

Definitions:

"GDPR" means the EU General Data Protection Regulation 2016/679 (*in force from 25th May 2018 to 31st December 2020, inclusive*)

"Gibraltar GDPR" means the Gibraltar General Data Protection Regulation (*in force as of 1st January 2021, inclusive*)

"DPA" means the Data Protection Act 2004

"Privacy Regs" means the Communications (Personal Data and Privacy) Regulation 2006

Reference Number & Data Controller	Investigation Summary
IV05/18 Logical Thinking Limited ("Logical Thinking")	<p>The investigation concerned a response to a Subject Access Request ("SAR").</p> <p>Logical Thinking's customer support misinterpreted the SAR as a request to erase personal data. Logical Thinking provided the complainant with a written apology acknowledging the misunderstanding.</p> <p>The complainant was asked whether the accidental deletion of his personal data had created negative consequences for him. However, the case was closed as no information or comments were provided. No further action was required, taking into account the circumstances of the case.</p>
IV07/18 Gibraltar Health Authority (the "GHA")	<p>The investigation concerned a webpage containing an 'Automated Service Update Form' on the GHA's website that was unencrypted, therefore, transmission of personal data over the network was not protected.</p> <p>Articles breached: 5(1)(f) and 32 of the GDPR.</p> <p>The GHA took corrective action by implementing a security certificate and applying this to their website. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
IV08/18 Individual A v. Individual B	<p>The investigation concerned a claim by Individual A that Individual B unlawfully disclosed personal data to third parties.</p> <p>No contravention of the DPA and/or the GDPR was identified – Individual A did not cooperate to progress with the investigation.</p>
IV09/18 Kindred Group Plc	<p>The investigation concerned a response to a SAR.</p> <p>Based on the information provided, no contravention of the DPA and/or the GDPR was identified.</p>

<p>IV10/18 Individual C v. Colorworks Design Limited ("Colorworks")</p>	<p>The investigation concerned a claim by Individual C that Colorworks had unlawfully processed his personal data stored on a laptop.</p> <p>Based on the information provided, the Commissioner could not conclude that Colorworks had breached the DPA and/or the GDPR.</p>
<p>IV11/18 Individual D and Individual E v. Colorworks Design Limited ("Colorworks")</p>	<p>The investigation concerned claims by Individual D and Individual E that Colorworks had unlawfully processed their personal data stored on a laptop.</p> <p>Based on the information provided, the Commissioner could not conclude that Colorworks had breached the DPA and/or the GDPR.</p>
<p>IV13/18 FindaProperty.gi ("FindaProperty")</p>	<p>The investigation concerned a response to a SAR.</p> <p>Articles breached: 12 and 15 of the GDPR.</p> <p>FindaProperty did not initially provide the complainants with all the information requested in the SAR, but thereafter reviewed their arrangements to comply with the GDPR. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV14/18A Resident of Sir William Jackson Grove</p>	<p>The investigation concerned the use of a CCTV system by a resident at Sir William Jackson Grove.</p> <p>Articles breached: 5(1)(a) and 5(1)(c) of the GDPR.</p> <p>The resident was required to take corrective action to comply with the GDPR. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV14/18B Resident of Sir William Jackson Grove</p>	<p>The investigation concerned the use of a CCTV system by a resident at Sir William Jackson Grove.</p> <p>Articles breached: 5(1)(a), 5(1)(c), 5(1)(f) and 32 of the GDPR.</p> <p>The resident was required to take corrective action to comply with the GDPR.</p> <p>The Commissioner issued the resident with an Information Notice, an Enforcement Notice.</p>
<p>IV15/18 Bella Vita Supplies Limited ("Bella Vita")</p>	<p>The investigation, which was initiated by the Commissioner, concerned the purpose and positioning of a CCTV system installed at a beach bar owned by Bella Vita.</p> <p>Articles breached: 5(1)(c) and 5(1)(e) of the GDPR.</p> <p>Bella Vita were required to take corrective action to comply with the GDPR. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>

