



An Coimisiún um
Chosaint Sonraí
Data Protection
Commission

Annual Report 2023

GLOSSARY

CSA – Concerned Supervisory Authority

DPA – Data Protection Authority

DPC – Data Protection Commission

DPO – Data Protection Officer

EDPB – European Data Protection Board

GDPR – General Data Protection Regulation

IMI – Internal Market Information System

LED – Law Enforcement Directive

LSA – Lead Supervisory Authority

OSS – One Stop Shop

SMC – Senior Management Committee

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Foreword

2023 was a busy year in personal data rights protection. The year saw a significant increase in complaints dealt with by the Data Protection Commission (“DPC”) with record fines issued and corrective orders imposed following cross-border and national inquiries. More generally, there were a large number of data protection-related judgments from the Court of Justice of the European Union and continued domestic focus before the Irish courts.

This annual report sets out the breadth of work undertaken by the DPC throughout 2023. Detailed case studies throughout the report set out the range of organisations dealt with. From property and financial companies, to real estate agencies, schools and education providers, health care organisations, public sector agencies, employers and prospective employers, bookmakers, energy providers, insurance companies, restaurants, charities and social media companies, organisations

use and process people’s personal data every day, often in complex and not easily understood ways. Throughout 2023, the DPC sought to defend the individual’s right to the proper protection of their personal data through fair and proportionate regulation, in line with the applicable legal frameworks and continuously evolving case law.

Cross Border Inquiries and Enforcement

In addition to detailing several national inquiries concluded, the report describes how the DPC worked with its peer European Data Protection regulators under the GDPR on large scale inquiries and, more generally, in guidance and standard setting through the work of the European Data Protection Board. The DPC had 89 statutory inquiries on-hand during the year, including 51 cross-border inquiries. Several large-scale inquiries concluded with the DPC delivering **87%**¹ of all GDPR enforcement fines across the EU (as measured by monetary fines).

1) DLA Piper GDPR Fines and Data Breach Survey 2024 -- <https://www.dlapiper.com/en/insights/publications/2024/01/dla-piper-gdpr-fines-and-data-breach-survey-january-2024>

The DPC also undertook a number of successful prosecutions under the ePrivacy Regulations, which addressed unsolicited marketing messages.

Of note in 2023 was the conclusion of the DPC's investigation into the lawfulness of Meta's transfers of personal data from the EU to the USA, and the DPC's investigation in relation to TikTok and child users. As the DPC is the EU Lead Supervisory Authority in cases where a company has its sole or main establishment in Ireland the DPC led these investigations, which proceeded in conjunction with fellow EU regulators under the GDPR's cooperation and consistency mechanisms. Final decisions in these cases were adopted in May (Meta) and September (TikTok) 2023, imposing fines of €1.2bn and €345m respectively. A feature of this regulation has seen the companies concerned bring multiple concurrent sets of legal proceedings before the Irish High Court and the European Courts challenging the outcome of DPC inquiries and the process by which they were concluded.

Engagement and supervision

A large focus of the DPC is providing guidance to organisations and companies under its Supervision function. Priority areas of focus in 2023 included protection of children's data rights and the rights of vulnerable persons under the DPC's Regulatory Strategy 2022-27. Safeguarding data protection rights saw the DPC providing support and engagement with various sectors from restaurants to sporting organisations, non-governmental organisations, technology multinationals, law enforcement agencies, schools and public sector bodies.

Under our engagement and supervision functions, the DPC met with representative bodies on a number of occasions to work through how the application of the risk and principled-based approach of GDPR might work in practice. The DPC offers guidance and recommendations to groups and organisations on the best approach and the DPC telephone helpline operates a daily service to assist the public on this and other matters.

Through engagement, the DPC addressed the non-sharing of important information between care agencies where GDPR was cited as a reason for not sharing information. The GDPR permits organisations to lawfully share information (process data) where the life or safety (vital interests) of an individual is concerned - whether in a care or other setting. During the year, the DPC worked to support NGOs providing services to vulnerable individuals and this engagement will continue.

The DPC regularly engages with companies on new products and how to address data protection issues which may arise, including children's data protection rights. In early 2023, the DPC produced four short guides for parents on children's data protection rights under the GDPR. These guides are to help parents understand their children's rights and to answer questions that can arise in typical situations where those rights apply.

Legislation and approvals

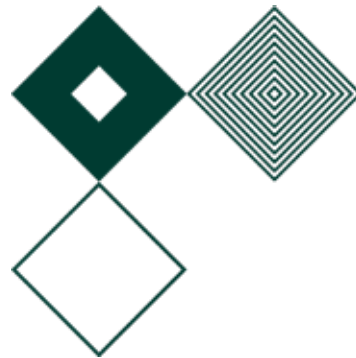
The DPC provided input and observations on over 37 pieces of proposed legislation, was the lead regulator in relation to 22 applications for Binding Corporate Rules approval from 14 different companies and worked on a number of draft codes of practice including three codes developed under the Circular Economy and Miscellaneous Provisions Act 2022. This legislation was introduced to provide a clear legal basis for local authorities to use recording devices such as CCTV and body-worn cameras for the prevention, investigation, detection, and prosecution of litter and waste management offences.

CCTV

The report highlights instances where CCTV or other surveillance of individuals occurred in both the public and private spheres. During the year enforcement action was taken against some local authorities and companies where individuals' data was processed by CCTV without a lawful basis. At the heart of GDPR is the principle of do no harm – translated in the principles of proportionality and necessity, data minimisation, purpose limitation and subsequent erasure when personal data is no longer required for the purpose collected. Organisations who collect CCTV footage must have a clear justification and lawful basis to do so. Subsequent sharing of that information/ imagery similarly requires a clear lawful basis. One example highlighted in the report is the periodic use of CCTV in restrooms, whether in restaurants or schools. As restrooms are areas where a high level of privacy is expected by individuals, a strong evidence-based justification will be required for any recording and use of CCTV images or footage.

Data Protection Officers

This report raises the important role of Data Protection Officers in organisations. In all public bodies and many private companies, the Data Protection Officer (DPO) plays a critical role in championing individuals' privacy rights by ensuring the organisation fully considers how the processing of its employees and customers' data meets its legal obligations to vindicate individual rights, acting as a "critical friend" to those organisations by keeping the compliance conversation front and centre. The DPO role is supported by good data governance practices and support staff in organisations. They also play an important role in dealing with minor data breaches and notifying serious data breaches to the DPC. Breach notifications to the DPC increased in 2023. With regular access to senior management, DPOs have an independent role in gatekeeping data protection standards in organisations. In 2023 the DPC worked with DPO networks and facilitated both public sector and a national peer to peer DPO network for private and public bodies alike. This work will deepen in the years to come.



Sad goodbyes

2023 was also a year in which the DPC said goodbye to two people who were integral to the work of the office over the last number of years. In September, the untimely passing of Bride Rosney deprived the DPC's Audit and Risk Committee of a most capable voice and inquiring mind. Bride was an active member of the DPC's ARC since its inception and we were fortunate to have benefitted from her knowledge and guidance. Then in November an esteemed colleague and serving member of staff at the DPC, Kathleen Malone, passed away suddenly to the great shock and dismay of her colleagues. Kathleen's exceptional contribution, work ethic and expertise are missed by all of us at the DPC. We take the opportunity to remember them both and to extend the condolences of the DPC to both Bride and Kathleen's families.

Changing of the guard

The DPC's activities in 2023 took place under the leadership of Helen Dixon, who was sole Commissioner for Data Protection during the year ahead of the conclusion of her second five-year term in early 2024. The work detailed in this report occurred under Commissioner Dixon's tenure and with my fellow Commissioner, Dale Sunderland, I take the opportunity to acknowledge with deep gratitude the stewardship of the Commission over the past ten years by Commissioner Dixon. In 2023, the Public Appointments Commission, on behalf of the Irish Government, oversaw an independent, open recruitment process to appoint new commissioners to the DPC. That process concluded in early 2024 with the appointment by Government of Dale Sunderland and I to the roles of Commissioners for Data Protection.

We take over a respected and outward looking regulator; one with the values of vindicating the rights of the individual through fair and proportionate regulation in the years to come.



Commissioner Dale Sunderland and Commissioner Chair Dr. Des Hogan.

Dr Des Hogan
Chairperson, Commissioner for Data Protection

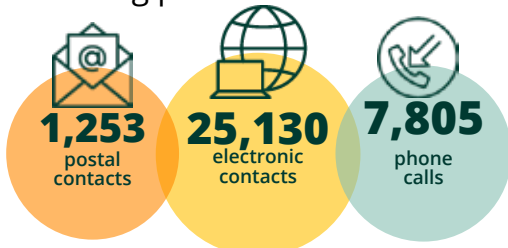


Executive Summary

SUPPORTING INDIVIDUALS

From 1 January 2023 to 31 December 2023:

- The DPC received **25,130** electronic contacts², **7,085** phone calls and **1,253** postal contacts ;
- The DPC processed **11,200** new cases³ in 2023. This represents a **20%** increase on the 9,370 figure for 2022.
- Of the **11,200** new cases, 8,600 were of a type that could be dealt with relatively expeditiously and 2,600 progressed to the complaint-handling process.



- In addition to receiving 11,200 new cases, the DPC concluded **11,147** cases in 2023, of which **3,218** were resolved through the formal complaint-handling process. This figure includes complaints received prior to 2023.

In 2023, the most frequent GDPR topics for queries and complaints continued to be:

- Access Requests;
- Fair-processing;
- Disclosure;
- Direct Marketing; and
- Right to Erasure.

2) Electronic communications comprise both emails to the DPC's info@ account and webforms submitted through the DPC website.

3) Cases are defined as contacts that require further engagement beyond the initial query. Cases in this instance can therefore include complaints from individuals, but also encompasses requests for advice and guidance which do not have a complaint element. The figure does not include contacts from the media, speaking invitations, breach notifications or prior consultation.

SUPPORTING INDUSTRY

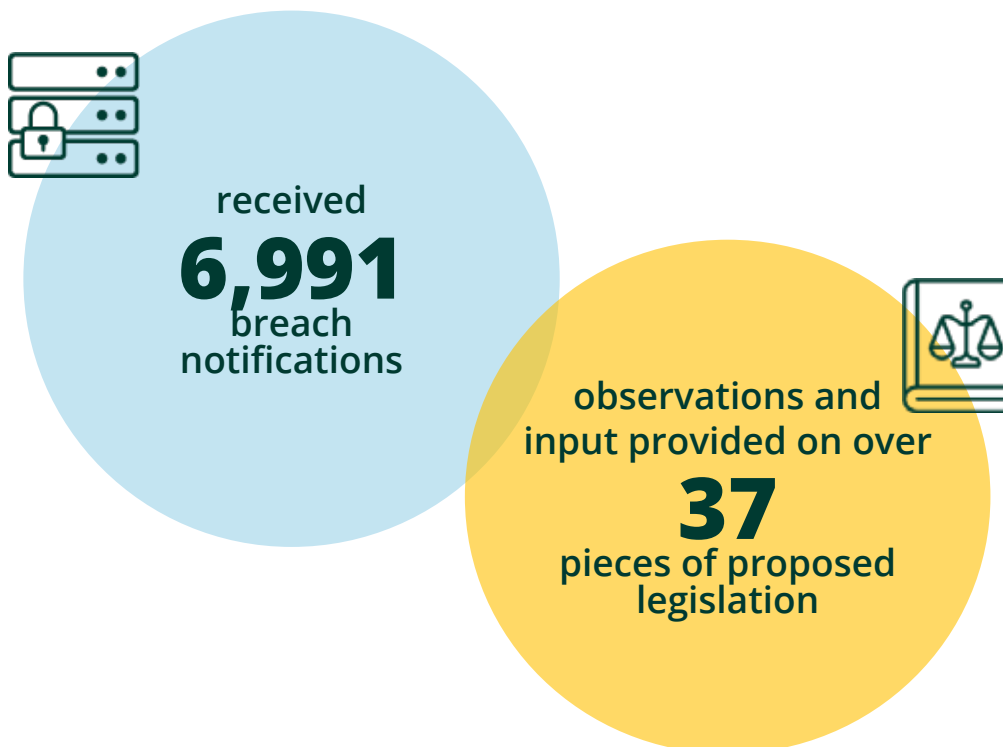
- Total valid breach notifications received in 2023 was **6,991**. This represents a **20% increase** on the 5,828 breaches notified in 2022.
- Of those breach notifications received in 2023, **92%** were concluded by year end.

The most frequent cause of breaches reported to the DPC arose as a result of correspondence inadvertently being misdirected to the wrong recipients, at **52%** of the overall total.

REGULATING THROUGH SUPERVISION AND INVESTIGATION

During 2023 the DPC provided input and observations on over **37** pieces of proposed legislation.

