

Data Protection Ireland

Volume 7, Issue 3

May / June 2014

Headlines

- Global Sweep targets mobile apps, p.17
- eBay faces international investigation following hack affecting millions, p.18
- HIQA and DPC sign MoU, p.19

Contents

<i>Expert comment</i>	2
<i>Developing mobile apps — how to be privacy savvy</i>	4
<i>The future of breach notification in Europe</i>	8
<i>'Legitimate interests' — clarifying the scope</i>	10
<i>New data protection law in Brazil</i>	12
<i>Largest fine ever in Europe — what can we learn?</i>	14
<i>News & Views</i>	17

Regulators left in a pickle as ECJ creates right to be forgotten

In a landmark case, Europe's highest has ruled that search engine operators are obliged upon request to remove links from a person's name to third-party information, if that information is 'inadequate, irrelevant or no longer relevant, or excessive in relation to the purposes of the processing at issue.'

The ruling, which concerned search engine Google, effectively forces the company to remove links to content about individuals if it receives an application from data subjects to have information about them

erased from Google's index.

Google will then have to weigh up whether that information is in the public interest and whether it should remain, likely placing a significant staffing burden on the company.

Google Executive Chairman, Eric Schmidt, said that the ruling is flawed and leaves 'many open questions'.

The Office of the Data Protection Commissioner has confirmed it has so far received nearly 20 queries from the public about having links to

information about them removed from the internet.

The ODPC said it has been contacted by Google (whose European headquarters are in Dublin) to discuss the implications of the judgment and how such requests will be processed in future.

A spokesperson for the ODPC said: "Our preliminary interpretation of the judgment is that the rights of individuals in relation to data deletion would first have to be asserted by the individual with

[\(Continued on page 17\)](#)

Latest Annual Report highlights poor customer service as a 'source of concern'

The Data Protection Commissioner has launched his Annual Report for 2013, the last report that will be published with Billy Hawkes at the helm of the ODPC.

Amongst the findings of the report, the Commissioner notes that "increasingly our investigation findings indicate that individuals who consider that they are not receiving adequate customer service from commercial entities resort to exercising

their data protection right to request a copy of all personal data held by that entity." The report says: "This trend in complaints arising from poor customer service standards is a source of concern for the Office."

In the foreword to the report, the Commissioner emphasised his concerns in relation to the safeguarding by State Agencies of personal data entrusted to them by citizens.

The report also contains a summary of the findings and recommendations of the recently published audit of An Garda Síochána.

Amongst other findings, individual data access requests were at their highest ever (517).

The report reveals that the DPC has reservations regarding its consultations with the Department

[\(Continued on page 17\)](#)