

E-NEWSLETTER

Information Commissioner

E-Newsletter 02/23



Welcome to the Gibraltar Regulatory Authority's ("GRA") **Q2 2023** 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 Q2 2023 mainly focused on guidance regarding Data Protection & CCTV Systems. Data protection law provides a means of regulatory control over the use of CCTV systems so that individuals may enjoy security and safety without compromising privacy and data protection rights. The social media campaign, which supplements the Information Commissioner's [Guidance Note on CCTV](#), can be found [here](#).

5th BIRTHDAY OF THE EU GENERAL DATA PROTECTION REGULATION 2016/679 (THE "EU GDPR")

The EU GDPR governed data protection law within Gibraltar from 25 May 2018 up to and including 31 December 2020. This was however superseded by the Gibraltar General Data Protection Regulation (the "Gibraltar GDPR") following the end of the Brexit transition period (i.e., as of 1 January 2021). Gibraltar implemented the Gibraltar GDPR by virtue of section 6 of the European Union (Withdrawal) Act 2019, which in effect made the previously applicable EU GDPR local law, but with some differences as set out in the Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit) Regulations 2020.



Through the Gibraltar GDPR and the Data Protection Act 2004, which must be read together, Gibraltar maintains the data protection standards that applied when the EU GDPR and the EU Law Enforcement Directive 2016/680 were in force.

To commemorate the EU GDPR's 5th anniversary, the Information Commissioner organised a series of workshops held at the Sunborn Hotel Gibraltar on 24 and 25 May 2023. Further information on the workshops is available below.

DATA PROTECTION GUIDANCE & ASSISTANCE

INFORMATION COMMISSIONER'S WORKSHOPS (R5)

The Information Commissioner's office was delighted at the return of its data protection officer (DPO) workshops, which are designed to deliver guidance, assist in data protection compliance, and provide a forum where DPOs and other like-minded professionals can engage with the regulator and experts on compliance issues. The workshops also provide our office with an opportunity, as regulator, to learn about, and obtain a better understanding of the common issues and challenges faced by data controllers and processors.



Recognising the ever-growing digital world in which we operate, for the first time the workshops included a second day dedicated to data protection and cyber-related matters. The sessions were aimed at helping organisations to navigate internal and external threats and challenges faced in the digital environment, as well as to recognise opportunities arising from digital innovation.

The workshops covered a broad section of areas and provided a cross section and wealth of experience from both local and international participants and speakers. Alongside members of the GRA, the events featured expert speakers from the public

and private sector including Gibraltar’s Gambling Commissioner, the Gibraltar Financial Services Commission (GFSC), the Gibraltar Financial Intelligence Unit (GFIU), the UK Information Commissioner’s Office (ICO), Isle of Man’s Information Commissioner, Guernsey’s Data Protection Commissioner, Jersey’s Information Commissioner, the Dubai International Financial Centre Data Protection Commissioner’s Office, and the Islands Data Governance Forum.

A report highlighting the workshops’ focal points and topics of discussions can be found [here](#) under the “Workshop for DPOs” drop-down menu. **Should you require further information about our workshops, please email us, using dpoworkshops@gra.gi.**

COOKIES GUIDANCE NOTE

Cookies are small alphanumeric text files that are processed, stored, and later retrieved by a web browser. Whilst they are essential for providing some necessary website functions, cookies are also a tool used by advertisers to provide insight into online behaviour and track user activity to deliver highly personalised adverts to users.

In a Guidance Note published on 23 May 2023, the Information Commissioner provides guidance on the use of cookies, including the rules for setting cookies, and how to ensure compliance with these rules. To view or download this Guidance Note, please click [here](#).

MEMORANDUMS OF UNDERSTANDING (“MoUs”)

As a further demonstration of the Information Commissioner’s collaborative efforts to support and participate in the development of a digital world with high data protection standards, the Information Commissioner has in the past quarter signed MoUs with international counterparts, including:



The Dubai International Financial Centre Office of the Commissioner of Data Protection - 20 April 2023

The Data Protection Authority of the Bailiwick of Guernsey - 25 May 2023

The Isle of Man Information Commissioner’s office - 23 June 2023

The MoUs acknowledge the common interest to collaborate and cooperate and highlight the positive working relationships between the Information Commissioner and international counterparts. The MoUs serve as a platform to: share best practices; support each other’s supervisory and enforcement efforts; collaborate on specific projects; and explore other areas of importance relating to issues faced by privacy professionals, regulators, and data subjects.

Further information on the MoUs signed by the Information Commissioner is available [here](#).

