

E-NEWSLETTER

Information Commissioner

E-Newsletter 01/22

GRA

GIBRALTAR REGULATORY
AUTHORITY

Welcome to the Gibraltar Regulatory Authority's ("GRA") **Q1 2022** 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

DATA PROTECTION DAY

Data Protection Day is an annual event celebrated internationally on 28th January, to raise awareness of the importance of privacy and data protection. This year, to commemorate Data Protection Day, the GRA, as the Information Commissioner, launched a campaign which included a series of infographics and a video entitled "**Data Protection Boosts the Digital Economy**" (the "Campaign").

Through the Campaign, the GRA aims to raise awareness of the growing 'digital economy', highlighting that, whilst a growing digital economy can, in many instances, be considered a positive evolution to business practices, such evolution must be accompanied by appropriate mechanisms that safeguard personal data and uphold individuals' rights in relation to the same. More so, if data-driven business models are to thrive in a growing 'digital economy', data protection should be considered a pre-requisite for their success. The Campaign consisted of -

- A series of [infographics](#) that highlighted the main developments and recent trends in the 'digital economy', whilst also laying emphasis on the possible risks presented in the digital environment and appropriate safeguards provided by data protection legislation (the "Infographics").
- An [explanatory video](#) drawing attention to the exponential growth in the volumes and types of data processed, and the relationship between data protection and the developing digital economy (the "Video").

The Infographics and Video have been published on the [GRA's website](#) and shared on the GRA's social media platforms, including Facebook, Twitter, LinkedIn and YouTube.

SOCIAL MEDIA ENGAGEMENT

As well as the Infographics highlighting the main developments and trends in the 'digital economy' as described above, social media engagement during Q1 2022 also focused on guidance in respect of key findings from the Privacy Awareness School Survey carried out in local Upper Primary and Secondary schools during the 2020/21 academic year.

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

SAFER INTERNET DAY

Over the years, Safer Internet Day has become a landmark event in the online safety calendar. This year, taking place on 8th February 2022, it saw worldwide participation in attempts to make the internet a safer and better place for all, especially for children and young people. The GRA participated by engaging with other authorities and publishing a social media post to raise awareness.

From cyber-bullying to social networking and protecting your digital identity, each year, using a harmonised approach from several stakeholders, Safer Internet Day aims to raise awareness of ongoing and emerging online issues and concerns.

As well as participating in Safer Internet Day, the GRA takes part in similar initiatives that aim to raise awareness about the importance of protecting your privacy in the online world. Amongst these, is the Information Commissioner's "Control Your Privacy" campaign. For more information, please [click here](#).

INTERNATIONAL

28th JANUARY 2022 – COUNCIL OF EUROPE CONVENTION 108 ("C108")

As the initiator of the internationally recognised and celebrated Data Protection Day, the C108 shared a survey for fellow stakeholders to complete, and thereby, showcase initiatives in relation to their Data Protection Day events. A report compiling said initiatives can be found [here](#).

16th MARCH 2022 – PRIVACY LAWS AND BUSINESS WEBINAR

The Information Commissioner's office attended a webinar on "*Helping young people to better protect their privacy and safety online*". The event saw regulators, policy makers and other stakeholders come together to discuss steps to achieve substantive improvements in online experiences for young people, from a privacy perspective.

17th MARCH 2022 – CULLEN INTERNATIONAL WEBINAR

The Information Commissioner's office attended a webinar in which Alisa Vekeman, policy officer at the European Commission, and Ignacio Gómez Navarro, legal officer at the European Data Protection Board Secretariat, spoke about recent and forthcoming initiatives on transfers of personal data to 'third' countries.

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 Q1 of 2022, 6 new investigations were initiated, 8 cases have been resolved/closed and 18 are ongoing. In regard to the 8 cases resolved/closed, 3 were closed following the completion of a full investigation (summarised below).

IV38/18 Income Tax Office ("ITO")

The investigation concerned a complaint (the "Complaint") submitted by two individuals ("Complainant A" and "Complainant B") in relation to the disclosure of Complainant A's personal data and the alleged disclosure of Complainant B's personal data. The Complaint also related to the ITO's response to rectification requests submitted by both complainants.