<p>IV16/18 Department of the Environment, Heritage and Climate Change (the "Department")</p>	<p>The investigation, which was initiated by the Commissioner, concerned the purpose and positioning of CCTV cameras installed at Gibraltar's beaches, the footage of which included personal data, and which had been made publicly available.</p> <p>Articles breached: 5(1)(c), 6(1) and 28 of the GDPR.</p> <p>The Department was required to take corrective action to comply with the GDPR. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV17/18 BetVictor Limited ("BetVictor")</p>	<p>The investigation concerned an alleged data breach involving the complainant's personal data and a response to a SAR that the complainant submitted.</p> <p>Articles breached: 12 and 15 of the GDPR.</p> <p>BetVictor provided information in response to the SAR following the Commissioner's intervention. The response was however outside the prescribed timeframe. BetVictor also reviewed their arrangements to comply with the GDPR. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV20/18 Civil Status & Registration Office (the "CSRO")</p>	<p>The investigation concerned a response to a SAR.</p> <p>Articles breached: 12, 12(2) and 15 of the GDPR.</p> <p>The Commissioner issued the CSRO with an Enforcement Notice.</p> <p>No further action was required in view that the CSRO complied with the Enforcement Notice by providing the data subject with their personal data.</p>
<p>IV21/18 Data Candy Limited ("Data Candy")</p>	<p>The investigation concerned a complaint relating to an external party obtaining unauthorised access to an internal client database run by Data Candy.</p> <p>Articles breached: 5(1)(f) and 32 of the GDPR.</p> <p>The external third party confirmed the personal data obtained by the unauthorised access was no longer in their possession. Data Candy were however required to review their arrangements in regard to the breaches identified. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>

<p>IV23/18 Lottohelden Limited ("Lottohelden")</p>	<p>The investigation concerned a complaint relating to email marketing, responses to two SARs and a response to a request for erasure.</p> <p>Articles breached: 6(1) and 12 of the GDPR.</p> <p>Lottohelden were required to provide a clear, written response to the erasure request and to review their arrangements to ensure that the manner in which consent is obtained for email marketing complies with the GDPR.</p> <p>The Commissioner issued Lottohelden with a Reprimand.</p>
<p>IV24/18 Tradewise Insurance Company Limited ("Tradewise")</p>	<p>The investigation concerned the accidental receipt by the complainant of an email from Tradewise containing a report that included personal data of third parties.</p> <p>Article breached: 6(1) of the GDPR.</p> <p>The Commissioner determined that the contravention was an isolated incident caused by accidental human error and did not reflect common business practice. Further, the complainant confirmed that the report had been deleted. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV25/18 Kingsley Homes ("KH")</p>	<p>The investigation concerned the sending of unsolicited email marketing and a response to a SAR.</p> <p>Articles/Regulations breached: Articles 6(1) and 12(1) of the GDPR and Regulation 23 of the Privacy Regs.</p> <p>KH ceased sending marketing emails to the complainant and confirmed that they had taken remedial action to comply with data protection requirements. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV26/18 Lottoland Limited ("Lottoland")</p>	<p>The investigation concerned the sending of unsolicited email marketing.</p> <p>No contravention of the DPA and/or the GDPR was identified as the complainant did not cooperate to progress with the investigation.</p>
<p>IV27/18 Mid-Harbour Small Boats Marina Association (the "Association") as data controller, and Jebel Tarik Security Limited ("JT Security"), as data processor.</p>	<p>The investigation concerned an incident involving CCTV footage being released into the public domain, use of CCTV at Mid-Harbour Small Boats Marina by the Association was investigated, as well as JT Security's role as data processor of personal data associated with the CCTV system.</p> <p>Association breached: Articles 5(1)(a), 5(1)(f), 13, 28(3) and 32 of the GDPR.</p> <p>JT Security breached: Articles 5(1)(f), 28(3) and 32 of the GDPR.</p>