Carried out a statutory consultation on the Codes of Practice introduced under the **Circular Economy and Miscellaneous Provisions Act 2022**, which will provide a clear legal basis for Local Authorities to use recording devices such as **CCTV and Body-worn Cameras** for the prevention, investigation, detection, and prosecution of litter and waste management offences. This will ensure that Local Authorities can deploy these technologies in a targeted and proportionate manner, in compliance with data protection law.



Expanded on stakeholder engagement across the fields of **health and social care** to provide assistance and guidance on issues arising in the processing of the personal data of vulnerable persons. As part of this multi-faceted approach, the DPC contributed to a report by the **Law Reform Commission** on the national regulatory framework for adult safeguarding.

The DPC was leading reviewing supervisory authority (SA) in relation to **22 Binding Corporate Rules (BCR) applications** from 14 different companies. **Four of those applications were given approval in 2023.** The DPC assisted other European Data Protection authorities by acting as co-reviewer for another SA on 5 BCR applications and acted as rapporteur on drafting teams for Article 64 Opinions on 3 BCR in 2023.

Multi-Tech Supervision had 100 engagement meetings with various Tech Companies and other Supervisory Authorities in 2023 and brought about the **postponement or revision of four scheduled internet platform projects** with implications for the data protection rights and freedoms of individuals.

2023 saw a significant increase in the number of queries received relating to the use of **CCTV in areas where there is a higher expectation of privacy.** As a result, the DPC published a detailed update of its **CCTV guidance** to address these issues and our expectations on the use of CCTV in such areas and wrote to a number of data controllers and sectoral representative bodies to make them aware of these developments.

As of 31 December 2023, the DPC had **89 Statutory Inquiries on-hand**, including 51 Cross-Border Inquiries.

In May, the DPC announced the conclusion to a GDPR inquiry into **Meta Platforms Ireland Limited concerning Data Transfers.** The Decision was subject to an Article 65 European Data Protection Board Dispute Resolution Process, after which the DPC imposed a fine of **€1.2 billion** on Meta Ireland, in addition to an order to bring its processing operations into compliance.

In September, the DPC issued its final Decision in its inquiry into **TikTok Technology Limited.** The inquiry examined the processing of **personal data relating to children** by TikTok. The Decision was subject to an Article 65 European Data Protection Board Dispute Resolution Process, after which the DPC ordered TikTok to bring its processing into compliance and imposed fines totalling **€345 million.**

By the end of 2023, following adoption of its decisions, the DPC imposed fines totalling **€1.55 billion.**

In 2023, the DPC concluded **13 inquiries;** issued **24 Preliminary Draft Decisions** to complainants and regulated entities in advance of finalisation, sent forward **18 Draft Decisions** to the Article 60 co-decision making process; referred **2 Decisions** to the European Data Protection Board's Article 65 Dispute Resolution Mechanism; **issued 12 Finalised Decisions** in 2023; and sought submissions on statements of issues or inquiry reports from relevant parties in a further **3 inquiries.** In addition the DPC submitted through the Article 60 cooperation mechanism **229 notifications of amicable resolutions** achieved in cross-border complaints.

INQUIRIES AND RELATED ENFORCEMENT ACTION THAT CONCLUDED IN 2023

In 2023 the DPC concluded the following inquiries under the GDPR and the Data Protection Act 2018.

Organisations	Decision Issued	Fine Imposed	Corrective Measure Imposed
WhatsApp Ireland Ltd	January 2023	€5.5 million	Order re: Articles 5(1)(a) and 6(1) GDPR.
Kildare County Council	January 2023	€50,000	Temporary ban on CCTV cameras at a number of locations. Order re: Articles 5(1)(a), 6(1), 13, and 32(1) GDPR. Sections 71, 72, 76, 78, and 82 Data Protection Act 2018.
Airbnb Ireland UC	January 2023	N/A	No infringement found.
Centric Health	February 2023	€460,000	Reprimand re: Articles 5(1)(f), 5(2) and 32(1) GDPR.
Bank of Ireland	February 2023	€750,000	Reprimand re: Articles 5(1)(f) and 32(1) GDPR. Order re: Articles 5(1)(f) and 32(1) GDPR.
Archbishop of Dublin	February 2023	N/A	Order re: Article 5(1)(a) GDPR.
Meta (Facebook)	May 2023	€1.2 billion	Suspension of data flows re: Article 46 GDPR. Order re: Article 46 GDPR.
Department of Health	16 June 2023	€22,500	Ban re Articles 5(1)(c), 6(1), 6(4), and 9(1) GDPR. Reprimand re Articles 5(1)(c), 5(1)(f), 6(1), 6(4), and 32(1) GDPR.
Airbnb Ireland UC	June 2023	N/A	No infringement found.
Airbnb Ireland UC	June 2023	N/A	Reprimand re Articles 5(1)(c) and 5(1)(e). Order re Articles 5(1)(c) and 5(1)(e).

Organisations	Decision Issued	Fine Imposed	Corrective Measure Imposed
Airbnb Ireland UC	July 2023	N/A	Reprimand re: Articles 5(1)(c), 6(1)(f), 15(1), 12(1) and 12(3). Order re: Article 12(1).
Galway County Council	August 2023	N/A	Temporary ban on CCTV cameras and ANPR at a number of locations. Temporary ban on use of body worn cameras. Order re: Article 35 GDPR and Sections 71, 72, 76, 78, 82, 90(1) Data Protection Act 2018. Reprimand re: Article 24 GDPR.
TikTok	September 2023	€345 million	Reprimand re: Articles 5(1)(a), 5(1)(c), 12(1), 13(1)(e), 24(1), 25(1) and 25(2) GDPR. Order re: Articles 5(1)(a), 5(1)(c), 12(1), 13(1)(e), 24(1), 25(1) and 25(2) GDPR.
Airbnb Ireland UC	September 2023	N/A	Reprimand re: Article 12(4).
Airbnb Ireland UC	September 2023	N/A	Reprimand re: Articles 6(1)(f), 5(1)(c) and 5(1)(e). Orders re: Articles 5(1)(c) and 5(1)(e).
Airbnb Ireland UC	September 2023	N/A	Reprimand re: Articles 6(1)(f) and 5(1)(c). Order re: Article 6(1)(f) and 5(1)(c).
Apple Distribution International Limited	November 2023	N/A	No infringement found.
Microsoft Operations Ireland Limited	November 2023	N/A	Reprimand re: Articles 12(4) and 17. Order re: Article 12(4) and Article 17.
Meta (Facebook and Instagram)	November 2023	N/A	Ban on processing personal data for behavioural advertising purposes on the basis of Article 6(1)(b) or (f) GDPR.

CONFIRMATION OF ADMINISTRATIVE FINES

In 2023, the DPC had its Decisions to impose administrative fines on five different organisations confirmed in the Dublin Circuit Court, ranging between €15,000 and €750,000. On collection, fines are transferred to the central exchequer in Ireland.

- VIEC t/a Virtue Eldercare – (€100,000)
- A&G Couriers t/a Fastway Couriers – (€15,000)
- Kildare County Council – (€50,000)
- Centric Health – (€460,000)
- Bank of Ireland – (€750,000)

ENGAGING WITH FELLOW REGULATORS

Since 1 January 2023, the DPC:

- Responded to over **800** GDPR Article 61 Mutual and Voluntary Mutual Requests for assistance from other European Regulators;
- Participated in over **150 European Data Protection Board (EDPB) meetings**, which were conducted both virtually and in-person;
- Continued to have representatives on all EDPB subgroups; and
- The DPC continued to be an active member of Ireland's Digital Regulator's Group, along with ComReg, the Competition and Consumer Protection Commission and Coimisiún na Meán (formerly the Broadcasting Authority of Ireland) as part of Ireland's implementation of recent EU digital legislative developments.



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and Voluntary
Mutual Requests
for assistance



MAINSTREAMING DATA PROTECTION

Staff of the DPC presented at **120 speaking events** in 2023, comprising a combination of both virtual and in-person seminars.



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The DPC remains committed to driving awareness of data protection rights and responsibilities.

The DPC's website serves as a central hub for data protection information, providing individuals with comprehensive guidance on a variety of topics, such as understanding data protection laws, exercising data protection rights, and reporting data breaches. In 2023, the DPC produced **five** pieces of substantial new guidance⁴ (including four specifically tailored towards children), two infographics, and **12 new case studies**⁵ for the DPC website throughout the course of the year.

OTHER ACTIVITY

In 2023 the DPC:

- Concluded **237** electronic direct marketing investigations;
- **Prosecuted four companies** for the sending of unsolicited marketing communications without consent (Regulation 13 of Statutory Instrument 336 of 2011) to individuals. The Court returned convictions on all charges and it imposed fines totalling €2,000;
- **Received 26 and concluded 37 Law Enforcement Directive complaints;**

concluded
237
electronic direct
marketing
investigations



4
unsolicited
marketing
prosecutions

received
26
LED
complaints



concluded
37
LED
complaints

4) <https://www.dataprotection.ie/en/dpc-guidance>

5) <https://www.dataprotection.ie/en/dpc-guidance/case-studies>



Mission

Upholding the consistent application of data protection law through engagement, supervision and enforcement, and driving compliance with data protection legislation.

The Data Protection Commission safeguards the data protection rights of individuals and provides clarity for the organisations it regulates by:

- educating stakeholders on their rights and responsibilities;
- taking a fair and balanced approach to complaint handling;
- communicating extensively and transparently with stakeholders;
- participating actively at European Data Protection Board level to achieve consistency;
- cultivating technological foresight, in anticipation of future regulatory developments;
- sanctioning proportionately and judiciously; and
- retaining and amalgamating the expert capacities of its staff to ensure operational effectiveness.



Vision

The Data Protection Commission is committed to being an independent, internationally influential and publicly dependable regulator of EU data protection law; regulating with clear purpose, trusted by the public, respected by our peers and effective in our regulation. The DPC will play a leadership role in bringing legal clarity to the early years of the General Data Protection Regulation.

The DPC will apply a risk-based regulatory approach to its work, so that its resources are always prioritised on the basis of delivering the greatest benefit to the maximum number of people.

The DPC will also be a rewarding and challenging place to work, with a focus on retaining, attracting and allocating the most appropriate people to deliver on its mandate, recognising the value and capacities of its staff as its most critical asset.



Values

The Data Protection Commission is an autonomous regulator, with responsibility for regulating both private and public sector organisations, as well as safeguarding the data protection rights of individuals. In the conduct of these duties, the DPC is committed to act always in a way that is:

- ✓ Fair
- ✓ Expert
- ✓ Consistent
- ✓ Transparent
- ✓ Accountable
- ✓ Forward Looking
- ✓ Engaged
- ✓ Independent
- ✓ Results-driven





Regulatory Strategy

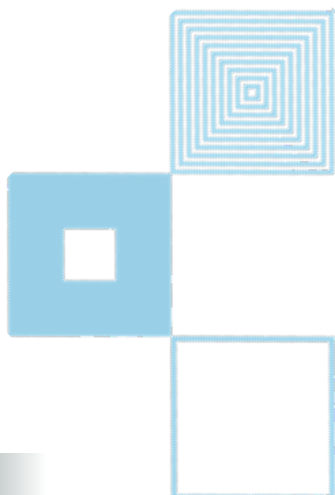
In December 2021, the DPC published its Regulatory Strategy for 2022-2027, which is the roadmap for the DPC through a period of transformative change.

The DPC has set out an ambitious vision for what it believes will be five crucial years in the evolution of data protection law, regulation and culture.

The Strategy – and the work agenda that flows from it – has been based around five interconnected pillars of equal priority.

- 1. Regulate consistently and effectively**
- 2. Safeguard individuals and promote data protection awareness**
- 3. Prioritise the protection of children and other vulnerable groups**
- 4. Bring clarity to stakeholders**
- 5. Support organisations and drive compliance.**

The Strategy is arranged according to fundamental goals, underpinned by the DPC's mission, vision and values, which collectively contribute to the delivery of its strategic priorities.





Roles and Responsibilities

FUNCTIONS OF THE DPC

The DPC is the national independent authority in Ireland responsible for upholding the fundamental right of EU persons to have their personal data protected. Accordingly, the DPC is the Irish supervisory authority tasked with monitoring the application of the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679).

