

Data Protection Ireland

Volume 9, Issue 2

March / April 2016

Headlines

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- Working Party begins grappling with GDPR implementation, p.18
- DPC issues guidance on canvassing and electronic marketing, p.19

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Schrems says Privacy Shield is 'lipstick on a pig'

The European Commission has published its Privacy Shield agreement with the US, 27 days after the deal was first brokered on 2nd February 2016.

The agreement, which takes the form of a Commission 'adequacy' decision, was released along with the texts fleshing out the detail of how the Shield will operate. It will now be scrutinised by the Article 29 Working Party, which is expected to give its view by the end of March.

The text will also be evaluated by the European

Data Protection Supervisor. Only then will it be formally adopted by the EU Commissioners.

The Commission has indicated that it wants the scheme rubber stamped by the end of June. If the agreement is changed substantially, it could be sent back to the US for approval. One EU official has said that that is unlikely to happen.

The agreement will replace Safe Harbor, which was invalidated by the European Court of Justice last October on the grounds that US

surveillance agencies have too broad access to EU citizens' data once transferred to the US. Max Schrems, the campaigner who disrupted the status quo by getting his case to the European Court, described the deal as an attempt to "put a lot of lipstick on the same old data-suckling pig".

Whilst he admitted the text contained "a large number of new improvements," he claimed it does not address the "core concerns and fundamental flaws of US surveillance law and the lack of priva-

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New guidance on public sector data sharing

The Office of the Data Protection Commissioner has updated its guidance on data sharing in the public sector following the decision in *Bara & Oths C-201/2014*.

The *Bara* judgment re-iterated the importance of informing data subjects about how their personal data are used, for what purpose and who have access to them.

As a result of the judgment, the ODPC has recommended that all public sector bodies complete a full review of their obligations and arrangements to ensure that those arrangements are fully compliant with the Data Protection Directive (95/46/EC).

The guidance focuses on the keys issues of justification, proportionality, legal basis, transparency, good communica-

tion, authorisation, data minimisation, data access, data security, data retention and data governance.

When considering whether to enter into an arrangement to share data, public bodies should consider the potential benefits and risks, either to individuals or society, of sharing the data — and also carry out an assess-

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