	<p>The Commissioner issued JT Security with an Enforcement Notice.</p> <p>The Commissioner issued the Association and JT Security with Reprimands.</p>
<p>IV28/18 Carbon Credits Research and Surveillance Agency Limited ("CCRSA")</p>	<p>The investigation concerned disclosure of personal data on CCRSA's website and failure to comply with a request for erasure.</p> <p>Articles breached: 5(1)(f), 6, 12, 12(2) and 17 of the GDPR.</p> <p>CCRSA were required to review their arrangements in relation to the breaches identified. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV29/18 Dolphin Safari</p>	<p>The investigation concerned a response to a SAR.</p> <p>Articles breached: 12, 12(3) and 15 of the GDPR.</p> <p>The Commissioner issued Dolphin Safari with an Enforcement Notice.</p> <p>No further action was required in view that Dolphin Safari complied with the Enforcement Notice by providing the data subject with their personal data.</p>
<p>IV30/18 Private Landlords</p>	<p>The investigation concerned a CCTV system installed in a communal area of a local estate.</p> <p>Based on the information provided, no contravention of the DPA and/or the GDPR was identified.</p>
<p>IV31/18 Zinnia Limited ("Zinnia")</p>	<p>The investigation concerned the alleged unlawful disclosure of personal data and a response to a SAR.</p> <p>Articles breached: 5(1)(a), 12, and 12(2) of the GDPR.</p> <p>Zinnia provided information in response to the SAR, although outside the prescribed timeframe. Zinnia also reviewed their arrangements to comply with the GDPR. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV32/18 Hillside (Gibraltar) Limited ("Hillside")</p>	<p>The investigation concerned the failure to respond to a SAR.</p> <p>Articles breached: 12 and 15 of the GDPR.</p> <p>Following the Commissioner's intervention, Hillside responded to the SAR in accordance with Articles 12 and 15 of the GDPR. No further action was required, considering the circumstances of the case and corrective action taken.</p>

<p>IV34/18 Gibraltar Financial Services Commission (the "GFSC")</p>	<p>The investigation concerned a response to a SAR.</p> <p>Articles breached: 12 and 15 of the GDPR.</p> <p>The GFSC provided further information in response to the SAR following the Commissioner's intervention. The response was however outside the prescribed timeframe. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV35/18 TSN Barristers & Solicitors</p>	<p>The investigation concerned a response to a SAR.</p> <p>Based on the information provided, no contravention of the DPA and/or the GDPR was identified.</p>
<p>IV36/18 Corinthian Group of Companies ("Corinthian")</p>	<p>The investigation concerned a response to a SAR.</p> <p>Articles breached: Articles 12 and 15 of the GDPR.</p> <p>Corinthian provided information in response to the SAR but this was not provided within the prescribed timeframes and was incomplete. As a result of the investigation, Corinthian were required to provide the complainant with any further personal data which was required to be disclosed in accordance with the provisions of the DPA and/or the GDPR.</p> <p>Corinthian provided the complainant with additional information, following which no further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV37/18 Royal Bank of Scotland International Limited (Gibraltar branch) ("RBSG")</p>	<p>The investigation concerned a response to a SAR.</p> <p>Article breached: 12 of the GDPR.</p> <p>RBSG provided information in response to the SAR, although outside the prescribed timeframe. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV38/18 Income Tax Office ("ITO")</p>	<p>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 the rectification requests submitted by both Complainant A and Complainant B.</p> <p>Articles breached: Article 5(1)(d), 5(1)(f), 5(2), 6(1), 12(2) 12(4), 16 and 32 of the GDPR. Sections 6(1)(b) and 7(1) of the DPA prior to it being amended by the GDPR (the "Old DPA").</p> <p>The ITO were required to review their arrangements in regard to the breaches identified, to mitigate the risk of future breaches of the same or similar nature, and to ensure that their procedures for facilitating rectification requests comply with the GDPR.</p>