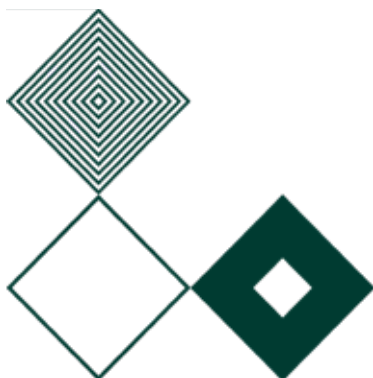
The core functions of the DPC, under the GDPR and the Data Protection Act 2018 — which gives further effect to the GDPR in Ireland — include:

- **driving improved compliance with data protection legislation by controllers and processors;**
- **handling complaints from individuals in relation to potential infringements of their data protection rights;**
- **conducting inquiries and investigations into potential infringements of data protection legislation;**
- **promoting awareness among organisations and the public of the risks, rules, safeguards and rights incumbent in the processing of personal data; and**
- **co-operating with data protection authorities in other EU member states on issues, involving cross-border processing.**

The DPC also acts as supervisory authority for personal-data processing under several additional legal frameworks. These include the **Law Enforcement Directive** (Directive 2016/680, as transposed in Ireland under the **Data Protection Act 2018**) which applies to the processing of personal data by bodies with law-enforcement functions in the context of the prevention, investigation, detection or prosecution of criminal offences or execution of criminal penalties. The DPC also performs certain supervisory and enforcement functions in relation to the processing of personal data in the context of electronic communications under the **e-Privacy Regulations** (S.I. No. 336 of 2011).

In addition to its functions under the GPDR, the DPC continues to perform its regulatory functions under the **Data Protection Acts 1988 and 2003**, in respect of complaints and investigations that relate to the period before 25 May 2018, as well as in relation to certain limited other categories of processing, irrespective of whether that processing occurred before or after 25 May 2018.

In addition to specific data protection legislation, there are in the region of 20 more pieces of legislation, spanning a variety of sectoral areas, concerning the processing of personal data, where the DPC must perform a particular supervisory function assigned to it under that legislation.



DPC'S SENIOR TEAM

In 2023, the DPC's Senior Management Committee (SMC) comprised the Commissioner for Data Protection, two Directors/Deputy Commissioners and seven other Deputy Commissioners. The Commissioner and members of the SMC oversee the proper management and governance of the organisation, in line with the principles set out in the Corporate Governance Standard for the Civil Service (2015). The SMC has a formal schedule of matters for consideration and decision, as appropriate, to ensure effective oversight and control of the organisation.

During 2023, the SMC comprised of:

- Helen Dixon, Commissioner for Data Protection;
- Ian Chambers, Deputy Commissioner, Head of Regulatory Activity;
- Tony Delaney, Deputy Commissioner, Head of Regulatory Activity;
- MB Donnelly, Deputy Commissioner, Head of Strategy, Governance, Finance, and Risk;
- Graham Doyle, Deputy Commissioner, Head of Corporate Affairs, People and Learning, Media and Communications;
- Cian O'Brien, Director and Deputy Commissioner with responsibility for Large-Scale Inquiries and Investigations;
- Ultan O'Carroll, Deputy Commissioner, Head of Technology, Operational and Performance;
- Fleur O'Shea, Deputy Commissioner, Head of Legal Affairs;

- Sandra Skehan, Deputy Commissioner, Head of Regulatory Activity ; and
- Dale Sunderland, Director and Deputy Commissioner with responsibility for Regulatory Consultation, Supervision, Guidance and International Affairs.

In February 2024, the Minister for Justice, Helen McEntee TD, announced the appointment by Government of two new Data Protection Commissioners, Dr. Des Hogan and Mr. Dale Sunderland following the end of tenure of the outgoing Commissioner, Ms. Helen Dixon, whose term in office came to an end on 19 February 2024.

FUNDING AND ADMINISTRATION – VOTE 44

The DPC is funded entirely by the Exchequer. The Commissioner for Data Protection is the Accounting Officer for the Commission’s Vote, Vote 44. The Data Protection Commission was voted a budgetary allocation of €26.364M of which €17.100M was allocated for pay related expenditure, and €9.264M of which was allocated to non-pay expenditure. The funding for 2023 represented an increase of €3.1M on the 2022 allocation.



DPC Senior Management Committee, December 2023.
Back row L-R: Ian Chambers, Dale Sunderland, Graham Doyle.
Middle row L-R: Sandra Skehan, Ultan O’Carroll, Fleur O’Shea, Cian O’Brien.
Front row L-R: Tony Delaney, Helen Dixon, MB Donnelly.



Contacts, Queries & Complaints

Individuals and organisations contact the DPC in a variety of ways, including the DPC Helpdesk phone lines, online webforms, email and post.

CONTACTS/QUERIES

Between 1 January 2023 and 31 December 2023:

The DPC received **25,130** electronic contacts⁶, **7,085** phone calls and **1,253** postal contacts, an increase of 18%, 3% and 12% on the respective 2022 figures.

COMPLAINTS

During the same period, the DPC received **11,200** new cases⁷. **2,600** of which progressed to the formal complaint-handling process, including 230 electronic direct marketing complaints. The total number of cases received is an increase of **20%** on the 2022 total, and the most cases received by the DPC in any year since the GDPR took effect.

Overall, the DPC concluded **3,218** complaints in 2023, including **1,756** complaints received prior to 2023.

Upon receipt of a concern raised by an individual, it is assessed to determine if the issue is a 'complaint' as defined under the Acts, namely that the matter relates to the processing of the individual's personal data and that there has been an infringement of the individual's data protection rights. The DPC must also assess whether the DPC is the appropriate authority to examine the complaint, as it may rest in the jurisdiction of another data protection regulator.



6) Electronic communications comprise both emails to the DPC's info@ account and webforms submitted through the DPC website.

7) Cases are defined as contacts that require further engagement beyond the initial query. Cases in this instance can therefore include complaints from individuals, but also encompasses requests for advice and guidance which do not have a complaint element. The figure does not include contacts from the media, speaking invitations, breach notifications or prior consultation.

Complaints Received under the GDPR – Top 5 Issues in 2023	No	% of total
Access Request	1014	39
Right to erasure	374	14
Fair Processing	348	13
Direct Marketing	323	12
Disclosure	121	5

COMPLAINT HANDLING

The DPC processes complaints under four main legal frameworks:

- a. the General Data Protection Regulation (GDPR), which has been given further effect by the Data Protection Act 2018 (2018 Act);
- b. the Law Enforcement Directive (LED), which has been transposed into Irish law by Parts 5 and 6 of the 2018 Act;
- c. the Data Protection Acts, 1988 and 2003;
- d. S.I. 336/2011 – European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011.

Article 57(1)(f) of the GDPR mandates the DPC to handle complaints ‘to the extent appropriate’ depending on ‘the subject matter of the complaint’. Under section 109(1) of the 2018 Act, “the Commission shall examine the complaint and shall, in accordance with this section, take such action in respect of it as the Commission, having regard to the nature and circumstances, considers appropriate.”

Accordingly, once a concern has been assessed as a complaint and progresses to a complaint handling unit, the examination is conducted in accordance with the legislative requirements.

AMICABLE RESOLUTION

Fundamental to the DPC’s complaint-handling obligations is the vindication of the human rights of data subjects. In the DPC’s experience, the majority of individuals are satisfied when the behaviour of the data controller complained about is addressed. This can be achieved through the amicable resolution process.

As part of the complaint handling process, under the Data Protection Act 2018, the DPC must consider whether a complaint can be amicably resolved within a reasonable period. Where the DPC considers there is a reasonable likelihood of the parties to a complaint reaching an amicable resolution within a reasonable timeframe, it will take steps as it considers appropriate to arrange or facilitate the amicable resolution of the complaint.

There are many ways in which a complaint might be amicably resolved. For example, in some cases, this could involve the satisfaction of the data subject right that the complainant might have attempted to “exercise” a change in processing practises or a complaint might also be resolved through the clarification of an issue to the satisfaction of both parties.

In the DPC’s experience, a high proportion of complaints it handles are amenable to being amicably resolved in a timely fashion.

The most common complaints concluded via amicable resolution relate to data controllers not responding to access requests, or failure to adequately meet their GDPR obligations in respect of customers.

ACCESS RIGHTS COMPLAINTS

Article 15 of the GDPR provides that an individual may obtain from a data controller confirmation of whether or not personal data concerning them are being processed and, where that is the case, access to a copy of their information. This is an important right and one which gives rise to the largest number of complaints to the DPC annually. The right of access is one of the fundamental rights conferred on individuals by the GDPR.

By the end of 2023, the DPC had received **1,014** new access complaints and concluded **1,120**.

COMPLAINT OUTCOMES

In accordance with section 109 of the 2018 Act, the DPC will take such actions as it considers appropriate in relation to a complaint, which are the rejection or dismissal of a complaint, the issuing of an enforcement notice, the commencement of a complaint based inquiry or any other action the DPC considers appropriate. 2023 saw an addition to this section of the Data Protection Acts allowing the DPC to issue reprimands outside of the inquiry process.

In 2023, the complaint handling units concluded **3,218** cases through the amicable resolution process or by utilising the actions specified in section 109 of the 2018 Act.

ENFORCEMENT

As necessary, the DPC utilises its powers of enforcement against an organisation when it becomes apparent that it is failing in its obligations under the data protection legislation. The most common example is where a data controller does not engage at all with either the individual or the DPC, thus frustrating both the individual's right to exercise their data protection rights, and the DPC's legal obligation to examine such allegations of infringements.

In 2023, the DPC issued three enforcement notices to a General Practitioner and organisations associated with a boutique hotel, in line with section 109(5)(d)(i), for the noncompliance with Article 15 (subject access request) and finalised the process in relation to a further notice that issued in Q4 of 2022. Where an organisation does not comply with an enforcement order the DPC will enforce these to the extent possible in order to ensure compliance with data protection legislation.

Complaint case studies can be found in "Appendix 4" of this report.



Assistant Commissioner Jenny Dolan and guest speaker Niamh Hodnett, Online Safety Commissioner, Coimisiún na Meán. DPC staff day, October 2023.

ELECTRONIC DIRECT MARKETING COMPLAINTS

The DPC actively investigates and prosecutes offences relating to electronic direct marketing under S.I. 336/2011 – European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011 (‘the ePrivacy Regulations’). The ePrivacy Regulations implement Directive 2002/58/EC (‘the ePrivacy Directive’) in Irish law.

The DPC received **230 new complaints** in relation to electronic direct marketing in 2023.

A total of **237 electronic direct marketing investigations** were concluded in 2023. This figure comprises:

- 1 complaint from 2021;
- 47 complaints from 2022; and
- 189 complaints from 2023.

In 2023, the DPC **prosecuted four companies** for the sending of unsolicited marketing communications without consent (Regulation 13 of Statutory Instrument 336 of 2011) to individuals. The Court returned convictions on all charges and it imposed fines totalling €2,000.

Case studies detailing these prosecutions can be found in “Appendix 4” of this report.

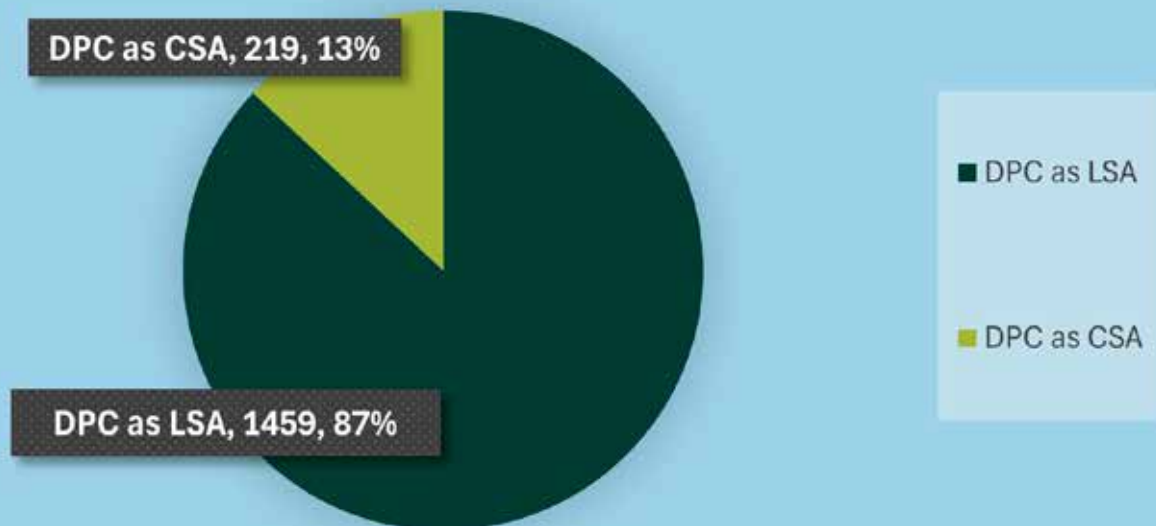


ONE-STOP-SHOP COMPLAINTS

The One-Stop-Shop mechanism (OSS) was established under the GDPR with the objective of streamlining how organisations that do business in more than one EU member state engage with data protection authorities (called 'supervisory authorities' under the GDPR). The OSS allows these organisations to be subject to direct oversight by a single lead supervisory authority (LSA), where they have a 'main or single establishment', rather than being subject to separate regulation by the data protection authorities of each member state. The main or single establishment of an organisation is generally its place of central administration and/or decision making in the EU/EEA.

