applicable legislation at material times relating to the above-mentioned investigations.***

**IV03/21**

**Royal Bank of Scotland International Limited (“RBSI”)**

The investigation concerned a request for information to Gibraltar based data controllers from RBSI, trading in Gibraltar as NatWest International.

The Information Commissioner could not conclude that there had been a breach of the Gibraltar GDPR and/or DPA.

## DATA BREACH NOTIFICATIONS

Under Article 33 of the Gibraltar GDPR (or Section 76 of the DPA in respect of applicable law enforcement processing), there are certain incidents that organisations need to tell us about.

During Q3 2021, a total of 4 data breach notifications were received and subsequently investigated. 3 breach notification investigations have been closed during this quarter.

## Contact us for more information:



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