Articles breached: Article 5(1)(d), 5(1)(f), 5(2), 6(1), 12(2) 12(4), 16 and 32 of the EU General Data Protection Regulation 2016/679. Sections 6(1)(b) and 7(1) of the Data Protection Act 2004 (prior to it being amended by the EU General Data Protection Regulation 2016/679).

The ITO were required to review their arrangements in regard to the breaches identified to mitigate the risk of future occurrences of such data breaches and to ensure that their procedures for facilitating rectification requests comply with the EU General Data Protection Regulation 2016/679.

No further action was required, taking into account the circumstances of the case and corrective action taken.

C05/21 Ibex Insurance Limited ("Ibex Insurance")

The investigation concerned the response to a Subject Access Request ("SAR").

The Information Commissioner concluded that, in their capacity as data controller, Ibex Insurance complied with the Gibraltar General Data Protection Regulation when responding to the SAR.

Other matters were also considered during the investigation, the same which the Information Commissioner concluded to be outside of the remit of the Gibraltar General Data Protection Regulation.

AmRes 10/19 Royal Gibraltar Police (“RGP”)

The investigation concerned the disclosure of CCTV footage concerning an individual.

Sections breached: Sections 43(3), 49, 65(3), 66(1), 75(1) and 80(2)(c) of the Data Protection Act 2004.

The RGP were required to review their data protection arrangements to ensure appropriate technical and organisational measures were in place for the processing of CCTV related personal data, including the implementation of relevant policies and procedures.

The Information Commissioner issued the RGP with a Reprimand.

No further action was required, taking into account the circumstances of the case and corrective action taken.

DATA BREACH NOTIFICATIONS

Under Article 33 of the Gibraltar General Data Protection Regulation (or section 76 of the Data Protection Act 2004 in respect of applicable law enforcement processing), there are certain incidents that organisations need to tell us about.

During Q1 2022, a total of 5 data breach notifications have been received and 5 breach notification investigations have been closed. A total of 18 data breach notification investigations are ongoing.

The Information Commissioner publishes information on breach notifications which have resulted in the use of his enforcement powers. During Q1 2022, the Information Commissioner took enforcement action on breach notifications as summarised below.

BN23/19 Royal Gibraltar Police (“RGP”)

The investigation concerned a data breach by the RGP on 10th February 2020 regarding the loss of personal data as contained within two USB flash drives processed by the RGP.

Sections breached: Sections 49, 65(1), 65(2), 65(3), 75 and 77(2) of the Data Protection Act 2004.

The Information Commissioner issued the RGP with a Reprimand on 7th March 2022.

BN02/21 Royal Gibraltar Police (“RGP”)

The investigation concerned a data breach by the RGP on 19th April 2021 regarding the unlawful disclosure by the RGP of personal data contained within an email.

Sections breached: Sections 49, 65(1), 65(2), 75, 77(1) and 77(2) of the Data Protection Act 2004.

The Information Commissioner issued the RGP with a Reprimand on 7th March 2022.

ENFORCEMENT

When a contravention of the Data Protection Act 2004 and/or the Gibraltar General Data Protection Regulation is identified, the Information Commissioner’s actions are subject and proportionate to the circumstances of each case.

In most cases, data controllers are cooperative and take corrective action when asked to review the arrangements they have in place to ensure compliance with the Data Protection Act 2004 and/or the Gibraltar General Data Protection Regulation. In some cases, the Information Commissioner may request that a data controller commit to carry out specific tasks to improve data protection compliance.

In circumstances where the severity of the breach is considered to warrant use of the Information Commissioner’s enforcement powers, or where a data controller does not satisfactorily cooperate with the Information Commissioner’s requests, the Information Commissioner may use his enforcement powers, such as issuing an Enforcement Notice, Information Notice, Reprimand or Monetary Penalty.

As noted above, during Q1 2022, the Information Commissioner issued three reprimands to the Royal Gibraltar Police (the "RGP"), in relation to three separate investigations, namely AmRes10/19, BN23/19 and BN02/21 . For further information please [click here](#).

Contact us for more information:



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