Under the OSS mechanism, the Data Protection Authority which received the complaint acts as a concerned supervisory authority (CSA). The CSA is the intermediary between the LSA and the individual. An individual in an EU/EEA state may thus lodge a complaint directly with the supervisory authority that is the LSA or they may lodge it with their local/national authority, which will transmit it to the LSA. In this way the DPC acts as a regulator for EU citizens.

CROSS-BORDER COMPLAINTS May 2018 - December 2023



Since the implementation of the GDPR, the DPC has received a total of **1,678 cross border complaints**, for which the DPC has been established as the Lead Supervisory Authority for **1,459 (87%)**.

82.5% of the 1,459 valid cross-border complaints, for which the DPC is the LSA, have now been concluded.

Since May 2018, **61%** of cross border complaints, where the DPC is LSA, were lodged by complainants with another EU/EEA supervisory authority and then transferred to the DPC via the OSS mechanism. **39%** of cross border complaints were lodged with the DPC directly.

In 2023, the DPC received **156** valid cross border complaints, relating to companies for whom the DPC is the LSA⁸. By year end, the DPC had concluded **279 cross-border complaints**. During this period, a further **13** complaints were lodged with the DPC where another Supervisory Authority was identified as the LSA.

In 2023 the DPC submitted through the GDPR Article 60 cooperation mechanism **229** notifications of cases where **an amicable resolution had been achieved**. Details of these cases can be found published on the EDPB website.

Case studies detailing cross border complaints can be found in “Appendix 4” of this report.

LAW ENFORCEMENT DIRECTIVE COMPLAINTS

The Law Enforcement Directive (EU 2016/680) ('LED') as transposed into Irish law on 25 May 2018 in the Data Protection Act 2018 applies where the processing of personal data is carried out for the purposes of the prevention, investigation, detection or prosecution of criminal offences, or the execution of criminal penalties. In order for the 'LED' to be applicable, the data controller must also be a 'competent authority' as set out in Section 69 of the Data Protection Act 2018.

In 2023, the DPC received **32 LED complaints and concluded 37 LED complaints** (including complaints received prior to 2023) the majority of which involved An Garda Síochána as the data controller but also included organisations such as the Director of Public Prosecutions, the Department of Social Protection and the Irish Prison Service.



82.5%
cross-border
complaints
concluded since
2018.

⁸) These complaints were both received directly by the DPC and transmitted to the DPC by other EU/EEA Supervisory Authorities.

DIRECT INTERVENTION

The DPC prioritises and directly intervenes in issues that give rise to immediate data protection concerns for large groups of people, in order to ensure a timely response on matters that may potentially have wide repercussions. The DPC engages in a variety of ways with these issues to ensure that processing is brought into compliance with GDPR obligations.

Some of the matters prioritised for direct intervention in 2023 included:

- CCTV in school toilets, public houses, nightclubs, public transport facilities;
- Biometric processing of personal data in the workplace;
- Posting of images of children online;
- Disclosure of sensitive personal data in public locations.

In selecting certain matters for direct intervention, the DPC is particularly cognisant of its Regulatory Strategy 2022-2027, which identifies children and vulnerable adults as being in need of specific supports to ensure their data protection rights are upheld.



COMPLAINTS UNDER THE DATA PROTECTION ACTS 1988 & 2003

The DPC continues to receive complaints that fall to be handled under the 1988 & 2003 Acts. In 2023, the DPC issued **11** formal Decisions under the Data Protection Acts 1988 & 2003, of which **6** fully upheld the complaint, **4** partially upheld the complaint and **1** rejected the complaint.



Institute of Directors Ireland Chief Executive Officer, Caroline Spillane CDir, with DPC Commissioner Helen Dixon, April 2023.



Breaches

Under the GDPR, Data Protection Officers are recognised as intermediaries between Data Protection Authorities (such as the DPC), individuals and the business units of an organisation. The DPC's Regulatory Strategy 2022-27 recognises the important role DPOs play in championing data protection in their organisations. Organisations are obliged to notify data breaches to the DPC. Such notifications usually come through their DPO who can distinguish minor from major breaches. The DPC works closely with DPOs to mitigate data breaches where they occur. Early responses can be invaluable in addressing financial, legal and reputational risks to organisations as well as in vindicating the rights of the data subjects concerned.

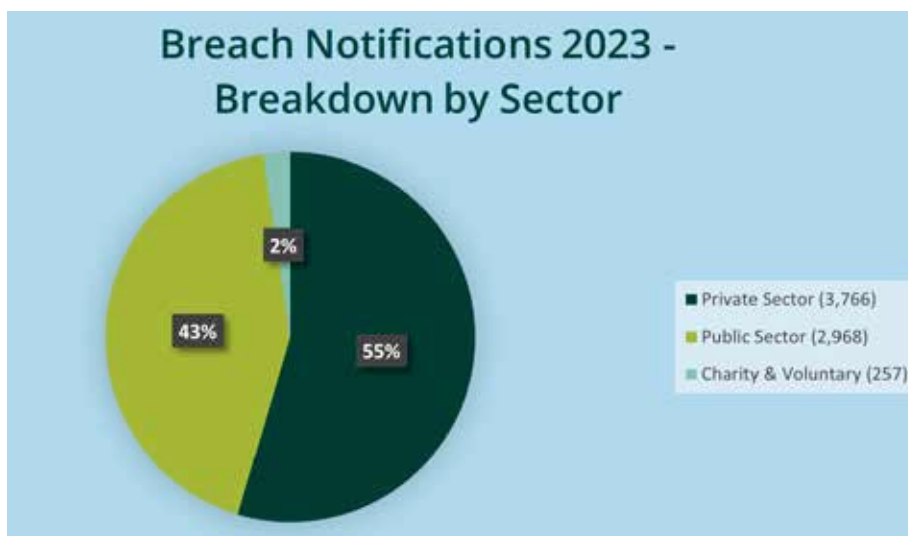
In 2023, the DPC received **6,991 valid GDPR data breaches**. This represented a **20% increase** (1,077) on the GDPR data breach numbers reported in 2022.

Since the introduction of GDPR – and in line with previous years – the highest category of data breaches notified to the DPC in 2023 related to unauthorised disclosures, in cases affecting one or small numbers of individuals, accounting for **52%** of the total notifications.

Of the total 6,991 breach notifications that the DPC received in 2023, 3,766 related to the private sector, 2,968 to the public sector and the remaining 257 came from the voluntary and charity sector. Of those breach notifications received in 2023, **92%** were concluded by year-end.

In keeping with the trend of previous years, public sector bodies and banks accounted for the ‘top ten’ organisations with the highest number of breach notifications recorded against them, with insurance and telecom companies featuring prominently in the top twenty. Notably, correspondence issuing to incorrect recipients because of poor operational practices and human error – for example inserting a wrong document into an envelope addressed to an unrelated third party – continues to feature prominently.

The DPC has engaged with a number of organisations via its supervisory function to make organisations aware of their obligations and offer guidance. The DPC continually monitors breach notifications received to identify trends and inform potential inquiries.



Breach Notifications: Nature of Breach for cases received 2023

Nature of Breach	Total	Percentage
Disclosure unauthorised – Postal Material to incorrect recipient	2255	33.69%
Disclosure unauthorised – Email incorrect recipient	1203	17.97%
Integrity – unintentional alteration (Personal Data Disclosed)	602	8.99%
Disclosure unauthorised – Other	571	8.53%
Unauthorised Access – Paper files/Documents/Records	415	6.20%
Availability – accidental (Loss/destruction of Personal Data)	396	5.92%

E-PRIVACY BREACHES

The DPC received a total of **146** valid data-breach notifications (an increase of 42% on the 105 figure for 2022) under the ePrivacy Regulations. The figure of 146 accounts for just **over 2%** of total valid breach cases notified for the year.

LAW ENFORCEMENT DIRECTIVE BREACHES

The DPC also received **59 valid breach notifications** in relation to the LED, (Directive (EU) 2016/680), which was transposed into Irish law, by the 2018 Act.

DATA-BREACH COMPLAINTS

In 2023, the DPC handled 43 complaints relating to alleged personal data breaches which were not notified to this office in line with Article 33.

Breach Case Studies can be found in "Appendix 4" of this report.





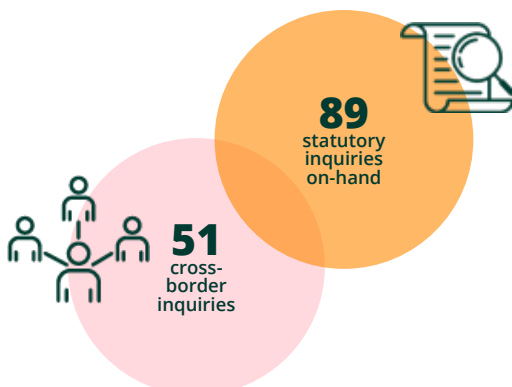
Inquiries

STATUTORY INQUIRIES BY THE DPC

Under the Data Protection Act 2018, the DPC may conduct two different types of statutory inquiry under Section 110 in order to establish whether an infringement of the GDPR or the 2018 Act has occurred:

- a complaint-based inquiry; and
- an inquiry of the DPC's 'own volition'.

As of 31 December 2023, the DPC had **89** Statutory Inquiries on-hand, including **51** Cross Border Inquiries.



CONFIRMATION OF ADMINISTRATIVE FINES

In November 2023, the DPC had its decisions to impose administrative fines on five different organisations confirmed in the Dublin Circuit Court, ranging between €15,000 and €750,000. On collection, fines will be transferred to the central exchequer in Ireland.

- VIEC t/a Virtue Eldercare – (€100,000)
- A&G Couriers t/a Fastway Couriers – (€15,000)
- Kildare County Council – (€50,000)
- Centric Health – (€460,000)
- Bank of Ireland – (€750,000)

INQUIRIES AND RELATED ENFORCEMENT ACTION THAT CONCLUDED IN 2023

In 2023 the DPC concluded the following inquiries under the GDPR and the Data Protection Act 2018.

Organisations	Decision Issued	Fine Imposed	Corrective Measure Imposed
WhatsApp Ireland Ltd	January 2023	€5.5 million	Order re: Articles 5(1)(a) and 6(1) GDPR.
Kildare County Council	January 2023	€50,000	Temporary ban on CCTV cameras at a number of locations. Order re: Articles 5(1)(a), 6(1), 13, and 32(1) GDPR. Sections 71, 72, 76, 78, and 82 Data Protection Act 2018.
Airbnb Ireland UC	January 2023	N/A	No infringement found.
Centric Health	February 2023	€460,000	Reprimand re: Articles 5(1)(f), 5(2) and 32(1) GDPR.
Bank of Ireland	February 2023	€750,000	Reprimand re: Articles 5(1)(f) and 32(1) GDPR. Order re: Articles 5(1)(f) and 32(1) GDPR.
Archbishop of Dublin	February 2023	N/A	Order re: Article 5(1)(a) GDPR.
Meta (Facebook)	May 2023	€1.2 billion	Suspension of data flows re: Article 46 GDPR. Order re: Article 46 GDPR.
Department of Health	June 2023	€22,500	Ban re Articles 5(1)(c), 6(1), 6(4), and 9(1) GDPR. Reprimand re Articles 5(1)(c), 5(1)(f), 6(1), 6(4), and 32(1) GDPR.
Airbnb Ireland UC	June 2023	N/A	No infringement found.
Airbnb Ireland UC	June 2023	N/A	Reprimand re Articles 5(1)(c) and 5(1)(e). Order re Articles 5(1)(c) and 5(1)(e).

Organisations	Decision Issued	Fine Imposed	Corrective Measure Imposed
Airbnb Ireland UC	July 2023	N/A	Reprimand re: Articles 5(1)(c), 6(1)(f), 15(1), 12(1) and 12(3). Order re: Article 12(1).
Galway County Council	August 2023	N/A	Temporary ban on CCTV cameras and ANPR at a number of locations. Temporary ban on use of body worn cameras. Order re: Article 35 GDPR and Sections 71, 72, 76, 78, 82, 90(1) Data Protection Act 2018. Reprimand re: Article 24 GDPR.
TikTok	September 2023	€345 million	Reprimand re: Articles 5(1)(a), 5(1)(c), 12(1), 13(1)(e), 24(1), 25(1) and 25(2) GDPR. Order re: Articles 5(1)(a), 5(1)(c), 12(1), 13(1)(e), 24(1), 25(1) and 25(2) GDPR.
Airbnb Ireland UC	September 2023	N/A	Reprimand re: Article 12(4).
Airbnb Ireland UC	September 2023	N/A	Reprimand re: Articles 6(1)(f), 5(1)(c) and 5(1)(e). Orders re: Articles 5(1)(c) and 5(1)(e).
Airbnb Ireland UC	September 2023	N/A	Reprimand re: Articles 6(1)(f) and 5(1)(c). Order re: Article 6(1)(f) and 5(1)(c).
Apple Distribution International Limited	November 2023	N/A	No infringement found.
Microsoft Operations Ireland Limited	November 2023	N/A	Reprimand re: Articles 12(4) and 17. Order re: Article 12(4) and Article 17.
Meta (Facebook and Instagram)	November 2023	N/A	Ban on processing personal data for behavioural advertising purposes on the basis of Article 6(1)(b) or (f) GDPR.