	<p>No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV39/18 Royal Gibraltar Police (the "RGP")</p>	<p>The investigation concerned a response to a SAR.</p> <p>Sections breached: 54 and 61(6) of the DPA.</p> <p>The RGP provided information in response to the SAR following the Commissioner's intervention, and therefore, the response was outside the prescribed timeframe. The RGP also reviewed their arrangements to comply with the DPA.</p> <p>The Commissioner issued the RGP with a Reprimand.</p>
<p>IV40/18 Gibtelecom</p>	<p>The investigation concerned a WhatsApp message sent to several individuals.</p> <p>Based on the information provided, no contravention of the DPA and/or GDPR and/or Privacy Regs was identified.</p>
<p>IV41/18 Department of Employment</p>	<p>The investigation concerned the alleged unlawful obtaining of personal data.</p> <p>Based on the information provided, no contravention of the DPA and/or GDPR was identified.</p>
<p>IV42/18 PricewaterhouseCoopers Limited ("PWC")</p>	<p>The investigation concerned a response to a SAR.</p> <p>Article breached: 12 of the GDPR.</p> <p>PWC responded to the SAR although outside the prescribed timeframe. PWC's failure to provide a response within the prescribed timeframe was however noted as accidental and not reflective of common business practice. No further action was required, taking into account the circumstances of the case.</p>
<p>IV43/18 Cruzlaw LLP</p>	<p>The investigation concerned a response to a SAR.</p> <p>Based on the information provided, no contravention of the DPA and/or GDPR was identified.</p>
<p>IV44/18 Petfre (Gibraltar) Limited ("Betfred")</p>	<p>The investigation concerned a personal data breach notification received from Betfred.</p> <p>Articles breached: Articles 5(1)(f), 28(1) and 32 of the GDPR.</p> <p>Betfred was required to take corrective action to ensure their security measures complied with the GDPR.</p> <p>The Commissioner issued Betfred with a Reprimand.</p>

<p>IV45/18 Gibraltar Savings Bank (the "GSB")</p>	<p>The investigation concerned the unlawful disclosure of personal data by the GSB when they erroneously provided an individual with passbooks pertaining to a third party.</p> <p>Articles breached: 5(1)(f), 5(2) and 32 of the GDPR.</p> <p>The GSB were required to review their arrangements in regard to the breaches identified to mitigate the risk of future occurrences of such data breaches and ensure compliance with the GDPR. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV01/19 Gibraltar Car Parks Limited ("GCPL")</p> <p>Gibraltar Parking Management Services Limited ("GPMSL")</p> <p>Securitek Limited ("Securitek")</p>	<p>The investigation concerned the circulation of CCTV footage which appeared to originate from a CCTV system located in the Midtown Coach and Car Park.</p> <p>Articles breached by GCPL: 5(1)(f), 5(2), 28(1), 28(3) and 33 of the GDPR.</p> <p>Articles breached by GPMSL: 5(1)(f), 5(2), 28(3), and 28(4) of the GDPR.</p> <p>Articles breached by Securitek: 5(1)(f), 5(2), 28(3) of the GDPR.</p> <p>The Data Protection Commissioner issued GCPL with an Enforcement Notice.</p> <p>GCPL were required to take corrective action to ensure compliance with Articles 28, 5(2) and 5(1)(f) of the GDPR. Further, GCPL were required to review their procedures in regard to notifying the Commissioner of personal data breaches, to ensure compliance with Article 33 of the GDPR.</p>
<p>AmRes 07/19 Lottohelden Limited ("LH")</p>	<p>The investigation concerned an alleged unlawful transfer of personal data, and transparency concerns surrounding the processing of personal data by LH.</p> <p>Articles breached: 12(1), 13 and 5(1)(a) of the GDPR.</p> <p>LH were required to review their arrangements to ensure compliance with Article 13 of the Gibraltar GDPR going forward.</p>
<p>AmRes 08/19 Web & Affiliates Limited ("WAL")</p>	<p>The investigation, which concerned WAL's compliance with Articles 12 and 15 of the GDPR, was referred to the Commissioner's office by the French Data Protection Authority.</p> <p>At the Commissioner's request, WAL engaged with the complainant and amicably resolved the matter concerning the SAR as well as a further request for erasure. No further action was required, taking into account the circumstances of the case and action taken.</p>

