



# Annual Report of the Data Protection Commissioner of Ireland.

## Briefing

The Data Protection Commissioner recently published her Annual Report for 2015. Following the recruitment of additional staff to the Office of the Data Protection Commissioner (DPC), the DPC has continued to increase activity across all of the DPC's main functions such as investigation and enforcement, guidance and education, audits/inspections and notifications. A review of activity in 2015 is outlined below:

- The Office of the Data Protection Commissioner (DPC) dealt with 14,427 queries via their dedicated information email address, info@dataprotection.ie, an increase from 13,500 in 2014 and 12,000 in 2013. In addition, they dealt with 16,173 queries received by phone and 855 further queries by post.
- The DPC received 932 complaints, which were opened for investigation. This compares with 960 complaints opened for investigation in 2014.
- The largest single category of complaints related to access rights, which accounted for over 60% of the total, reflecting the extent of the difficulties some individuals experience exercising their statutory right of access. The Office plans to conduct an awareness campaign highlighting these issues during 2016.
- The second-largest category of complaint concerned electronic direct marketing.
- While the majority of complaints were resolved amicably, the DPC made formal decisions in 52 cases, 43 of which fully upheld the complaint.
- Following the CJEU decision in the 'Right to be Forgotten' case, the DPC had 23 complaints, compared to 32 in 2014, regarding internet-search delisting.
- The DPC prosecuted 4 entities for a total of 24 offences under the Privacy in Electronic Communications Regulations of 2011.
- While the vast majority of organisations engage voluntarily with the DPC, they issued 3 Statutory Enforcement Notices.
- The DPC received 2,376 data-security-breach notifications, an increase of 112 on the previous year.
- The DPC carried out 51 audits and inspections including those on major holders of personal data in the public and private sectors.
- The DPC engaged with large tech multinationals – with headquarters or a significant presence in Ireland – regarding numerous matters, including proposed new policies, products and services.
- The Commissioner or the Deputy Commissioner attended all plenary meetings of the Article 29 Working

Party, which acts as an advisor to the European Union on data protection issues.

- The DPC took part in the third Global Privacy Enforcement Network Privacy Sweep, analysing 18 apps and websites either targeted at or popular among children.
- Running costs for the DPC in 2015 were €2,961,190, an increase from €2,274,438 the previous year. Receipts for 2015 totalled €670,307.
- From 14 April 2015, the DPC became partially subject to the Freedom of Information Act 2014. This applies to administrative-matters records only, and specifically those created after 21 April 2008. DPC investigation and case files are not releasable under the Act.
- The DPC dealt with over 500 queries from the media.
- The DPC undertook significant recruitment, expanded the Office's Dublin base to complement the Portarlinton function and virtually doubled their team.
- Extensive consultation across public and private sector bodies was undertaken, including participating in over 60 events where the DPC presented the work of the Office.
- Utilising its increased resources, the Office established a Special Investigations Unit headed up by an Assistant Commissioner in 2015. The Unit carries out investigations on its own initiative (as distinct from complaints based investigations); where it identifies offending behaviour, it will use the Commissioner's full range of statutory powers to progress its investigations to an appropriate conclusion.
- The hearing at the CJEU into Maximilian Schrems' complaint against the Irish DPC was heard in Luxembourg in March 2015. On 6 October, the CJEU issued its important and far-reaching ruling in the case, which included the striking-down of Safe Harbour.
- The Irish High Court remitted the matter for consideration to the DPC, which undertook to investigate '... the substance of the complaint with all due diligence'. The DPC commenced its investigation of the reformulated complaints submitted by Mr. Schrems. That investigation is ongoing.
- The GDPR was agreed in December 2015, applying from 25 May 2018. It will bring stricter breach-reporting obligations, the possibility of significant penalties in the case of compliance failures, greater focus on consent-based processing, more

detailed record-keeping requirements alongside formal obligations to have a data-retention policy in place. Of major importance for the DPC is the GDPR's introduction of a 'one-stop shop' mechanism for multinationals operating in Europe. Given the scale and breadth of this constituency, the Office has an extremely important role in terms of global data protection.

*To find out how Glenbeigh Records Management can help you comply with your regulatory requirements and protect your information, contact:*



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Full report can be found here: [https://www.dataprotection.ie/docimages/documents/DPC%20AR2015\\_FINAL-WEB.pdf](https://www.dataprotection.ie/docimages/documents/DPC%20AR2015_FINAL-WEB.pdf)



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