DOMESTIC INQUIRIES 2023

Inquiries that concluded in 2023

Centric Health

The DPC issued its Final Decision in this Inquiry in January 2023. The Inquiry was commenced following a ransomware attack affecting patient data held on Centric's patient administration system. Over 70,000 patients were affected by access to, unauthorised alteration of, and loss of availability of their personal and special category data. Some 2,500 patients were permanently affected as their data was deleted with no backup available. The Decision reprimanded Centric and imposed fines totalling €460,000 in respect of Centric's infringement of Article 5(1)(f) GDPR, Article 5(2) GDPR, and Article 32(1) GDPR.

Kildare County Council

The DPC issued its Final Decision in this inquiry in January 2023. The Decision followed an audit, which examined a range of issues including CCTV systems, ANPR technology, and body worn cameras. The Decision found the Council infringed Articles 5(1)(a), 13, and 32(1) GDPR along with sections 71(1)(c), 71(1)(f), 71(10) 72(1), 76(2), 78, and 82(2) of the Data Protection Act 2018. The corrective measures exercised by the DPC included a temporary ban on processing personal data through CCTV cameras, a temporary ban on processing personal data through CCTV cameras for the purposes of traffic management and an administrative fine in the amount of €50,000.

Church Records by Archbishop of Dublin

The DPC issued its Final Decision in this inquiry in February 2023. This inquiry was an own volition Inquiry into the right to rectification and erasure for data subjects who choose to leave the Catholic Church. The focus of this inquiry was on the entries on the Baptism Register and the extent of their rights pursuant to Articles 16 and 17 of the GDPR. Corrective powers were exercised to direct the Archbishop to make changes to the Privacy Policy for the Archdiocese. Those changes were implemented, in accordance with the Order.

Bank of Ireland - Banking365

The DPC issued its Final Decision in this inquiry in February 2023. This inquiry was in relation to a series of data breaches on the Bank of Ireland 365 app. The inquiry investigated 10 data breaches relating to the unauthorised disclosure of personal data, including financial data, on the BOI365 app.

Bank of Ireland was found to have breached Articles 5(1)(f) and 32(1) GDPR, and the corrective powers exercised included a reprimand, a fine of €750,000 and an order to bring processing into compliance with Articles 5(1)(f) and 32 GDPR.

Department of Health

The DPC issued its Final Decision to the Department of Health in June 2023 following an inquiry into the Department's processing of personal data in 29 litigation files related to claims from data subjects with special educational needs. It made findings of infringement of Article 5(1)(c) (data minimisation), 6(1), 6(4) and 9(2) GDPR (lawful basis and conditions for processing special category data), 14 (transparency), and 5(1)(f) and 32(1) GDPR (security of data processing). The corrective measures include a ban on processing, a fine of €22,500, and a reprimand. Details of this inquiry can be found on page 36.

Galway County Council

The DPC issued its Final Decision in this inquiry in August 2023. The Decision followed an audit, which examined a range of issues including CCTV systems, ANPR technology, and body worn cameras. The Decision found infringements in relation to sections 70, 71, 72, 75, 78, 82 and 84 of the Data Protection Act 2018 and Articles 5(1)(a), 24(1) and 35(1) GDPR. The DPC ordered the Council to bring its processing into compliance by ceasing unlawful processing via CCTV, erecting properly worded signage and implementing appropriate technical and organisational measures to bring processing into compliance.

Inquiries at Draft Decision issued by end 2023

Mediahuis ('MIG') (formerly Irish News and Media plc)

This is a complaint-based inquiry in which the balance between the complainant's personal data rights and the rights of a media organisation to freedom of expression are evaluated, in the circumstances of the case. The DPC issued its Draft Decision in March 2023 to the data controller and the Complainant and is in the progress of preparing a Final Decision at year's end.

Sligo County Council

The DPC issued its Draft Decision in this inquiry in September 2023. The DPC commenced this inquiry and carried out a data protection audit to inquire into the processing of personal data, by or on behalf of the Council, through the use of CCTV and Automated Number Plate Recognition systems and any other technologies that may be used to monitor individuals.

Department of Social Protection re SAFE/PSC Facial Mapping

This inquiry is examining the lawfulness of the personal data processing involved in the facial mapping that is part of the process by which a citizen registers or renews a Public Services Card. The DPC provided the Department of Social Protection with a Draft Decision in November 2023.

Inquiries that reached a key investigative stage in 2023

South Dublin County Council

The DPC commenced this inquiry to inquire into processing of personal data through the use of technologies such as CCTV, body worn cameras, automatic number plate recognition enabled systems, drones and other technologies. The DPC carried out seven on-site inspections during this inquiry. The DPC commenced its decision-making stage in 2023 and was preparing a Draft Decision at year's end.

Department of Social Protection: Child Benefit

This inquiry considers whether certain processing of personal data by the Department in the context of ongoing eligibility assessments/checks for child benefit is compliant with the GDPR and with the Data Protection Act 2018.

The DPC issued a Statement of Issues in 2023 and the Department made submissions in response in June 2023. The inquiry was ongoing at year's end.

An Post GeoDirectory

The DPC commenced this inquiry in July 2023. The inquiry is examining the nature of the information processed by An Post GeoDirectory in the provision of services and products to customer companies that appears to include material that may be deemed to be personal data. The DPC opened an inquiry to assess whether GeoDirectory is acting as a controller and/or has complied with obligations as a controller under the GDPR and/or the Data Protection Act 2018.

Central Bank of Ireland

The DPC opened an own-volition inquiry into the Central Bank of Ireland in October 2023. The inquiry is examining a notified data breach affecting the Central Credit Register and associated processing by the Central Bank of Ireland. The breach notification stated that certain borrower information was retained on the Central Credit Register for up to three months more than allowed by statute, and was available for inclusion in credit reports between 1 June and 7 August 2023. The inquiry is examining organisational and technical measures implemented to ensure the security and accuracy of personal data, particularly in relation to procedures concerning data retention, archiving, reporting errors, ensuring accuracy of personal data, ensuring control and supervision of processors by the controller and communication of personal data breaches to data subjects.

Department of Public Expenditure, NPD Delivery and Reform (DPENDR) re: Single Customer View and MyGovID

This inquiry concerns a complaint to the DPC alleging that the database underpinning the Public Services Card ('the PSC') was unlawfully made available and/ or transferred to DPENDR and was used by DPENDR in a manner inconsistent with data subject's rights. In particular, the complaint alleged that DPENDR had no lawful basis or legitimate purpose to process the data subject's personal data and special category personal data, and that DPENDR was processing their personal data and special category personal data without legal basis and without transparency in relation to the processing activities being undertaken. The DPC is currently preparing a Statement of Issues paper.

Summary of DPC Decision concerning the Department of Health Inquiry

In 2023, the DPC completed an inquiry into certain aspects of the Department of Health's processing of personal data in 29 litigation files. The inquiry was commenced following public allegations in 2021 that the Department had unlawfully collected and processed personal data about plaintiffs and their families in special educational needs litigation.

On the files examined, the DPC found evidence that the Department sought information from the HSE about services that were provided to plaintiffs and their families. The Department also included broadly worded questions asking the HSE to share any other information which the HSE felt was worth mentioning. This broad question resulted in the provision of private information about the lives of plaintiffs and their families.

The Department told the DPC that they processed this personal data for the purposes of determining whether an approach should be made to the plaintiff to seek to settle the case. Under sections 41 and 47 of the Data Protection Act 2018, controllers can process personal data where it is necessary to provide or obtain legal advice or in the context of legal proceedings. In order to determine whether personal data had been lawfully processed by the Department under this provision, the DPC applied the EU law principles of necessity and proportionality.

The DPC issued its Final Decision to the Department of Health in June 2023. In its Decision, the DPC found that the Department did not infringe data protection law by seeking information about the services that were being provided to plaintiffs where there was open litigation. However, the DPC found that the Department did infringe data protection law by asking broad questions that resulted in the provision of sensitive information about the private lives of plaintiffs and their families. This information included details about plaintiffs' jobs and living circumstances, information about their parents' marital difficulties and in one case, information received directly from a doctor about the services that were being provided to the plaintiff.

The DPC found that the processing of this information was excessive and disproportionate to the aims pursued by the Department and not necessary for the purposes of litigation. The DPC found that there was no lawful basis for this processing in the files examined, and that the Department had infringed the principle of data minimisation by processing this personal data.

During the inquiry, the DPC found that the Department retained other information collected from the HSE and received from other government departments on its files. The DPC did not find an infringement of data protection law arising from the Department's storage of this information for the purposes of defending litigation. The files relate to active litigation and the DPC recognised that there are a number of obligations that require defendants to retain documents that relate to open litigation.

Additionally, the DPC found infringements of the GDPR's transparency obligations as the Department did not include details of its practices in its privacy notice. In particular, the privacy notice did not convey the extent of information sharing that took place between the Department and the HSE. The DPC found that the Department could not rely on any exemptions under the Data Protection Act 2018 to avoid providing summary information about those practices in its privacy policy.

The DPC also found that the Department had infringed the requirements to process personal data securely. The inquiry found that the Department ought to have ensured that better internal access restrictions to files were in place.

Having regard to the relevant factors under the GDPR and the fining cap for public authorities under the Data Protection Act 2018, the DPC decided to impose a fine of €22,500 for these infringements. The DPC also imposed a ban on further processing the sensitive data in the files examined for the purposes of determining an appropriate time to settle a case. In addition to the fine and ban on processing outlined above, a reprimand was imposed for all of the infringements.



CROSS BORDER INQUIRES

Where a particular inquiry concerns the examination of cross-border processing, the GDPR requires the DPC, where it acts as the Lead Supervisory Authority ('LSA'), to conclude its decision in accordance with the cooperation mechanism set out in Article 60 GDPR. The Article 60 mechanism outlines a procedure designed to facilitate the conclusion of decisions on the basis of consensus between LSA and Concerned Supervisory Authority ('CSAs'). Through this mechanism, CSAs are enabled to share their views on the matter with the LSA. Where those views take the form of a relevant and reasoned objection, exchanged in response to the LSA's draft decision, the LSA must take account of those objections by amending its draft decision, failing which it must refer the objections to the European Data Protection Board for determination pursuant to the Dispute Resolution process set out in Article 65 of the GDPR.

Large-scale Cross Border Inquiries that concluded in 2023

WhatsApp Ireland Limited (WhatsApp): lawful basis for processing personal data for the purpose of service improvement and security

The DPC issued its Final Decision in this inquiry in January 2023. The inquiry examined the legal basis on which WhatsApp relies to process the personal data of WhatsApp users. It found that WhatsApp is not entitled to rely on the 'contract' legal basis for the purpose of service improvement and security in the context of the WhatsApp Terms of Service and that its processing of users' data to date, in purported reliance on the 'contract' legal basis, amounts to a contravention of Article 6 of the GDPR.

The Decision also found that WhatsApp infringed Articles 5(1)(a) GDPR. The Decision ordered Meta to bring its processing operations into compliance with the GDPR within a period of 6 months and an imposed administrative fine of €5.5 million. The Final Decision is under appeal. Details of this inquiry can be found on page 40.

Meta Platforms Ireland Limited (Meta): own volition inquiry concerning the lawfulness of Facebook's data transfers to the United States

In May 2023, the DPC adopted its Final Decision in this inquiry finding that Meta infringed Article 46(1) GDPR by transferring personal data from the EU/EEA to the US without a lawful basis. The Decision ordered Meta to suspend any future transfer of personal data to the US until such time measures become available to make the Data Transfers compliant; it imposed an administrative fine in the amount of €1.2 billion on Meta; and it ordered Meta to bring its processing operations into compliance with Chapter V of the GDPR, by ceasing the unlawful processing, including storage, in the US of personal data of EU/EEA users transferred in violation of the GDPR. The Final Decision is under appeal. Details of this inquiry can be found on page 41.

Tiktok Technology Limited (Tiktok): measures in relation to users under age 18

The DPC adopted its Final Decision in this inquiry in September 2023. The inquiry examined the processing of personal data relating to children by TikTok. It focused on public-by-default settings, settings associated with the 'Family Pairing' feature, transparency information provided to child users, and age verification.

The DPC's Decision found infringements of Articles 5(1)(c), 5(1)(f), 24(1), 25(1), 25(2), 12(1), 13(1)(e) and 5(1)(a) GDPR. The Decision exercised corrective powers by reprimanding TikTok, by ordering TikTok to bring its processing into compliance; and by imposing administrative fines totalling €345 million. The Final Decision is under appeal. Details of this inquiry can be found on page 42.



Commissioner Helen Dixon addressing DPC staff, February 2023.

