

E-NEWSLETTER

Information Commissioner

E-Newsletter 04/22

GRA

GIBRALTAR REGULATORY
AUTHORITY

Welcome to the Gibraltar Regulatory Authority's ("GRA") **Q4 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

SOCIAL MEDIA ENGAGEMENT

The Information Commissioner's office frequently uses social media to provide summarised data protection guidance. In this quarter, our social media engagement has focused on the key findings from the Privacy Awareness School Survey carried out in local Upper Primary and Secondary schools during the 2021/22 academic year. Information regarding previously published social media campaigns is available [here](#).

DATA PROTECTION GUIDANCE & ASSISTANCE

AWARENESS-RAISING AUDIOVISUALS

Often adding to the excitement of Christmas is the ease with which images and videos can be shared on social media platforms. With this in mind, the Information Commissioner's office published a video which aims to raise awareness about the importance of recognising the resulting risks to privacy and personal data protection.

[In this video](#), the Information Commissioner's office provides top tips for safeguarding your family's privacy in today's social media culture.

DATA PROTECTION IN A WORLD OF SHARENTING

The Information Commissioner's office is committed to increasing awareness about the importance of privacy and the impact data protection may have on our daily lives, particularly in view of the highly networked and interconnected online world in which we live. The Information Commissioner launched a new public campaign in October 2022 to focus on the prevalence of "sharenting" in Gibraltar, to better understand the practice of parents/guardians publicising content about their child(ren) on social networking sites (the "Campaign").

The Campaign includes an online [multiple-choice online survey](#), a [series of infographics](#) and an accompanying [awareness-raising audio-visual](#). Parents and guardians are encouraged to complete the anonymised survey. A report highlighting the Campaign's key findings will be published on Data Protection Day 2023 (28th January 2023). For further information, please [click here](#).

DATA PROTECTION WORKSHOPS

As well as an opportunity for organisations to obtain support, the workshops organised by the Information Commissioner's office provide the opportunity to further learn about, and obtain a better understanding of, common issues/challenges faced by organisations. The workshops also help create synergies by facilitating collaboration between organisations on challenges that are common to them. Guidance and engagement are areas of work that are prioritised by the GRA to promote compliance and mitigate risks whilst supporting the development of new practices.

2 November 2022 - Workshop for the Online Gambling Sector

The GRA took part in a data protection workshop organised by the Gibraltar Betting and Gaming Association. Areas covered at the workshop included current and emerging issues, data security, accountability, the rights of individuals and international transfers.

3 November 2022 – “Breakfast Club” Workshop

The GRA participated in the “Breakfast Club” run by the ‘Gibraltar Federation of Small Businesses’, delivering a session aimed at SMEs, outlining key points of the Gibraltar General Data Protection Regulation and Data Protection Act 2004.

Further information on both of the above-mentioned workshops is available [here](#).



INTERNATIONAL

6 OCTOBER 2022 – GLOBAL PRIVACY ASSEMBLY’S (“GPA”) DIGITAL CITIZEN AND CONSUMER WORKING GROUP (“DCCWG”) SURVEY

The mandate of the GPA DCCWG is to explore regulatory intersections and promote regulatory cooperation. The GRA took part in a survey which aimed to better understand the intersection between privacy and the regulation of digital technologies by collating information about the digital regulatory regimes that operate in GPA members’ jurisdictions.

11 OCTOBER 2022 – CHANNEL ISLANDS DATA PROTECTION FORUM

The Director of Information Rights and Operations took part in the Channel Islands Data Protection Forum Inaugural Conference, in Guernsey, forming part of a panel to actively discuss “What is trust when it comes to data?” alongside data protection Commissioners from Guernsey and the Isle of Man. More information about the event is available [here](#).

25 – 28 OCTOBER 2022 – 44th GPA

The GRA attended the 44th GPA in Turkey. The GPA is an annual event where over 130 data protection and privacy authorities from around the world connect to provide leadership at international level: a premier forum for international collaboration and engagement in the field of data protection. Amongst the various items reported on during the GPA was a cybersecurity project led by the GRA, in relation to ‘credential stuffing’, the final output of which is available [here](#) (see guidance note 26). Also discussed at the GPA were topics concerning artificial intelligence, facial recognition technology, privacy by design, surveillance and the importance of protecting children in the digital age.

