

# Data Protection Ireland

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## Headlines

- Levels of state spying reach record high, p.17
- ODPIC to investigate eight government agencies, p.18
- New Opinion on biometric data, p.19

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## Working Party chimes in on Regulation's shortcomings

The Article 29 Working Party has adopted an Opinion on the European Commission's draft Data Protection Regulation published on 25th January.

In the Opinion (01/2012), the Working Party welcomes the proposals on privacy impact assessments, privacy by design, privacy by default, new responsibility and accountability requirements that apply throughout the information life cycle, the legal recognition of Binding Corporate Rules, and specific security measures for data processors.

However, the Opinion also provides a number of suggestions for clarifying and improving certain aspects of the Regulation.

For example, the Opinion states that there should be a general requirement for organisations to 'anonymise or pseudonymise' personal data when processing the information if it is 'feasible and proportionate' to do so.

The Working Party thinks that the breach notification obligation should include a two-step process in which an initial, simple, notification is made within

the proposed 24 hours following discovery of the breach, followed by a more complete notification when the entity has more information. The obligation should also exclude notifications for minor breaches that are unlikely to adversely affect individuals and would therefore unnecessarily burden the national data protection authorities ('DPAs').

Derogations from the legal basis for data transfers (for example, consent) should be narrowed, says the Opinion,

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## Brokers say banks abusing customer data

Ireland's largest group of financial brokers has accused Irish banks of breaking consumer protection laws.

The Professional Insurance Brokers' Association said that banks are monitoring account transactions and using information gleaned from them to put pressure on consumers to switch from independently sourced products to products sold by the banks. According to the

body, 76% of brokers say consumers are being pressured to take out bank's in-house products in order to maintain overdraft and other loan facilities.

A survey by PIBA also claims that customers' account transaction details, such as direct debits going to other institutions, are being targeted to persuade consumers to switch to in-house products.

The brokers' group recently met the Data Protection Commissioner to highlight the issue. However, the DPC said that it would not be taking any action until the PIBA claims had been substantiated.

The accusations follow a report last year by the Data Protection Commission which found, among other things, that several institutions were

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