

Data Protection Ireland

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Headlines:

- Communications (Retention of Data) Bill 2009 published, p.14
- HSE to centralise all medical data, p.15
- US seek to delay UBS action, p.15
- Expected growth in cloud computing, p.16

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Thousands of individuals' data compromised in laptop theft

Several laptop computers have been stolen from the Dublin offices of Irish energy company Bord Gáis, one of which contained the personal data of 100,000 Bord Gáis customers. It has been confirmed that customers' bank account details and other information relating to customers who took part in the Bord Gáis 'Big Switch' electricity campaign were stored on the unencrypted laptop.

Bord Gáis reported the theft of its laptops to the Office of the Data Protection Commissioner immediately upon discovery. The organisation has also notified affected individuals. This is despite there being currently no

explicit mandatory requirement for data controllers to notify either the Office of the Data Protection Commissioner or affected individuals of losses of their personal data.

The Data Protection Commissioner Billy Hawkes has made it clear on previous occasions that he considers it good practice for organisations to notify their data breaches, and has published guidance on this issue (see www.dataprotection.ie).

When asked for his comment on the incident, Mr Hawkes told *Data Protection Ireland*

"I encourage organisations to inform my Office of the loss of personal data. The key issue is to ensure that data subjects, where appropriate, are informed so that they can be fully aware of the potential uses that may be made of their personal data or that sensitive confidential data about them may become known to other people.

"By informing my Office we can work with organisations to ensure appropriate steps are taken to prevent such issues occurring in future.

"On a broader level I would appeal to all organisations to examine their procedures for
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Ireland acted illegally over Retention Directive?

Ireland may have acted illegally over its failure to implement the European Data Retention Directive (2006/24/EC). As part of the latest legal step in a long running dispute over Ireland's data retention laws, the European Commission is asking the European Court of Justice to declare that "Ireland has failed to fulfil its obligations under the Directive."

Rob Corbet, Partner at Arthur Cox, told *Data Protection Ireland* "The Commission is dissatisfied that Ireland adopted data retention requirements in Part 7 of the Criminal Justice (Terrorist Offences) Act 2005 which conflict with those in the subsequent Data Retention Directive.

"However, the long-overdue Communications

(Retention of Data) Bill 2009 has finally been published (see page 14 of this edition).

"Once enacted, the Bill will (amongst other things) transpose Directive 2006/24/EC, and thereby bring Ireland's data retention periods into line with those in the Directive. The timetable for the enactment of the Bill
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