INTERNATIONAL COLLABORATION AND ENGAGEMENT

During October, the GRA signed separate memorandums of understanding (“MoUs”) with the authorities of the United Kingdom and Malta in recognition of, and to further develop, the longstanding and close relationship with both jurisdictions particularly in the field of data protection. Sharing experiences and best practice, joint research projects and mutual assistance are key aspects covered in the MoUs. Our digital economies operate in a global environment, which need and benefit from international cooperation to support and incentivise best practice and technological development with adequate safeguards.

The MoUs are a further demonstration of the GRA’s collaborative efforts to support and take part in the development of a digital world with high standards for the benefit of citizens and business. Further information is available [here](#).



16 - 17 NOVEMBER 2022 – 43RD PLENARY MEETING OF THE CONSULTATIVE COMMITTEE OF CONVENTION 108

Convention 108 is the first binding international law on individuals' rights to the protection of their personal data. Held in Strasbourg, the meeting discussed matters relating to digital identity and further explored major developments and activities in the field of data protection. Further information is available [here](#).

17 – 19 NOVEMBER 2022 – EUROPEAN CASE HANDLING WORKSHOP (THE “ECHW”)



The GRA attended the ECHW as organised by the Personal Data Protection Service in Tbilisi, Georgia. Participants discussed the planning of data protection inspections and the effective management of inbound complaints, as well as emerging topics and the impact of data protection in a social media context. Two members of the GRA presented on the “Domestic Exemption and Aspects Surrounding its Application” alongside the European Data Protection Supervisor and the International Committee of the Red Cross. The GRA’s Director of Information Rights was interviewed by a Georgian TV broadcaster in relation to the workshop. Further information is available [here](#).

7 DECEMBER 2022 - GPA GLOBAL FRAMEWORK AND STANDARDS WORKING GROUP (“GFSWG”)

The GFSWG is mandated by the GPA’s Strategic Plan to deliver a resolution or policy statement on the GPA’s view of high data protection and privacy standards. The GRA took part in a survey which gathered the views of GPA members in relation to what principles, rights and other elements are considered important to ensure high data protection and privacy standards and what will be important to make today’s data protection frameworks fit for the future.

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 Q4 of 2022, 7 new investigations were initiated, whilst 2 cases have been resolved/closed and 16 are ongoing. Regarding the 2 cases resolved/closed, only 1 was closed following the completion of a full investigation (summarised below).

C39/19 St. John’s Ambulance (“St. Johns”)

The investigation concerned the alleged loss and/or erasure of personal data by St. Johns, and St. Johns’ data protection arrangements for the processing and protection of personal data.

Articles breached: 5(1)(f), 5(2), 24(1), 24(2) and 32 of the EU General Data Protection Regulation.

St. Johns were required to review their arrangements to ensure that appropriate policies and procedures were in place for the processing of personal data. St. Johns were also required to demonstrate that these would be implemented, and that relevant training would be provided to personnel as appropriate.

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 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 Q4 2022, a total of 11 data breach notifications were received and subsequently investigated. 4 breach notification investigations have been closed during this quarter and 19 are ongoing.

INFORMATION COMMISSIONER'S KEY STATISTICS FOR 2022

- Between December 2021 and December 2022, the Information Commissioner's office has opened a total of 27 cases and closed a total of 30 cases.
- A total of 161 enquiries have been received in this review period with 47% requested by individuals. The remaining 37% and 16% of the enquiries received stemmed from the private and public sector respectively.
- April saw the highest number of inbound enquiries with the most popular topic this month being 'International Transfers'.
- Generally, 18% of the enquiries relate to guidance on the use of CCTV.
- Between December 2021 and December 2022, the Information Commissioner's office has received a total of 32 new breach notifications.
- Of all breach notifications received, the most prominent issue related to unauthorised disclosures.



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