<p>AmRes 13/19 Hillside (Sports) GP Limited ("HSGP")</p>	<p>The investigation concerned the disclosure of personal data relating to a bet365 account from HSGP to third parties.</p> <p>The Commissioner could not conclude that there had been a breach of the GDPR and/or DPA.</p>
<p>AmRes 18/19 Gibraltar Financial Services Commission (the "GFSC")</p>	<p>The investigation concerned a response to a SAR.</p> <p>Articles breached: 12(2), 12(3) and 15 of the GDPR.</p> <p>The GFSC provided information in response to the SAR, albeit outside the prescribed timeframe. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>AmRes 21/19 Xapo (Gibraltar) Limited ("Xapo")</p>	<p>The investigation concerned a request for erasure of personal data and information provided to individuals regarding the retention of their personal data by Xapo.</p> <p>Articles breached: 5(1)(a), 12 and 13 of the GDPR.</p> <p>Xapo provided information in response to the request for erasure, although some information was provided outside the prescribed timeframe. Xapo also reviewed their arrangements to provide individuals with the information at Article 13 of the GDPR. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>AmRes 22/19 GK Systems Limited ("GK Systems")</p>	<p>The investigation, which concerned GK System's alleged lack of compliance with Articles 5, 6 and 13 of the GDPR, was referred to the Commissioner's office by the Brandenburg Commissioner for Data Protection and Access to Information (the "Brandenburg Commissioner").</p> <p>Whilst the matter was amicably resolved with the complainant, GK Systems assisted with the investigation and made amendments to their Privacy Notice in line with recommendations made by the Commissioner and the Brandenburg Commissioner. No further action was required, taking into account the circumstances of the case and action taken.</p>
<p>AmRes 23/19 Entra Ltd ("Entra")</p>	<p>The investigation, which concerned Entra's alleged lack of compliance with Articles 5, 6, 17 and 21 of the GDPR in addition to Regulation 23 of the Privacy Regs, was referred to the Commissioner's office by the Office for Personal Data Protection in Poland.</p> <p>Based on the information provided, no contravention of the Privacy Regs and/or GDPR was identified.</p>

<p>AmRes 24/19 Payoneer (EU) Limited ("Payoneer")</p>	<p>The investigation concerned Payoneer's procedures to opt out of direct marketing, the processing of personal data through the use of cookies and the sharing of personal data with third parties for marketing purposes.</p> <p>Sections breached: Regulations 5 and 23 of the Privacy Regs and Articles 5(1)(a), 5(1)(f), 5(2), 6, 7 and 32 of the GDPR.</p> <p>As a result of the investigation, Payoneer reviewed their procedures for the processing of personal data for direct marketing purposes and for the obtaining of consent for its use of cookies, to ensure these comply with the relevant requirements of the Privacy Regs and GDPR. Further, Payoneer ceased the sharing of personal data with third parties for marketing purposes.</p>
<p>AmRes 25/19 St. John's Ambulance ("St Johns")</p>	<p>The investigation concerned a response to a SAR.</p> <p>Articles breached: 12 and 15 of the GDPR.</p> <p>St Johns' response to the SAR was outside the prescribed timeframe. However, the Commissioner determined that the contravention was an isolated incident caused as a result of a major internal restructure and did not reflect common business practice.</p>
<p>AmRes 27/19 Resident of Waterport Terraces</p>	<p>The investigation concerned the use of a CCTV system (the "CCTV System") by a resident, within the parking area at Waterport Terraces.</p> <p>No further action was required, taking into account the circumstances of the case.</p>
<p>C31/19 Gibraltar Car Parks Limited ("GCPL")</p>	<p>The investigation concerned a response to a SAR.</p> <p>Articles breached: 12(1), 12(2), 12(4) and 15 of the GDPR.</p> <p>The Data Protection Commissioner issued GCPL with an Enforcement Notice, a Notice of Intent to issue a monetary penalty and a Penalty Notice.</p> <p>GCPL were required to take corrective action to ensure their procedures for facilitating SARs complied with the GDPR.</p>
<p>AmRes 36/19 Cellar Door Limited ("Cellar Door")</p>	<p>The investigation concerned Cellar Door's alleged unlawful obtaining and subsequent disclosure of personal data with third parties.</p> <p>Based on the information provided, no contravention of the DPA and/or GDPR was identified and the case was closed.</p>
<p>C45/19 Gibraltar Courts Service of Her Majesty's</p>	<p>The investigation concerned the disclosure of personal data.</p> <p>Sections breached: Section 44(1), 44(2), 49, 65(1), 65(2), 65(3) and 75 of the DPA.</p>

