

# Data Protection Ireland

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## Headlines

- Justice Minister — under investigation, p.18
- LinkedIn employee accused of misuse of data, p.19
- Working Party adopts Advice Paper on profiling, p.20

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## ‘Purpose limitation’ analysed in depth by Working Party

The Article 29 Working Party has given an important new Opinion elaborating on the purpose limitation principle set out in Article 6(1)(b) of the current EU Data Protection Directive 95/46/EC.

The Opinion, which goes to the heart of data protection law and is relevant to virtually all data controllers processing personal data in the EU, analyses the scope of the principle, clarifies its limits and makes recommendations to strengthen it in the proposed Regulation.

The Working Party provides a number of examples of what the ‘specified, explicit and legitimate’ processing requirement means in practice. Vague purpose statements such as ‘improving user experience’ or ‘marketing purposes’ will not, on its own, usually suffice.

Multi-layered privacy notices are recommended, particularly in the context of online data collection. Key privacy information should be presented in a user-friendly and accessible manner while additional details should be availa-

ble via links. A central part of the Opinion addresses the ‘compatible use’ requirement (when personal data may be processed for purposes other than those for which they were originally collected).

In the Working Party’s view, a case-by-case analysis is required to determine whether further processing for a different purpose would be compatible with the original purpose. This analysis should take into account four key factors: the relationship between

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## DPC’s latest Annual report highlights concern about public sector data sharing

The Data Protection Commissioner has launched his Annual report, in which he has highlighted a “disturbing failure of governance” in relation to access to a social welfare database administered by the Department of Social Protection.

Noting his concerns about the way the Department handles personal data, the DPC’s report states that “data sharing in the public sector should

have a clear basis in law; be clear to individuals that their data may be shared and for what purpose; have a clear justification for individual data sharing arrangements, with minimum data shared to achieve the stated public service objective; strict access and security controls; and secure disposal of shared data.”

The DPC’s Office received a 20% increase in its budget for 2013, as

well as additional staff resources, including a Chief Technology Advisor and a Legal Advisor, and additional administrative staff. According to the report, the Office is now “well-placed to discharge the additional responsibilities that arise [...] from the increasing number of information-rich multinational companies that are choosing Ireland as a base.”

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