

Data Protection Ireland

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Headlines

- Google under investigation in Ireland over location tracking, p.19
- Minister claims Data Protection Commission erred in findings on Public Services Card, p.20

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DPC issues flurry of guidance to assist during the pandemic

In line with its EU counterparts and the European Data Protection Board, the Data Protection Commission has issued guidance on data protection and COVID-19, covering issues such as the limits of collecting, sharing and using personal data relating to health, staying safe online, and subject access requests during this unprecedented time.

Early in March, the DPC issued a guidance note (copy at www.pdp.ie/docs/10954), clarifying from the outset that 'data protection law does not stand in the way of the provision of healthcare

and the management of public health issues'. That said, 'there are important considerations which should be taken into account when handling personal data in these contexts, particularly health and other sensitive data'.

The DPC highlighted particularly relevant issues for employers, such as transparency about any measures taken; in-house confidentiality when handling information about possible infestations with COVID-19 of specific employees; ensuring appropriate data security; processing the minimum amount of

personal data to achieve the purpose of implementing measures to prevent or contain the spread of the virus; and keeping track of all decisions made with regard to collection of such data and safeguards implemented, as part of accountability obligations.

The guidance also has a Q&A section that addresses specific scenarios brought up by organisations in their communication with the DPC.

Experts at McCann FitzGerald advised employers

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Commissioner warns against quick fix solutions in her Annual Report

Late in February, the DPC issued its Annual Report for 2019, the first report to cover a full calendar year of the operation of the GDPR.

In the Report, the Commissioner addresses the criticism levied against her Office for not yet concluding any of its statutory inquiries, saying "there would be little benefit in mass-producing decisions, only to have them overturned by the courts."

"As a responsible regulatory body, we are wary of demands for quick-fix solutions and calls for the summary imposition of heavy penalties on organisations for data-protection infringements, at least some of which may be based on the application of principles on which there is not always consensus," Ms Dixon said.

"While acknowledging that the administrative

finer mechanism represents an important element of the drive toward the kind of meaningful accountability heralded by the GDPR, we must also recognise that, like any other part of our laws, data protection principles operate within a broader legal context and so, for example, the application and enforcement of such principles by a statutory regulator

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