

E-NEWSLETTER

Information Commissioner

E-Newsletter 02/22



Welcome to the Gibraltar Regulatory Authority's ("GRA") Q2 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

PRIVACY AWARENESS SCHOOL SURVEY 2021/2022

A report was issued on the results of a survey carried out in schools in Gibraltar during the 2021/2022 academic year. The survey forms part of an awareness campaign for schools organised by the Information Commissioner's office in co-operation with the Department of Education. It examines the relationship between the use of digital technology and privacy matters, in particular amongst school-goers. The Information Commissioner's report can be found [here](#).

SOCIAL MEDIA ENGAGEMENT

In April, a social media campaign titled "Data Protection in the Employment Context" was launched. This campaign, which followed on from a guidance note on the subject published in 2021 (available [here](#)), aimed to encourage employers to examine the manner in which they process personal data within the employment context. Further information regarding this campaign can be found [here](#).

Information regarding previously published social media campaigns is also available [here](#).

4th BIRTHDAY OF THE EU GENERAL DATA PROTECTION REGULATION (THE "EU GDPR")

To commemorate the EU GDPR's 4th birthday, the GRA recognised that, since its implementation, there have been key improvements in the world of data protection. These include heightened public awareness and accountability, a positive shift in culture and mindset towards data protection, and a notable increase in international cooperation and collaboration between sector specific regulators.

DATA PROTECTION GUIDANCE & ASSISTANCE

DISCLOSURES TO COMPETENT AUTHORITIES

The Guidance Note aims to assist data controllers when seeking to share personal data with 'competent authorities' who are carrying out their statutory law enforcement functions. It provides an understanding of the lawful basis under which personal data may be shared. Click here to download the [Guidance Note](#).

CREDENTIAL STUFFING

Together with international counterparts, the GRA has conducted research and published guidelines for organisations on how to prevent, detect and mitigate the risks of credential stuffing attacks. Please refer to the "International" section below for further information.

INTERNATIONAL

12th to 13th APRIL 2022 – IAPP GLOBAL PRIVACY SUMMIT 2022

The GRA is continuously looking to develop its capabilities and work in the area of international collaboration in line with its obligations and strategy to maintain and improve Gibraltar's standing as a jurisdiction with adequate data protection standards, and to remain engaged on the latest global developments. The GRA's work in international collaboration is

important given the continuously increasing reliance and use of international providers by citizens and organisations, and the key role of data protection to enable international data flows, which is vital for the digital economy.

Ongoing international efforts saw the GRA contribute, alongside colleagues from the United States, Canada and the United Kingdom, to a panel at the International Association for Privacy Professional's (IAPP) Global Summit 2022, the world's largest information privacy organisation. The session discussed the Regulation of Emerging Technologies and Threats with Global Collaboration. Further information on the IAPP can be accessed [here](#).

24th to 27th MAY 2022 - 30th EUROPEAN CONFERENCE OF DATA PROTECTION AUTHORITIES

The GRA attended the 30th European Conference of Data Protection Authorities (commonly known as the 'Spring Conference'). The event, this year hosted by the Croatian Data Protection Authority, is amongst the most important in Europe's data protection calendar. Key topics discussed included cooperation, international transfers, and innovation & technology.

The GRA also reported on the European Case Handling Workshop, a sub-group of the Spring Conference, as hosted by the GRA in November 2021, and will continue to engage in ongoing work by various data protection authorities on the future of the Conference, including guiding and advising on the organisation, as well as on the relevance, continuity, and coherence of its work. The GRA teamed up with the UK Information Commissioner's Office to present to the wider membership on the topic.

16th JUNE 2022 – CENTRE FOR COMPETITION POLICY ANNUAL CONFERENCE 2022

The GRA attended an online seminar titled "Frontiers in Competition and Regulation" which provided a forum for researchers, policymakers, and practitioners to discuss latest research in the field. Of particular interest was the session on "Privacy and Competition" which explored the wider repercussions the EU GDPR has had on app developers and websites, with significant consequences noted. Further information can be accessed [here](#).

22nd to 24th JUNE 2022 – INTERNATIONAL CONFERENCE OF INFORMATION COMMISSIONERS (THE "ICIC")

This year's event was hosted by the Mexican Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales (INAI). The GRA attended virtually. With its main focus being access to information, participation, and inclusion in the digital age, the ICIC provides a level-playing field for dialogue and exchange of experiences and practices in the area of freedom of information. It aims to promote, at a global level, the effective exercise of the right of access to information. Further information can be accessed [here](#).

28th JUNE 2022 – GLOBAL PRIVACY ASSEMBLY (THE "GPA"): CREDENTIAL STUFFING GUIDELINES & AWARENESS RAISING

Data protection and privacy regulators from Canada, Gibraltar, Jersey, Switzerland, Turkey and the United Kingdom formed a sub-working group (the "SWG") of the International Enforcement Working Group of the GPA. The SWG members joined forces to conduct research on credential stuffing, a significant and growing global cyber threat to personal data. The SWG collated information from data protection and privacy authorities worldwide and engaged with external experts and stakeholders on the matter.

The SWG has released two documents, one providing guidelines that aim to assist organisations in preventing, detecting and mitigating the resulting risks of credential stuffing attacks (available [here](#)), and another that aims to raise awareness and provide guidance to the general public (available [here](#)). As part of this initiative, a credential stuffing awareness raising video has also been published (available [here](#)).

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; by a complaint lodged with our office; or following information/complaints referred by another data protection authority or other public body.

In Q2 of 2022, 7 new investigations were initiated, 10 cases have been resolved/closed and 17 are ongoing. In regard to the 10 cases resolved/closed, 2 were closed following the completion of a full investigation (summarised below).

C30/20 ROYAL GIBRALTAR POLICE (THE "RGP")

The investigation concerned the continued processing of employment related personal data, including its retention and disclosure, by the RGP.

Articles breached: 5(1)(a), 5(1)(b), 5(2), 6(1) and 24 of the EU GDPR (*Although the EU GDPR ceased to form part of Gibraltar law as of 1st January 2021, it was the applicable legislation at material times relating to this matter*).

The RGP were required to review their data protection arrangements to ensure that appropriate policies and procedures were in place for the processing of employment related personal data, including procedures for the disclosure and retention of the same. The RGP were also required to demonstrate the implementation of said policies and procedures.

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

C24/20 GIBRALTAR HEALTH AUTHORITY (THE “GHA”)

The investigation concerned excessive processing of personal data in relation to healthcare registration.

Articles breached: 5(1)(a) and 5(1)(c) of the Gibraltar General Data Protection Regulation (the “Gibraltar GDPR”).

The GHA took corrective action by adopting a narrower approach to personal data requests and by providing clearer guidance to data subjects.

Other than the provision of some additional recommendations, 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 Data Protection Act 2004 in respect of applicable law enforcement processing), there are certain incidents that organisations need to tell us about.

During Q2 2022, a total of 5 data breach notifications have been received and 11 breach notification investigations have been closed. A total of 11 data breach notification investigations are ongoing.

ENFORCEMENT

In most cases, where a contravention of data protection legislation is identified, data controllers cooperate and agree to review their arrangements to ensure compliance with the same. Often no further action is necessary, however, where appropriate and proportionate, the Information Commissioner may take further action. This may include use of his enforcement powers to issue an Enforcement Notice, Reprimand, Administrative Fine or other.

In this quarter, the Information Commissioner issued the RGP with a fine of £10,000 for processing personal data without appropriate security measures and other data protection failings. For further information, please refer to the [Press Release](#) issued on the matter.

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