Summary of DPC Decision concerning WhatsApp Ireland Limited ('WhatsApp'): lawful basis for processing personal data for the purpose of service improvement and security

In January 2023, the DPC adopted its Final Decision finding that WhatsApp infringed Articles 5(1)(a), 6(1), 12 and 13(1)(c) of the GDPR. The inquiry concerned the lawful basis for WhatsApp's processing of personal data for the purpose of service improvement and security.

The DPC had sent a Draft Decision to its peer regulators in the EU/EEA in April 2022 in accordance with Article 60 of the GDPR. Having received relevant and reasoned objections from other Supervisory Authorities and being unable to reach consensus with CSAs, the DPC referred the objections to the EDPB for determination under the Article 65 GDPR dispute resolution mechanism. The EDPB adopted a binding decision on the subject matter of objections from peer Supervisory Authorities on 5 December 2022 and the DPC issued its Final Decision on 12 January 2023.

The Final Decision includes findings that WhatsApp Ireland is not entitled to rely on the contract legal basis for the delivery of service improvement and security (excluding what the EDPB terms as 'IT security') for the WhatsApp service, and that its processing of this data to-date, in purported reliance on the contract legal basis, amounts to a contravention of Article 6(1) of the GDPR.

The Final Decision, in line with the DPC's Draft Decision, also found that WhatsApp infringed its obligations in relation to transparency. This finding of infringement was based on how information in relation to the legal basis relied on by WhatsApp Ireland was not clearly outlined to users, with the result that users had insufficient clarity as to what processing operations were being carried out on their personal data, for what purpose(s), and by reference to lawful basis.

The DPC imposed an administrative fine of €5.5 million on WhatsApp Ireland in respect of its infringement of Article 6(1) GDPR (and taking into account the infringement of the Article 5(1)(a) fairness principle), and ordered that WhatsApp Ireland must bring its processing operations into compliance with the GDPR. The DPC, having already imposed a very substantial fine of €225 million on WhatsApp Ireland for breaches of its transparency obligations over the same period of time, did not propose the imposition of any further fine or corrective measures.

WhatsApp initiated three court challenges against the DPC/ EDPB: a statutory appeal before the Irish High Court, Judicial Review proceedings before the High Court and annulment proceedings against the EDPB before the Court of Justice.

Summary of DPC Decision concerning Meta Platforms Ireland Limited ('Meta'): own volition inquiry concerning the lawfulness of Facebook's data transfers to the United States

In May 2023, the DPC made its Final Decision in this inquiry finding that Meta infringed Article 46(1) GDPR by transferring personal data from the EU/EEA to the US. While Meta effected those transfers on the basis of the updated Standard Contractual Clauses ('SCCs') that were adopted by the European Commission in 2021 in conjunction with additional supplementary measures, the DPC found that these arrangements did not address the risks to the fundamental rights and freedoms of data subjects that were identified by the CJEU in its judgment in judgment in *Data Protection Commissioner v Facebook Ireland Limited and Maximillian Schrems*.

The DPC's proposed findings in its Draft Decision were submitted to its peer regulators in the EU/EEA in July 2022 in accordance with the process set out in Article 60 GDPR. Peer EU/ EEA Supervisory Authorities endorsed the DPC's proposal to make an order to suspend the data transfers. However, relevant and reasoned objections were received from four Supervisory Authorities that Meta should be subject to an administrative fine for the infringement that was found to have occurred. Two of the Concerned Supervisory Authorities also sought the imposition of an additional order designed to address previous data transfers. The DPC was unable to resolve these objections. The DPC then referred the objections to the European Data Protection Board for determination pursuant to the Article 65 dispute resolution mechanism.

The EDPB adopted its Decision on 13 April 2023 and the DPC adopted its Final Decision on 12 May 2023. The Decision ordered Meta to suspend any future transfer of personal data to the US until such time as measures become available to make the Data Transfers compliant; **it imposed an administrative fine in the amount of €1.2 billion on Meta**; and it ordered Meta to bring its processing operations into compliance with Chapter V of the GDPR, by ceasing the unlawful processing, including storage, in the US of personal data of EU/EEA users transferred in violation of the GDPR.

Meta initiated three court challenges against the DPC/ EDPB: a statutory appeal before the Irish High Court, Judicial Review proceedings before the High Court and annulment proceedings against the EDPB before the Court of Justice.

On 10 July 2023, the European Commission adopted its Adequacy Decision for the EU-U.S. Data Privacy Framework, acknowledging new binding safeguards to address the concerns raised by the CJEU, and concluding that the United States ensures an adequate level of protection for personal data transferred from the EU to US companies under the new framework.

Summary of DPC Decision concerning Tiktok Technology Limited (Tiktok): measures in relation to users under age 18

The DPC commenced this own-volition inquiry in September 2021 concerning TikTok's processing of children's personal data regarding:

1. Processing relating to the platform settings for Child Users', including how children's' accounts were set to public by default and the 'Family Pairing' feature.
2. Processing regarding age verification for children under 13.
3. Transparency of processing for Child Users.

The DPC submitted its Draft Decision to its peer regulators in the EU/EEA in September 2022 in accordance with Article 60 of the GDPR. However, relevant and reasoned objections were received from two Concerned Supervisory Authorities. The DPC was unable to reach consensus with the CSAs and decided to refer the objections to the EDPB for determination under the Article 65 GDPR dispute resolution mechanism, the EDPB adopted a binding decision on the subject matter of objections from peer Supervisory Authorities on 2 August 2023 and the DPC issued its Final Decision on 1 September 2023. The Final Decision records findings of infringement of Articles 5(1)(c), 5(1)(f), 24(1), 25(1), 25(2), 12(1), 13(1)(e) and 5(1)(a) GDPR. The Decision also reprimanded TikTok for the infringements, **imposed administrative fines totalling €345 million**, and ordered TikTok to bring its processing into compliance.

The Final Decision found that TikTok infringed Articles 25(1), 25(2), and 5(1) (c) GDPR by failing to implement appropriate technical and organisational measures to ensure that, by default, only personal data which were necessary for TikTok's purposes of processing were processed; and to ensure, by default, that the social media content of Child Users was not made accessible to an indefinite number of persons without the user's intervention. The Final Decision also found that TikTok infringed Article 24(1) GDPR by failing to implement appropriate technical and organisational measures to ensure and to be able to demonstrate that processing is performed in accordance with this GDPR in respect of the risk of how children's accounts were set to public by default, and the risk of children under 13 accessing the platform.

The Decision also found that TikTok infringed Article 13(1)(e) GDPR by failing to provide Child Users with information on the categories of recipients of personal data. The Decision also found that TikTok infringed Article 12(1) by failing to provide Child Users with information on the scope and consequences of the public by default processing in a concise, transparent, intelligible manner and in a form that is easily accessible.

The Decision further found that TikTok infringed Articles 5(1)(f) and 25(1) GDPR in respect of its Family Pairing setting, by allowing an intended Parent/Guardian to enable direct messages for a Child User where such messages were not previously enabled by the Child User. This occurred in circumstances where the intended Parent/Guardian was not verified by the platform. The fact that the intended Parent/Guardian could loosen the relevant setting was found to be an infringement of the GDPR. The Decision did not find the existence of the Family Pairing option, or the ability for the intended Parent/Guardian to make privacy settings stricter, to be problematic.

As noted, the Final Decision reprimanded TikTok for the infringements, imposed administrative fines totalling €345 million, and ordered TikTok to bring its processing into compliance. TikTok initiated three court challenges against the DPC/ EDPB: a statutory appeal before the Irish High Court, Judicial Review proceedings before the High Court and annulment proceedings against the EDPB before the Court of Justice. The DPC subsequently engaged with TikTok on the appropriate compliance measures required to comply with the Decision. As a result of the Decision and this process, TikTok implemented changes to its processing of children's personal data between September 2023 and year's end, with additional changes due in 2024. The action to be taken by TikTok to comply with the Decision included: the cessation of certain processing regarding public-by-default processing of children's data, the provision of information to users, and the elimination of deceptive design patterns identified in the Decision.



Inquiries where the Article 60 GDPR Draft Decision cooperation process commenced and remained ongoing in 2023

Google Ireland Limited (Google): Location data inquiry

This Inquiry concerns the lawfulness of Google’s processing of location data and whether it meets its obligations as a data controller with regard to transparency. In August 2023, the DPC submitted its Draft Decision to its peer regulators in the EU/EEA in accordance with the process set out in Article 60 GDPR. That process remained ongoing at end of year.

Yahoo! EMEA Limited (Yahoo): Transparency of processing

The inquiry examines Yahoo’s compliance with the requirements to provide transparent information to data subjects under the provisions of the GDPR. In October 2022, the DPC submitted its Draft Decision to its peer regulators in the EU/EEA in accordance with the process set out in Article 60 GDPR. That process remained ongoing at year’s end.

Meta Platforms Ireland Limited: complaint based inquiry concerning the lawfulness of Facebook’s data transfers to the United States

This inquiry concerns a complaint made against Meta Platforms Ireland Limited regarding the transfer of the Complainant’s personal data, processed by means of the Facebook service, to the United States. In April 2023, the DPC submitted its Draft Decision to its peer regulators in the EU/EEA in accordance with the process set out in Article 60 GDPR. That process remained ongoing at year’s end.

Twitter International Unlimited Company (Twitter): complaint concerning user generated content on the Twitter platform

The DPC commenced four inquiries regarding complaints concerning user generated content posted on the Twitter service which was not removed following data subjects requesting that Twitter do so. The DPC issued Preliminary Draft Decisions and provided Twitter with an opportunity to make submissions prior to the matter being considered by the concerned supervisory authorities across the EU/EEA under the Article 60 process. In line with Article 60 GDPR, the DPC subsequently issued Draft Decisions in the inquiries to concerned supervisory authorities. That process remained ongoing at year’s end.



Inquiries where submissions on a Preliminary Draft Decision, Statement of Issues, or Inquiry Report were invited from the relevant parties during 2023

TikTok Technology Limited (TikTok): data transfers from the EU to China

This inquiry concerns transfers by TikTok of the personal data of users of its platform from the EU to China and whether TikTok is complying with requirements under Part V of the GDPR in relation to international transfers of personal data to third countries. The inquiry is also examining whether TikTok is complying with its transparency obligations to users insofar as such data transfers are concerned.

In May 2023, the DPC issued TikTok with a Preliminary Draft Decision for the purpose of enabling TikTok to make submissions prior to the matter being considered by the concerned supervisory authorities across the EU/EEA under the Article 60 process. At year's end, the DPC was considering the submissions of TikTok.

Google Ireland Limited (Google): real time bidding (adtech system)

This inquiry concerns processing carried out by Google in the context of the operation of its 'Authorised Buyers' real time bidding advertising system. It is examining Google's compliance with its obligations as a controller including in relation to the legal basis relied on by Google for the processing undertaken by it, its collection and retention of personal data as well as transparency information provided to data subjects. The DPC issued Google with a Preliminary Draft Decision setting out its provisional views and Google made submissions in response in March 2023.

By year's end the DPC was considering those submissions before submitting its Draft Decision to its peer regulators in the EU/EEA in accordance with the process set out in Article 60 GDPR.

LinkedIn Ireland Unlimited Company ('LinkedIn): complaint by La Quadrature du Net

This inquiry concerns a complaint in relation to the lawfulness of the processing of personal data of users of the LinkedIn service carried out by LinkedIn for behavioural analysis and targeted advertising. The complaint in question was lodged by a French digital advocacy organisation, La Quadrature du Net, through Article 80 of the GDPR whereby a data subject can mandate a not-for-profit body to lodge a complaint and act on his/her behalf. The DPC provided a Preliminary Draft Decision to LinkedIn in April 2023 in order to give it a final opportunity to make submissions. At year's end the DPC was considering LinkedIn's submissions before submitting its Draft Decision to its peer regulators in the EU/EEA in accordance with the process set out in Article 60 GDPR.

Meta Platforms Ireland Limited (Meta): access and portability requests for certain technical information

This inquiry concerns a complaint made by a data subject to the DPC in relation to Meta's handling of an access request and data portability request made by them. The request of the data subject concerns data held in a specific technical database by Meta. The inquiry is examining whether Meta has discharged its obligations in respect of the data subject rights to access and portability under the GDPR, having regard to Article 12 of the GDPR (transparency requirements), including the extent to which a data controller may refuse to act on a data subject request in circumstances where that controller believes that the request is 'manifestly unfounded or excessive', as referred to in Article 12 GDPR. At year's end, the DPC was preparing a Preliminary Draft Decision.

Meta Platforms Ireland Limited (Meta): complaint by La Quadrature du Net

This inquiry concerns a complaint in relation to the lawfulness of the processing of personal data of users of the Facebook service for behavioural analysis and targeted advertising. The complaint in question was lodged by a French digital advocacy organisation, La Quadrature du Net, through Article 80 of the GDPR whereby a data subject can mandate a not-for-profit body to lodge a complaint and act on his/her behalf. Meta was provided with an opportunity to provide submissions following updates to the DPC's draft inquiry report in September 2023. At year's end the DPC was considering those submissions prior to preparing a Draft Decision for review by its peer regulators in the EU/ EEA.

