

Data Protection Round-Up (2022)

Presented by ISOLAS LLP for

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Round-up



- Gibraltar GDPR
- Enforcement Action & Fines on the rise
- Guidance (must-reads)
- Looking ahead
- Immediate Recommended Steps

The 'Gibraltar GDPR'

- following the end of the Brexit transition period ('IP completion day' 31 Dec 2020), the EU GDPR was superseded by the Gibraltar General Data Protection Regulation (the "**Gibraltar GDPR**") on 1st January 2021.

At this point, the Data Protection Act 2004 ("**DPA 2004**") was once again updated as a result of the:

- European Union (Withdrawal) Act 2019 ("**EUWA 19**"); and
 - European Union (Withdrawal Agreement) Act 2020
-
- GGDPR is essentially the EU GDPR as it forms part of Gibraltar law by virtue of s.6 EUWA and read with modifications provided for under Schedule 1 to the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 ("**the 2019 Regulations**")
 - ISOLAS has prepared a "**redline**" of the EU GDPR vs. GGDPR: [link here](#)

Enforcement Actions

- WhatsApp's appeal of a 225 million euro EU General Data Protection Regulation fine was [published](#) in the Official Journal of the European Union
- The president of the Administrative Court of Luxembourg partially [granted](#) Amazon's request to suspend execution of a 746 million euro GDPR fine proposed by Luxembourg's National Commission for Data Protection (December 17, 2021)
- SportsDirect Retail Limited [fined](#) by ICO – failure to evidence consent; failure to obtain valid consent or soft-opt in – £70,000
- Royal Gibraltar Police [fined](#) £10,000 for Data Protection Breaches (storage limitation, data security, records of processing, breach communication)
- Other GRA investigations (the “name and shame”): <https://www.gra.gi/data-protection/investigations>

DSAR responses
CCTV systems
Opt-outs
Data Breaches

Guidance

- EPDB [Guidelines 01/2022](#) on data subject rights – right of access
- WP29 (Guidelines on Personal data breach notification under Regulation 2016/679, WP 250) (hereinafter “Guidelines WP250) supplemented by EDPB [Guidelines 01/2021 on Examples regarding Data Breach Notification](#).
- GRA Guidance
 - DPA (25) [Data Protection in the Employment Context](#) (Dec 2021)
 - [Data Sharing Code of Practice](#) – (statutory code under DPA 2004)
 - [Annual Report 2020-2021](#) and [Quarterly E-Newsletters](#)
 - Freedom of Information requests [guidance](#) under ‘**FOIA 2018**’

What's next?

- Dealing with persons not deleting legacy data collected for **contact tracing** purposes
- **Adequacy** for Gibraltar?
- **New SCCs** based on ICO model? (hybrid of the new EU SCCs June 2021)
- The U.K. Information Commissioner's Office [announced](#) the Department for Digital, Culture, Media and Sport and the Treasury agreed the ICO can retain a portion of funds paid as a result of civil monetary penalties. Previously sent to the government's Consolidated Fund. Will cover "pre-agreed, specific and externally audited litigation costs,"
- **Will Gibraltar follow suit?**
- **ePrivacy Regulation** (Cookies law) - informal (trilogy) negotiations are currently taking place between representatives of the three bodies involved in the EU legislative process, the EU Commission, the Parliament and the Council of Ministers. The ePrivacy Regulation is not expected to enter into force before 2023. The transition period is expected to last until 2025 (24 months)
- **UK divergence** from EU GDPR-style regime? Data Reform Bill & [consultation response](#)

Immediate Recommended Steps

- **ACCOUNTABILITY** - Get your privacy compliance frameworks in writing!

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- Seek external advice if needed
- Tackle the low hanging fruit
 - Privacy Notices (all types)
 - Retention
 - DSARs (and other rights!)
 - Data Breach
 - Art 30 Processing Record
 - DPIAs & LIAs
 - CCTV
 - Gibraltar GDPR revamp
- International Transfers



> Register

About the Team



The Data Protection & Privacy Team at ISOLAS LLP is an established market leader in this area, advising a wide range of clients on protecting and processing personal data. Clients include SMEs and multi-nationals, public authorities, competent authorities, Her Majesty's Government of Gibraltar, international financial institutions, and insurance firms.

Should you require any further information please do not hesitate to contact us.



