

Data Protection Ireland

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Headlines

- CJEU significantly expands the scope of Article 9 GDPR, p.17
- DPC decision set aside by Circuit Court, p.18
- Bill expanding drone use by Ireland's police expected later this year, p.20

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Leadership of Data Protection Commission transformed

The leadership of the Data Protection Commission ('DPC') is to be expanded to a three person Commission, with current Commissioner Helen Dixon taking the lead role.

In announcing the expansion, the Department of Justice said that the DPC has performed its role effectively to date, but has evolved significantly since its inception and its increased working burden and investigative complexity necessitate the change.

The process to select the two new commissioners will be undertaken by the Public Appointments Service and the appointments

will then be made by the government. It is expected that the process will take around six months to complete. There will also be a review of the DPC's current governance structures, staffing arrangements and processes.

The expansion is in line with the recommendations of a July 2021 report published by the Joint Oireachtas Committee on Justice on the effectiveness of GDPR enforcement since 2018. The changes were also anticipated by Section 15 of the Data Protection Act 2018, which provided for up to three commissioners, to be decided

upon at the discretion of the government.

The three-person regulatory model has been tried and tested in several Irish regulators, including the Competition and Consumer Protection Commission, the Commission for the Regulation of Utilities and the Commission for Communications Regulation. A three-person commission structure has also been legislated for the new Corporate Enforcement Authority. The planned new Media Commission will also have three members with the potential to expand to

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EDPB adopts guidelines on cases of strategic importance

The European Data Protection Board ('EDPB') has adopted a set of criteria to assess whether a cross-border case will qualify as a case of strategic importance for closer cooperation between Supervisory Authorities.

The EDPB has also outlined details of the steps to be taken following identification of a strategic case.

Cases of strategic importance are primarily

One-Stop-Shop cases that are likely to be high risk to the rights and freedoms of data subjects in several EEA Member States.

In order to identify a case of strategic importance, the EDPB says one or more specific criteria should be considered.

The first criterion is whether there is a structural or recurring problem in several Member

States, in particular where the case concerns a general legal issue with regards to the interpretation, application or enforcement of the GDPR and whether the case overlaps with other areas of law.

The second is whether the case affects a large number of data subjects in several Member States.

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