Google Ireland Limited (Google): consent obtained in the Google account creation process

This inquiry concerns Google's processing of personal data as part of the registration process when setting up a Google account and as a result of the consent provided by users, under various personalisation settings, at the point of account creation. The inquiry was commenced in 2023 on foot of a series of coordinated complaints received from European Consumer Organisations acting under the coordination of the European Consumer Organisation (BEUC) under Article 80 of the GDPR. The inquiry is examining the lawfulness of the consent obtained by Google, data protection by design and default, compliance with transparency obligations and the principle of fairness.

Google commenced judicial review proceedings on 18 January 2024 challenging the commencement of the inquiry and the hearing of those proceedings is scheduled for July 2024.

Meta Platforms Ireland Limited (Meta): Personal Data Breaches affecting Facebook User Tokens

This Inquiry concerns an examination of whether Meta has discharged its GDPR obligations to implement organisational and technical measures and data protection by design and default obligations to secure and safeguard the personal data of its users in connection with a data breach which occurred in September 2018 and affected Facebook user tokens. Meta made submissions on the DPC's Preliminary Draft Decision in February 2023. By year's end, the DPC was considering those submissions before submitting its Draft Decision to its peer regulators in the EU/EEA in accordance with the process set out in Article 60 GDPR.

Meta Platforms Ireland Limited ('Meta'): breach notification issues

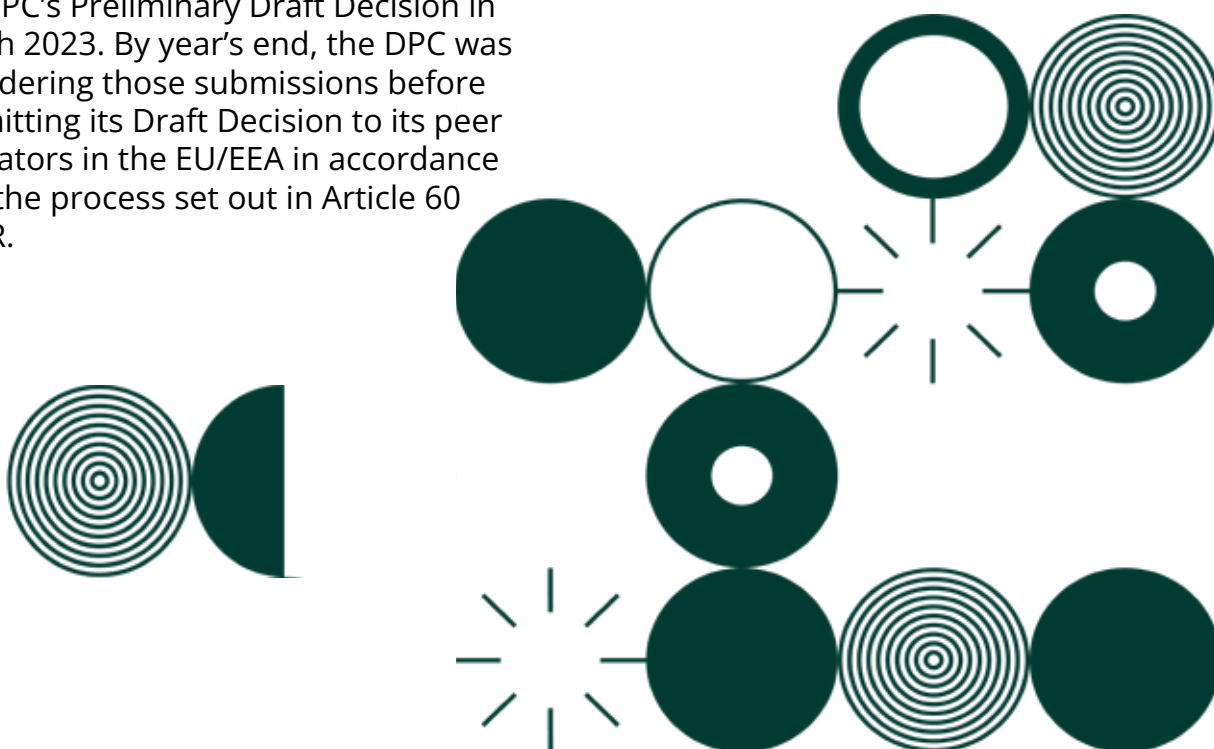
This inquiry concerns Meta's compliance with the breach notification obligations arising under Article 33 GDPR in connection with the notification to the DPC of a data breach which occurred in September 2018 and affected Facebook user tokens. Meta made submissions on the DPC's Preliminary Draft Decision in February 2023. At year's end, the DPC was considering those submissions before submitting its Draft Decision to its peer regulators in the EU/EEA in accordance with the process set out in Article 60 GDPR.

Meta Platforms Ireland Limited ('Meta'): passwords stored in plain text

This inquiry examined whether Meta complied with its obligations under the GDPR, in particular in relation to security of processing. The inquiry was commenced as a result of a security incident which occurred in early 2019 where user passwords were inadvertently stored in plaintext on Facebook's internal systems. Meta made submissions on the DPC's Preliminary Draft Decision in March 2023. By year's end, the DPC was considering those submissions before submitting its Draft Decision to its peer regulators in the EU/EEA in accordance with the process set out in Article 60 GDPR.

MTCH Technology Services Limited (MTCH) and the Tinder service

This own-volition inquiry concerns the extent to which MTCH complied with its obligations under the GDPR with respect to a number of complaints from data subjects located in Ireland and across the EU. It examines MTCH's compliance with the right of data subjects to access their data under Article 15 GDPR and the right to erasure under Article 17 GDPR. Specifically, the inquiry examines whether MTCH is in compliance with the GDPR in regard transparency information and in its response to data subject access requests, and whether MTCH's lawful basis for the ongoing processing of users' personal data following users' erasure requests has a valid lawful basis. By year's end, the DPC had issued the controller with a Preliminary Draft Decision to provide it with an opportunity to make submissions prior to the matter being considered by the concerned supervisory authorities across the EU/EEA under the Article 60 process.



Yelp Ireland Limited ('Yelp')

This inquiry relates to Yelp's compliance with Articles 5, 6, 7 and 17 of GDPR following a number of complaints received by the DPC in relation to the processing of personal data by Yelp on its website. In January 2023, the DPC issued a Statement of Issues for the purposes of inviting submissions from Yelp. The DPC was preparing a Preliminary Draft Decision at year's end.

Twitter International Unlimited Company (Twitter) Scraping/Breach

The DPC launched an own-volition inquiry in December 2022 in relation to multiple international media reports, which highlighted that one or more collated datasets of Twitter user personal data had been made available on the internet. These datasets were reported to contain personal data relating to approximately 5.4 million Twitter users worldwide. The datasets were reported to map Twitter IDs to email addresses and/or telephone numbers of the associated data subjects. The DPC provided Twitter with an Issues Paper and Twitter made submissions on it in November 2023. At year's end, the DPC was preparing its Preliminary Draft Decision.



Cases involving individual complainants concluded by DPC through EU Co-Operation procedure in 2023

In addition to these large scale inquiries, the DPC also concludes individual cross-border cases, including notifications of outcomes achieved in complaints amicably resolved, through the EU cooperation procedure. In 2023, the DPC **concluded 279 such cases**. Details of these cases can be found published

on the EDPB Article 60 case register. In addition, the DPC also concluded 9 inquiries concerning cross-border complaints in 2023. These Inquiries were in relation to complaints related to issues concerning rights to access and erasure; including the lawful basis for requesting ID and/or photographs to verify identity; data minimisation compliance; compliance with conditions for consent; & compliance with transparency and information obligations.

Organisation	Decision Issued	Corrective Measure Imposed
Airbnb Ireland UC	January 2023	No infringement found of Articles 5, 6 and 13.
Airbnb Ireland UC	June 2023	No infringement found of Articles 5, 6, 12 and 17.
Airbnb Ireland UC	June 2023	Reprimand re Articles 5(1)(c) and 5(1)(e). Order re Articles 5(1)(c) and 5(1)(e).
Airbnb Ireland UC	July 2023	Reprimand re: Articles 5(1)(c), 6(1)(f), 15(1), 12(1) and 12(3). Order re: Article 12(1).
Airbnb Ireland UC	September 2023	Reprimand re: Article 12(4).
Airbnb Ireland UC	September 2023	Reprimand re: Articles 6(1)(f), 5(1)(c) and 5(1)(e). Orders re: Articles 5(1)(c) and 5(1)(e).
Airbnb Ireland UC	September 2023	Reprimand re: Articles 6(1)(f) and 5(1)(c). Order re: Article 6(1)(f) and 5(1)(c).
Apple Distribution International Limited	November 2023	No Infringements found of Articles 5, 6, 7 and 13.
Microsoft Ireland Operations Limited	November 2023	Reprimand re: Articles 12(4) and 17. Order re: Article 12(4) and Article 17.

Airbnb Ireland UC – ID Request and Erasure request

This inquiry commenced in September 2022 concerns a complaint in relation to the lawful processing of personal data for the purposes of identity verification, along with infringements in relation to the principal of data minimisation.

A complaint was lodged with the Federal Commissioner for Data Protection and Freedom of Information (BfDI) in Germany against Airbnb and was therefore transferred to the DPC as Lead Supervisory Authority under the One-Stop Shop mechanism. The complaint was that Airbnb had unlawfully requested a copy of the individual's ID in order to verify their identity. The individual expressed concerns of identity theft given the volume of personal data required for submission to complete an accommodation booking. Airbnb would not accept the booking until identity was verified by providing a copy of ID in addition to a newly taken photograph to ensure that the ID related only to the person making the booking. In this instance Airbnb initially misunderstood the complaint as a request to erase the Airbnb account. In addition to the complaint regarding ID verification, the individual also wanted Airbnb to delete their ID.

The DPC Decision in September 2023 found that there were infringements by Airbnb with regards to the legal basis for processing under Article 6(1)(f) as well as infringements with regard to data minimisation in relation to the request for a copy of the individual's photographic ID under Article 5(1)(c). The DPC inquiry also found that the continued retention of the individual's ID following successful identity verification for the lifetime of their account infringed the principle of data minimisation along with the principle of storage limitation under Article 5(1)(e).

The DPC inquiry found no infringement in the time taken by controller in responding to the individual's request, nor in the controller's handling of the individual's erasure request.

This case is an example of how the DPC's intervention reinforced the proportionality of the controller's mechanisms for data verification and minimisation. In previous engagements DPC has found the controller relied on Article 6(1)(f) as the legal basis for processing ID, once all other efforts to verify identity were unsuccessful. The controller in this case did not make other attempts at verification before requesting a copy of the ID and therefore could not rely on legitimate interests for processing.



Microsoft Ireland Operations Limited - Erasure Request; Transparency

This inquiry commenced in June 2023 concerns a complaint in relation to the controller's response to an individual's access requests and their request to exercise their right to erasure.

The complaint was lodged with the Bavarian Lander Office for Data Protection Supervision against Microsoft Ireland Operations Limited ("Microsoft"), and thereafter transferred to the DPC as Lead Supervisory Authority. In this case the complainant had twice requested that Microsoft erase URLs containing their personal data, which had appeared in internet search results for their name on the Bing search engine.

The inquiry established that two distinct erasure requests were submitted by the Complainant – one in March 2021 and one in October 2021. With regard to the March 2021 erasure request, Microsoft erased two of four URLs and rejected the request to erase the remaining URLs. With regard to the October 2021 erasure request, Microsoft initially rejected the request to erase three URLs. It subsequently changed its position and commenced the erasure process in late November 2021, completing the process in March 2022. The inquiry established that as the URLs should have been accepted for delisting in October 2021, Microsoft did not act on the erasure request without undue delay. Also, in each response to the Complainant requests, the controller informed the individual of the steps taken in relation to each URL and their right to lodge a complaint with a supervisory authority, but it failed to inform them of their right to a judicial remedy.

In its Decision adopted in November 2023, the DPC exercised corrective powers with an order, in accordance with Article 58(2)(d) of the GDPR for Microsoft to revise its internal policies and procedures as regards the information to be provided to data subjects. A reprimand to Microsoft Ireland Operations Limited pursuant to Article 58(2)(b) of the GDPR in light of the infringements found was also issued.

This case is an example of how the DPC inquiry found where a data controller in seeking to meet their obligations under GDPR still failed to do so fully. DPC's intervention resulted in an order, in accordance with Article 58(2)(d) of the GDPR for the controller to revise its internal policies and procedures as regards the information to be provided to data subjects pursuant to Article 12, to ensure that, where it informs data subjects on foot of requests made under Articles 15 to 22 of the GDPR where it has decided not to take action on the request, that data subjects are informed in all cases of their right to seek a judicial remedy.



