

Data Protection Ireland

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Headlines

- President signs federal Cybersecurity Information Sharing Act into law, p.19
- European Court says employees may be monitored during working hours, p.20

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After four years of waiting, language of reform agreed

Agreement has finally been reached on the final text of the General Data Protection Regulation — four years after the first draft was released.

The Regulation is expected to be formally adopted in February or March, and will come into effect two years later.

Among other things, the General Data Protection Regulation will involve much larger fines for breaches than under the existing rules — up to 20 million euros or 4% of a company's global turnover (1% lower than under earlier itera-

tions of the new rules).

There will be a new obligation to appoint a Data Protection Officer for larger organisations, and more extensive rights for individuals, including the right to increased information on how data are processed (see the article on pages 16-17), and the rights to erasure and objection (pages 6-8).

The new GDPR will apply to data controllers *and* data processors (not just controllers as under the existing Directive). Companies established outside of the EU will also be covered if

they offer services in the EU and are processing personal data of EU citizens.

Significantly, the final wording of the Regulation sees an apparent removal of the Data Protection Commissioner's powers under Section 29 of the current Data Protection Acts to take proceedings against directors, officers or managers of bodies corporate who 'through their consent, connivance or negligence' allow an offence to be committed.

The power has been used

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DPC updates guidance on CCTV and issues new guidance on drones and BWC

The Office of the Data Protection Commissioner has issued an updated and expanded guidance note in relation to the use of CCTV.

The updated guidance includes a new requirement for a written CCTV policy to be in place. (In previous guidance, the ODPC had simply stated its views with regards to the type of information that must be provided to those

recorded using CCTV).

There is also a new section dealing with proportionality (as per the requirements of Section 2(1)(c)(iii) of the Data Protection Acts 1988 to 2003). Data controllers are now expected to carry out detailed assessments which will show that any use of CCTV is justified and satisfies the relevant statutory obligations.

The guidance recommends (among other things) that data controllers should conduct and document a Privacy Impact Assessment, and prepare a specific data protection policy dealing with CCTV devices, which should include data retention and disposal policies for the CCTV footage recorded. Data controllers should also be able to demonstrate,

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