

# Data Protection Ireland

Volume 5, Issue 1

January / February 2012

## Headlines

- Data protection meeting about household charge, p.18
- Google policies may be assessed, p.19
- Working Party still concerned about PNR draft, p.20

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## Regulation foretells tougher times ahead

The European Commission has published its draft General Data Protection Regulation, proposing many changes to the existing regime, some of which have been made since the first leaked draft.

Though it has addressed some of the perceived shortcomings of the Data Protection Directive (95/46/EC), for example by reducing the amount of red tape in certain areas, it is widely recognised that the draft Regulation proposes a much tougher, more onerous data protection regime.

Irish organisations in

particular may be hit hard by the harmonisation of data protection laws (due to the law taking the form of a Regulation rather than a Directive) bringing compliance up to a higher level than Irish organisations are accustomed to. (For further comment on this, see the expert comment on pages 2 and 3 of this edition).

Whilst Commissioner Reding has exempted organisations with less than 250 employees from the mandatory appointment of Data Protection Officers, the exemptions for small

businesses are relatively limited and, for the most part, benefit small businesses where data processing activities are ancillary to the business.

Numerous other newly prescribed obligations (such as mandatory Privacy Impact Assessments), are likely to be expensive for organisations of all sizes.

Bridget Treacy, Partner at Hunton & Williams, highlights two significant changes that will impact data processors and non-EU entities: "Under the draft Regulation, data

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## City Council under investigation

The Data Protection Commissioner has launched an investigation into Dublin City Council's transfer of its waste collection services to a private waste disposal firm.

A database of 140,000 waste customer names and addresses was given to Greyhound Recycling and Recovery as part of a transfer of business in December 2011.

The responsibility for

collecting arrears payments was also transferred.

The move prompted 20 complaints and queries from the public who said they were not informed about the transfer. The DPC contacted the City Council for further information, following which an investigation was launched to assess whether there had been a breach of the Data Protection Acts.

The DPC is to examine, firstly, whether Greyhound's collection of outstanding debts is taking place within the law, and secondly that a suitable contract is in place between the two parties.

The DPC's probe will also consider whether the sale of the waste collection contract complied with the Data Protection Acts, though the DPC expects the City Council to be

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