

# Data Protection Ireland

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## Headlines

- Irish government publishes paper on Brexit, p.17
- GDPR guidance finalised, p.18
- Facebook fined by European Commission and France’s DPA, p.20

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## General Scheme for Data Protection Bill unveiled

The Data Protection Minister, Dara Murphy, has published a General Scheme of the Data Protection Bill, Ireland’s plan for the implementation of the GDPR.

The 171 page plan covers all the areas in which Ireland is required to make a decision on the GDPR’s interpretation. It does not address what Ireland will do about the GDPR derogations given in Article 23 of the text.

In publishing the Bill, Mr Murphy said it “will provide a unique legislative opportunity for Ireland

to reinforce our robust regulatory environment — to protect individuals and to provide certainty for business and the public sector.”

The Bill also transposes the Data Protection in Law Enforcement Directive (2016/680) into Irish law. This Directive was adopted at EU level at the same time as the GDPR as part of a package of data protection reforms. It will principally impact on law enforcement authorities such as An Garda Síochana.

The Heads of Bill will now progress to the various stages of legislative approval before the Dail and Seanad. Rob Corbet, Partner at Author Cox, said: “It is likely to require fast-track legislative attention if the May 2018 deadline is to be met.”

Rob’s discussion of the key aspects of the General Scheme appears on pages 2 and 3 of this edition.

A copy of the General Scheme is available at: [www.pdp.ie/docs/1039](http://www.pdp.ie/docs/1039)

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## Data Protection Impact Assessments get scrutinized

The EU Article 29 Working Party has published its proposed guidelines on Data Protection Impact Assessments (‘DPIAs’) and is now accepting feedback.

DPIAs are mandatory under the EU General Data Protection Regulation when processing is ‘likely to result in a high risk’. Non-compliance with DPIA requirements can lead to fines under

the new law.

The guidelines identify various processing situations as being likely to present this kind of risk. Firstly, processing carried out for the purpose of evaluation or scoring, including profiling and predicting, especially from ‘aspects concerning the data subject’s performance at work, economic situation, health, personal preferences or

interests, reliability or behaviour, location or movements’.

Automated-decision making with a legal or similar significant effect also falls into the category of high risk. Similarly, systematic monitoring, sensitive data and data processed on a large scale (looking at the number of data

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