<p>Government of Gibraltar (the "GCS")</p>	<p>As a result of the investigation, the GCS reviewed their security procedures and introduced new measures to mitigate the risk of similar unlawful disclosures of personal data in future.</p> <p>No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>C53/19 GVC Services Limited ("GVC")</p>	<p>The investigation concerned a response to a SAR.</p> <p>Articles breached: 12(1) and 12(3) of the GDPR.</p> <p>GVC provided information in response to the SAR, albeit outside of the prescribed timeframe. As a result of the investigation, GVC reviewed their arrangements to ensure that their procedures for facilitating SARs comply with the Gibraltar GDPR going forward.</p> <p>No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>C54/19 A former employee of a Law Firm</p>	<p>The investigation concerned a suspected offence under section 175 of the DPA.</p> <p>On the information available the Commissioner was unable to progress the case and could not conclude that there had been a breach of the GDPR and/or DPA.</p>
<p>C01/20 Gibraltar Car Parks Limited ("GCPL")</p>	<p>The investigation concerned the breakdown of servers relating to the CCTV system located in the Midtown Coach and Car Park.</p> <p>Articles breached: 5(1)(f), 5(2) and 32 of the GDPR.</p> <p>GCPL were required to review their arrangements to ensure their security measures complied with the GDPR, including ensuring appropriate back-ups are in place.</p>
<p>C36/20 Royal Gibraltar Police ("RGP")</p>	<p>The investigation concerned a response to a SAR.</p> <p>Articles breached: Articles 12(2), 12(3), 15 and 24(1) of the GDPR.</p> <p>The RGP responded to the SAR but did not, within the prescribed timeframe, inform the Complainant that they would be extending the timeframe to respond or provide reasons for the delay.</p> <p>As a result of the investigation, the RGP updated their policies and procedures for the handling of SARs.</p> <p>No further action was required, taking into account the circumstances of the case and corrective action taken.</p>

<p>C03/21 The Royal Bank of Scotland International Limited ("RBSI")</p>	<p>The investigation concerned a request for information to Gibraltar based data controllers from RBSI, trading in Gibraltar as NatWest International.</p> <p>The Information Commissioner could not conclude that there had been a breach of the Gibraltar GDPR and/or DPA.</p>
<p>C05/21 Ibex Insurance Limited ("Ibex Insurance")</p>	<p>The investigation concerned the response to a Subject Access Request ("SAR").</p> <p>The Information Commissioner concluded that, in their capacity as data controller, Ibex Insurance complied with the Gibraltar GDPR when responding to the SAR.</p> <p>Other matters were also considered during the investigation, the same which the Information Commissioner concluded to be outside of the remit of the Gibraltar GDPR.</p>
<p>AmRes 10/19 Royal Gibraltar Police ("RGP")</p>	<p>The investigation concerned the disclosure of CCTV footage concerning an individual.</p> <p>Sections breached: Sections 43(3), 49, 65(3), 66(1), 75(1) and 80(2)(c) of the DPA.</p> <p>The RGP were required to review their data protection arrangements to ensure appropriate technical and organisational measures are in place for the processing of CCTV related personal data, including the implementation of relevant policies and procedures.</p> <p>The Information Commissioner issued the RGP with a Reprimand.</p>