INTERNATIONAL

19 to 20 APRIL 2023 – CYBERUK 2023

The Information Commissioner’s office attended CYBERUK 2023, the UK’s flagship cyber security event run by the National Cyber Security Centre (NCSC). Themed ‘securing an open and resilient digital future’, the event looked to answer some of the most challenging questions facing today’s international cyber community. The wide array of topics covered allowed delegates attending to understand how together we can continue to secure the cyberspace so it remains open and democratic. Further information about the event can be found [here](#).

21 APRIL 2023 – GLOBAL PRIVACY ASSEMBLY (GPA) CENSUS 2023

The Information Commissioner submitted a response to the 3rd Census Edition circulated by the GPA which is designed to provide a detailed ‘snapshot’ of privacy and data protection authorities across the globe. The Census provides a useful reference tool for those whose business and data cross jurisdictions, and to national policy makers considering new legislative approaches. It also supports member authorities’ capacity building and collaboration through dissemination of information on ‘how it’s done’ in other jurisdictions.

10 to 12 MAY 2023 – EUROPEAN CONFERENCE OF DATA PROTECTION AUTHORITIES

The Information Commissioner’s office attended the annual European Conference of Data Protection Authorities (commonly known as the ‘Spring Conference’).

Hosted by our Hungarian counterparts in Budapest, this conference is amongst the largest and most attended events in European data protection calendars. It brings together European data protection authorities from across Europe to discuss topical matters and strategic policies.



This year's event discussed matters such as new technologies, the interplay between data protection and competition law, best practices in enforcement cooperation, and matters concerning DPO relationships and training. The GRA's Director of Information Rights moderated a panel discussion in respect of the latter and also presented, alongside the UK's ICO, a proposed resolution on changes to the conference's rules. The resolution is the result of work done by a Steering Group, which the GRA actively contributed to over the past year.

17 to 19 MAY 2023 – FREEDOM OF INFORMATION - CASE HANDLING WORKSHOP

The Information Commissioner's office attended the Freedom of Information Case Handling Workshop in Berlin. The event, which was last hosted in Gibraltar, brought together Information Commissioners and Ombudspersons responsible for the protection and promotion of freedom of information laws from over fifteen jurisdictions. The practical sessions focused on sharing in their expertise and discussing, amongst other things, the challenges faced when dealing with public authorities, access to environmental information and balancing transparency and empathy in request handling.

6 to 7 JUNE 2023 – 71st MEETING OF THE INTERNATIONAL WORKING GROUP ON DATA PROTECTION IN TECHNOLOGY

The Information Commissioner's office attended a conference organised by the International Working Group on Data Protection in Technology. Comprised of participants from data protection supervisory authorities, government agencies, international organisations, and non-governmental organisations, as well as from research and science, the group's aim was to observe trends and developments in the technological sector (e.g., "big data", "the internet of things", artificial intelligence) and develop recommendations and guidelines to promote compliance with data protection legislation.

Hosted in Rome by the Italian Data Protection Authority, this year's event, amongst other things focused on privacy concerns relating to artificial intelligence and telemetry; the state of play in respect of smart cities and facial recognition; technological safeguards and associated risks in evolving data sharing strategies; and digital currencies and finance.

22 to 23 JUNE 2023 – BRITISH, IRISH AND ISLANDS' DATA PROTECTION AUTHORITIES' FORUM ("BIIDPA")

The annual BIIDPA meeting was hosted by the Office of the Information and Data Protection Commissioner of Malta ("IDPC") on 22 and 23 June 2023. BIIDPA brings together data protection authorities of countries whose separate data protection regimes have close affinities, and aims to ensure practical supervisory consistency amongst them. The ten participating DPAs include Bermuda, Cayman Island, Cyprus, Republic of Ireland, Guernsey, Isle of Man, Jersey, UK, Malta and Gibraltar. The meetings provide valuable opportunities to discuss convergent issues, share best practices, and develop common approaches and interpretations on key data protection matters.

Amongst the topics discussed were 'Enforcement' (including the respective strategies and approaches used by each jurisdiction to deliver effective enforcement across varying situations); and 'Online Self-Assessment Compliance Tools' (in particular, for small-to-medium-sized enterprises). In addition, the GRA's Director of Information Rights presented a session at the meeting titled "Promoting and Incentivizing Data Protection and Collaboration".



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 2023, 9 new investigations were initiated, whilst 12 cases have been resolved/closed and 16 are ongoing.


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 2023, a total of 4 data breach notifications have been received and 8 breach notification investigations have been closed. A total of 15 data breach notification investigations remain ongoing.

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CONTACT US:  privacy@gra.gi

 +35020074636

 www.gra.gi