

Data Protection Ireland

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- ODPC asks Irish Water to improve Privacy Notice, p.18
- Global study finds 85% of mobile apps fail to provide basic privacy information, p.19

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Enforced subject access now an offence

Enforced subject access is now an offence in Ireland, after the Minister for Justice and Equality, Frances Fitzgerald TD, signed Statutory Instruments 337 and 338, bringing into effect the remaining sections of the Data Protection Acts.

'Forced subject access requests' refers to circumstance where an individual is compelled to submit a subject access request by an employer or potential employer, usually regarding a criminal conviction, in order to reveal the information.

Due to the newly in force rules, a €100,000 fine may now be imposed by a court for any organisation violating this provision.

A spokesperson for the ODPC said: "The commencement of section 4(13) was not as a result of any increased complaints about forced access requests to this office. We welcome the commencement of the remaining sections of the [data protection] legislation as they provide additional data protection for individuals."

Additional obligations for data controllers who

modify personal data by erasing, blocking, rectifying or adding additional statements to data are introduced by the enactment of subsections 6(2)(b) and 10(7)(b) of the DPAs.

Section 6(2)(b) requires a data controller who 'materially modifies' personal data at the request of a data subject to notify any third parties to whom the data were disclosed in the previous 12 months.

Section 10(7)(b) requires a data controller who

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DPC releases new guide to audit process

The Office of the Data Protection Commissioner has given new guidance on its powers under Sections 10(1A) and (1B) of the Data Protection Acts to carry out investigations into organisations' data protection compliance.

Guidance on this topic was originally published in 2009. The revised version has been updated to take account of legislative developments and to reflect the changes in the approach of the ODPC.

According to the guidance, the focus of the audits is determining compliance with data protection legislation and compliance with data protection standards, identification of gaps and weaknesses, suggestion of remedial action and improvements, and identification of best practice and positive findings.

One key aspect of the specific approach of the ODPC regarding audits

(as opposed to the approach of regulators elsewhere in the EU) is that the ODPC has the power for 'Authorised Officers' to access data and obtain information necessary to perform their duties. These powers may be exercised in a variety of ways within the ODPC: through a scheduled audit or an 'on the spot' inspection (utilising powers conferred under section 10

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