

30/06/2022



2nd Floor, Eurotowers 4
1 Europort Road
Gibraltar
GX11 1AA

Tel: +350 20074636
Fax: +350 20072166
E-mail: info@gra.gi
url: <http://www.gra.gi>

PRESS RELEASE

Guidance on Disclosures of Personal Data to Law Enforcement and other Competent Authorities

The Gibraltar Regulatory Authority (the "GRA"), as the Information Commissioner, has today published a Guidance Note which aims to provide organisations with information and guidance on the disclosure of personal data to authorities who are discharging their statutory law enforcement functions (known under data protection law as "*competent authorities*")¹.

The Gibraltar General Data Protection Regulation ("Gibraltar GDPR") and the Data Protection Act 2004 ("DPA") allow for this type of sharing where it is reasonable, necessary and proportionate.

The document provides detailed guidance regarding the requirements that must be considered by an organisation before it decides to disclose personal data to a competent authority. This includes identifying a lawful basis under Article 6 of the Gibraltar GDPR for the sharing of data, as well as conditions for the sharing of special category data or data relating to criminal convictions and offences. Guidance is also provided in relation to compliance with the data protection principles at Article 5 of the Gibraltar GDPR, the rights of individuals, and relevant exemptions under the DPA that may be relied on by an organisation for the disclosure of personal data.

The Guidance Note is intended to serve as a reference document, to be consulted as and when necessary, alongside relevant legislation. Organisations are responsible for assessing compliance, and for introducing reasonable and appropriate measures, as applicable.

The Guidance Note is available to download from the GRA's website: <https://www.gra.gi/data-protection/guidance>.

For further information, please contact the GRA on +350 20074636 or email: privacy@gra.gi.

¹ Part III, section 39(1) of the Data Protection Act 2004 defines a competent authority as "*a person specified or described in Schedule 7*" and "*any other person if and to the extent that the person has statutory functions for any of the law enforcement purposes*".