

# Data Protection Ireland

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## Headlines

- Call for task force to deal with post-Brexit cyber security, p.17
- Commissioner continues to assess usage of Public Services Card, p.18
- ECHR rules employee’s monitoring breached man’s right to privacy, p.20

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## New guidance on appropriate qualifications for DPOs under GDPR

The Office of the Data Protection Commissioner has given new guidance on the appropriate qualifications of a Data Protection Officer for the purposes of the General Data Protection Regulation.

The guidance is so far the only GDPR guidance that the ODPC has issued, other than its guidance on Data Protection Impact Assessments and its overview document, ‘12 steps to being prepared for the GDPR’, both of which appear on the GDPR website [www.gdprandyou.ie](http://www.gdprandyou.ie)

The ODPC has published the DPO guidance on its website, rather than the GDPR- specific page.

Article 37.5 of the GDPR states that a Data Protection Officer ‘shall be designated on the basis of professional qualities and, in particular, expert knowledge of data protection law and practices and the ability to fulfil the tasks referred to in Article 39.’

The GDPR does not define the professional qualities required or prescribe the training a DPO should undergo to be qualified to undertake the role. It is this gap that

the guidance is aimed at addressing.

It states that the appropriate level of qualification and expert knowledge “should be determined according to the personal data processing operations carried out, the complexity and scale of data processing, the sensitivity of the data processed and the protection required for the data being processed”.

The guidance gives the example of where a data processing activity is particularly complex, or

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## ODPC consults on transparency and international data transfers

The Office of the Data Protection Commissioner is seeking views on the topics of transparency and international data transfers ahead of the Article 29 Working Party’s next GDPR Fablab meeting on 18th October.

The purpose of the Fablab is to further inform the preparation of new guidelines on transparency under the GDPR, and to assist with the updating

of existing guidelines on international data transfers. The DPC says that it will present stakeholders’ perspectives.

The Commissioner is consulting on ten questions on transparency and five questions to do with international data transfers.

One of the questions on transparency is how it should be defined. There is no definition

of transparency under the GDPR, although Recitals 39 and 58, amongst others, are informative as interpretative guides.

Among the other issues regarding transparency is how the GDPR’s requirement for a higher threshold for children should be met, and what factors should determine the format of the information to be provided to

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