

Data Protection Ireland

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Headlines

- New Opinion on Internet of Things, p.18
- EU issues guidance on 'right to be forgotten' ruling, p.19
- Irish Water using protocol to destroy PPS numbers, p.20

Contents

<i>Expert comment</i>	2
<i>Employee background checks — how far is too far?</i>	4
<i>Data protection reform — an update</i>	8
<i>Internet of Things revisited</i>	11
<i>Google and the 'right to be forgotten' — setting the record straight</i>	14
<i>News & Views</i>	17

US data demands continue to ruffle Ireland's feathers

The US Department of Justice's legal spat with Microsoft continues to create ripples in Ireland, with the Minister for European affairs and data protection now unhappy with the DoJ's cavalier attitude about its jurisdictional reach.

Microsoft has been resisting a court order made by a US District Court earlier this year that decided emails are 'business records', and demanding that Irish servers be prised open and the data handed over to the Department.

The identity of the target and the nature of the investigation are yet to be disclosed.

Microsoft has now submitted its first filing in its fresh appeal (before the US Court of Appeals for the Second Circuit) and at the same time Irish minister, Dara Murphy, has asked the European Commission for its advice.

Mr Murphy asked the Commission to 'submit observations' on the case, saying that the DoJ's actions create 'legal uncertainty' and adding that 'the outcome could have potentially

serious implications for data protection in the EU'. The ministerial press release also notes that the DoJ is trying to bypass 'legal mechanisms for mutual assistance between jurisdictions'.

Separately, the Council of Europe (a different arm of the EU legislative body) has already told the US to cease investigating crimes in another state's territory without its consent.

Meanwhile, Microsoft is arguing that US demands to seize the emails stored

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

DPC has stern words for credit unions following flurry of prosecutions against PIs

The Data Protection Commissioner has criticised the Credit Union industry on the foot of a series of successful prosecutions against private investigators.

In October 2014, following an investigation by the Office of the Data Protection Commissioner, M.C.K. Rentals Limited (trading as M.C.K. Investigations), was charged with twenty three counts of

breaches of Section 22 of the Data Protection Acts, 1988 and 2003 for obtaining access to personal data without the prior authority of the data controller, and disclosing the data to another person.

In the cases, the personal data were kept by the Department of Social Protection (seven cases) and by the Primary Care Reimbursement Service of the

Health Service Executive (sixteen cases).

In all cases, the personal data obtained were disclosed to various Credit Unions in the State.

The two directors of M.C.K. Rentals Limited, Ms Margaret Stuart and Ms Wendy Martin, were separately charged with twenty three counts of breaches of Section 29

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