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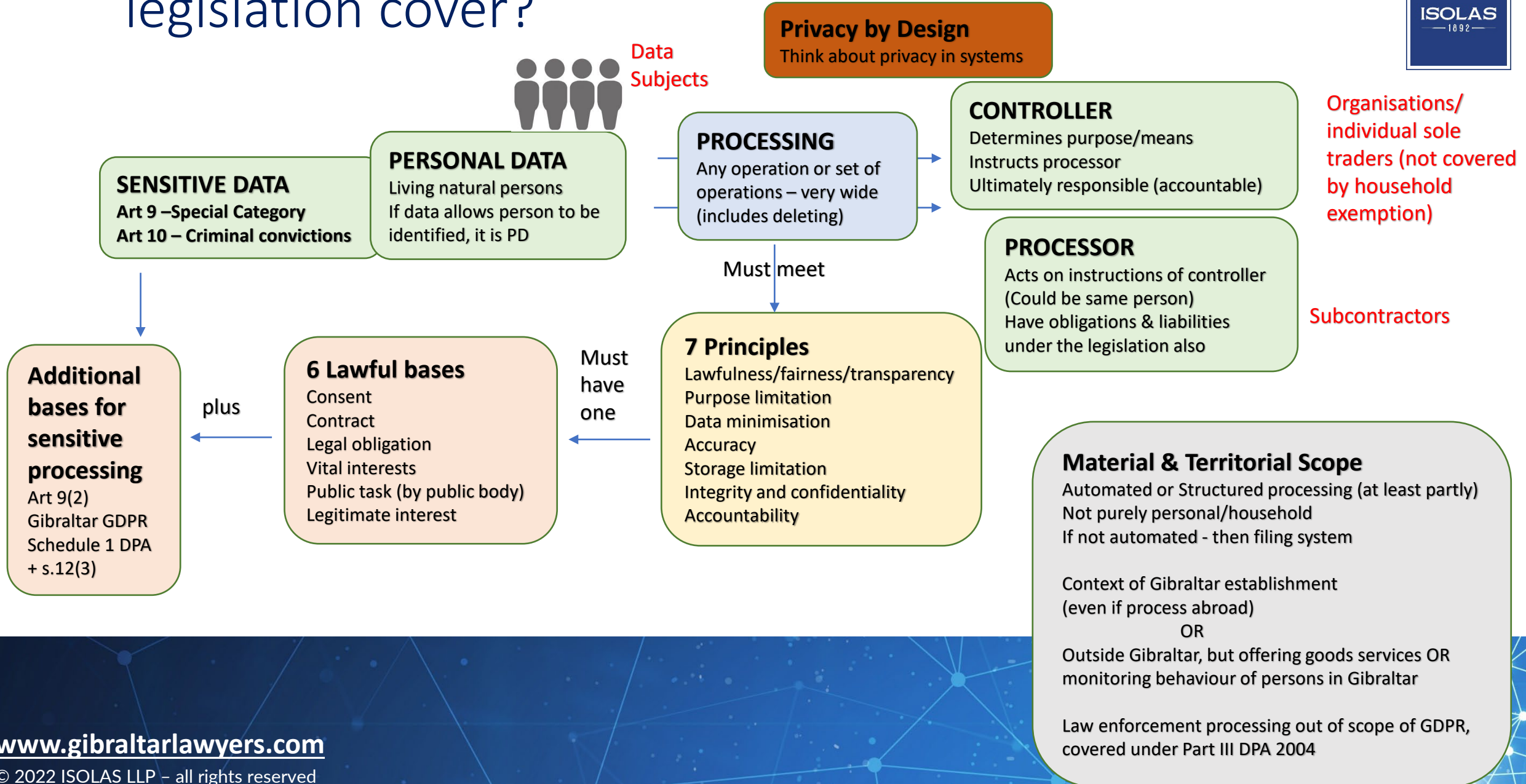
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In particular, the team can assist with:

- *Regulatory Investigations*
- *GDPR/DPA for employers*
- *Handling Subject Access Requests*
- *Data Breach notifications and containment*
- *Gibraltar GDPR readiness/ compliance audits*
- *Data mapping*
- *Direct marketing advice*
- *Drafting privacy and data protection policies*
- *Data processing agreements*
- *Third country transfers*
- *DPIAs*
- *CCTV & surveillance*
- *Data Protection & the Blockchain*

Summary: What does the data protection legislation cover?



Thanks for your time!

QUESTIONS?

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