Enforcement of Corrective Powers exercised by the DPC

Throughout 2023, the DPC took action to ensure compliance with a range of corrective powers exercised, including orders to bring processing into compliance and bans on processing. This section outlines some examples of this enforcement action.

Meta Platforms Ireland Limited ('Meta'): Behavioural Advertising on the Instagram and Facebook services

Throughout 2023, the DPC supervised compliance by Meta with two orders for compliance made by the DPC in December 2022 regarding the Facebook and Instagram services. Those orders related to findings made by the DPC that Meta could not rely on Article 6(1)(b) GDPR to process personal data for the purposes of behavioural advertising. The DPC's supervision of this compliance has involved assessing Meta's subsequent reliance on the legitimate interests lawful basis under Article 6(1)(f) GDPR, and the consent lawful basis under Article 6(1)(a) GDPR following the finding that Meta could not rely on the contract lawful basis under Article 6(1)(b) GDPR.

In April 2023, Meta sought to rely on the 'legitimate interests' basis for the processing as set out in Article 6(1)(f) GDPR. On 4 July 2023, the Court of Justice of the European Union delivered the CJEU Bundeskartellamt Judgment, concerning, amongst other things, Meta's processing of personal data on the basis of Article 6(1)(f) GDPR.

On 18 August 2023, following consultation and cooperation with other supervisory authorities across Europe, the DPC concluded that Meta had not demonstrated compliance with the 'legitimate interests' basis for processing set out in Article 6(1)(f) GDPR to process personal data of Facebook and Instagram users for the purposes of behavioural advertising.

Meta then instead decided to seek consent under Article 6(1)(a) GDPR from data subjects for its processing of personal data for the purposes of behavioural advertising. The DPC informed Meta that it was required to implement its consent-based model, and to obtain valid consent from data subjects, by 24 November 2023 at the latest. The DPC set this deadline to ensure that Meta's user flows and its proposed consent-based model would be properly developed and subject to scrutiny from the Data Protection Authorities before being presented to the public.

In October 2023, a Supervisory Authority requested the European Data Protection Board to adopt an urgent binding Decision under Article 66 of the GDPR instructing the DPC to ban Meta's reliance on Article 6(1)(b) and 6(1)(f) GDPR within 2 weeks. The European Data Protection Board adopted a binding Decision on 27 October 2023 to that effect. The DPC then issued an enforcement notice to Meta to ban it from processing personal data for the purposes of behavioural advertising on the basis of Articles 6(1)(b) or 6(1)(f) GDPR.

Meta launched a new consent model on 10 November 2023. By year's end, the DPC was retrospectively leading a review of that consent model in conjunction with European supervisory authorities. In parallel, Meta is bringing three legal challenges to the December 2022 Decision before the Irish Courts and the CJEU. Meta had also brought legal challenges to the enforcement notice that the DPC issued.

Facebook Ireland Limited (Facebook) (now known as Meta Platforms Ireland Limited): processing of children’s data via the Instagram service operated by Facebook

In September 2022, the DPC adopted a Final Decision regarding processing of children’s personal data on the Instagram service, finding that Meta infringed Articles 6(1), 5(1)(a), 5(1)(c), 12(1), 24, 25(1), 25(2) and 35(1) GDPR. The Final Decision imposed administrative fines totalling €405 million on Meta and also imposed a reprimand and an order requiring Meta to bring its processing into compliance by taking a range of specified remedial actions.

Meta brought legal proceedings to appeal the DPC Decision. In parallel, Meta had provided the DPC with a Compliance Report in December 2022, setting out relevant changes to its processing. The DPC circulated this Compliance Report to the other Supervisory Authorities concerned for their consideration. The DPC subsequently engaged with Meta throughout 2023 on the appropriate compliance measures required to comply with the Decision. As a result of this process, Meta implemented further changes in December 2023 which were being reviewed by year’s end.

Meta Scraping Inquiry

In November 2022, the DPC issued a Final Decision in this inquiry, which was commenced following media reports into the discovery of a collated dataset of Meta personal data that had been made available on the internet. The inquiry found infringements of the GDPR in respect of the manner in which data subjects were searchable within some features of the Facebook and Instagram applications and ordered Meta to bring its processing into compliance. Meta brought legal proceedings to appeal of the DPC Decision.

In parallel, Meta provided a compliance report in February 2023. The DPC analysed that report on a legal and technical basis. The DPC then circulated its views to other Supervisory Authorities concerned for their input on compliance. On foot of engagement from the DPC, Meta agreed to certain changes and to provide a series of submissions outlining how those changes were rolled out to its systems. Meta also carried out updates to its systems to change the information available to data subjects so as to ensure that the systems changes were transparent to its users.

Airbnb

In 2023, the DPC completed follow-up enforcement action related to two Decisions concerning Airbnb that it had issued in September, 2022 and in June, 2023 respectively. In both Decisions, the DPC had exercised corrective powers in the form of orders made pursuant to Article 58(2)(d) of the GDPR and it set deadlines by which Airbnb was required to notify the DPC of the actions taken to comply with the orders.

Compliance reports concerning both cases were subsequently submitted to the DPC by Airbnb. Given that the Decisions related to cross-border complaints, the DPC consulted with all data protection supervisory authorities in the EU/EEA when assessing the extent of compliance by Airbnb with the orders in the DPC’s Decisions. The DPC completed the assessment process for each case and notified Airbnb in August, 2023 and in November, 2023 respectively that it was satisfied that Airbnb had complied with the orders in the Decisions.

At year’s end, follow-up enforcement action was underway in respect of a further three decisions concerning Airbnb that the DPC had issued in July 2023 and September 2023.

Kildare County Council: surveillance technologies deployed by Local Authorities

The DPC's investigations and enforcement actions in relation to the deployment of surveillance technologies by Local Authorities have highlighted, in particular, the operation of CCTV cameras in certain circumstances without a lawful basis that meets the standard of precision, clarity and foreseeability required under EU law.

In 2023 the DPC engaged in a number of actions to ensure that the deployment of CCTV cameras by Local Authorities is carried out in compliance with data protection law. These actions included conducting on-site inspections to verify that corrective measures set out on foot of DPC Decisions have been implemented, as well as engaging in consultation on codes of practice for the use of surveillance technologies in the context of waste enforcement and litter pollution.

In each of these engagements, the DPC's aim is to ensure that where Local Authorities utilise technological solutions in the public interest to tackle issues such as anti-social behaviour and illegal dumping, they do so in a manner that adheres to the principles of data protection, and is proportionate in terms of its impact upon the fundamental rights and freedoms of individuals.

By way of follow-up enforcement action related to the DPC Decision concerning Kildare County Council, the DPC obtained a report from Kildare County Council on the actions it had taken to comply with the corrective measures. The DPC verified the actions taken by carrying out an on-site inspection at Kildare County Council in September 2023.

In particular, this inspection confirmed that the Council had switched off certain CCTV cameras that had been operating

without a valid lawful basis. At the relevant time, there was no legislation that brought clarity, precision and foreseeability to the circumstances in which CCTV cameras could be deployed by Local Authorities for litter and waste prevention. The relevant CCTV cameras had also not been approved by the Garda Commissioner in accordance with Section 38 of the Garda Síochána Act 2005.

CCTV and other technologies deployed by the State for surveillance purposes can interfere with the fundamental rights to privacy and data protection. In those circumstances, it is crucial that legislation permitting the use of such technologies for surveillance must afford adequate legal protection against arbitrariness and bring clarity to the scope of any discretion conferred on public authorities to carry out surveillance. In particular, the legislation must indicate in what circumstances and under which conditions CCTV can be deployed, thereby ensuring that the any interference with fundamental rights is limited to what is strictly necessary.

The DPC welcomes the Circular Economy and Miscellaneous Provisions Act 2022, which sets out provisions for the proposal and approval of CCTV schemes in respect of litter and waste offences, mandates data protection impact assessments as part of that process, and provides for codes of practice, which the DPC has played an active role in scrutinising. The DPC will continue to ensure that any surveillance conducted by Local Authorities, including CCTV deployed pursuant to these provisions, complies with data protection law and is proportionate to the purposes pursued.

Further information on the DPC's involvement concerning the Circular Economy and Miscellaneous Provisions Act can be found on page 65 of this report.

An Garda Síochána – Data breach at Kilmainham Garda Station (LED).

In December 2022, the DPC issued a Final Decision in this inquiry pursuant to the Law Enforcement Directive, as transposed in the Data Protection Act 2018. The inquiry found infringements in relation to the security of personal data displayed upon Intelligence Bulletin Boards in Garda Stations. The Final Decision required An Garda Síochána to bring its processing into compliance with the relevant provisions of the Data Protection Act 2018 through the implementation of appropriate technical and organisational measures in regard to the security of Intelligence Bulletins throughout its network of Garda stations in Ireland.

During 2023, An Garda Síochána provided a series of submissions in relation to progress in implementing this order throughout the State. As a result of the actions taken by An Garda Síochána, the vast majority of Garda Stations have now ceased to use physical Intelligence Bulletin Boards and there have been additional measures taken to increase the security of personal data in relation to visitors and contractors working in the Garda Stations nationwide. The DPC continues to review the measures implemented in this case.



Anu Bradford, Henry L. Moses Professor of Law and International Organization, Columbia University Law School, Helen Dixon, Commissioner for Data Protection, and; Chad Thomas, Bloomberg, at the 2023 Bloomberg New Economy Gateway Europe, April 2023.



Litigation

Judgments Delivered and Final Orders made in 2023

No.	Record No.	Title	Type of action and venue	Date of Judgment/ Order
1.	2020/03165	John Healy v Data Protection Commissioner	Statutory Appeal Dublin Circuit Court	Judgment of O'Connor J, delivered on 29 March 2023
Outcome				Current Status
<p>This appeal was concerned with a Decision on a complaint by the Appellant to the effect that information about his Irish pension had been disclosed, by his former employers, to UK Trustees in Bankruptcy in connection with other legal proceedings in the UK.</p> <p>The question considered by the Court was whether the disputed disclosure gave rise to a breach of the Data Protection Acts, 1988-2003.</p> <p>The Commission's Decision of 7 May 2020 considered two issues, namely, (i) consent and (ii) legitimate interest arising under Section 2A(1)(d) of the Acts. The Commission found in favour of the Appellant on the first point, deciding that the consent relied on was not sufficiently specific or informed. However, the Commission decided that the Trustees in Bankruptcy were entitled to rely on Section 2A(1)(d), as they identified a lawful and legitimate interest pursued by a third party, namely the administration of the Appellant's estate.</p> <p>By written judgment delivered on 29 March 2023 the Circuit Court rejected the appeal. The Court accepted the Commission's position and noted that the UK and CJEU case law referred to by the Appellant did not provide an absolute prohibition on the disclosure of the personal data in issue in the case.</p> <p>Note that the appeal was concerned with pre-GDPR data protection rules/ legislation.</p>				Proceedings concluded.

No.	Record No.	Title	Type of action and venue	Date of Judgment/ Order
2.	2019/8493P	Patrick Cahill v Coyle & Ors Patrick Cahill v Ireland, the Attorney General & Ors	Plenary High Court	Judgment of Mr Justice Cregan delivered on 16 May 2023
Outcome				Current Status
<p>This Judgment concerned two linked sets of proceedings, which were heard together before Mr Justice Cregan. The Commission was named in the second set of proceedings only.</p> <p>The second set of proceedings concerned an application by the Plaintiff for an injunction restraining the Defendants from interfering with investment properties, and applications by the Defendants to strike out the Plaintiff's claim as an abuse of process. The Commission maintained the position that it was a stranger to the underlying dispute between the plaintiff and first defendant and that there was no basis for naming the Commission as a defendant to the proceedings.</p> <p>The Commission successfully applied to the Court to have the proceedings struck out on the basis that no reasonable cause of action had been established by the Plaintiff, and further, that the proceedings were frivolous and/or vexatious.</p> <p>Subsequently, the Plaintiff brought a motion to discontinue the two sets of proceedings in their entirety. Mr Justice Cregan made an order striking out the proceedings as against the Commission together with an order for costs.</p>				Proceedings discontinued



No.	Record No.	Title	Type of action and venue	Date of Judgment/ Order
3.	2020/02457	Patrick Cahill v The Data Protection Commission	Statutory Appeal Dublin Circuit Court	Order of Mr Justice John O'Connor dated 25 May 2023
Outcome				Current Status
<p>This statutory appeal related to two Decisions of the Commission dated 7 April 2020 in response to complaints from the Appellant alleging the unlawful obtaining, use of and disclosure of his personal data. The Commission did not uphold the complaints.</p> <p>Prior to the hearing of the appeal, the Appellant informed the parties that he wished to discontinue the appeal. Accordingly, on 25 May 2023, Mr Justice O'Connor made an order of discontinuance together with an order for costs in favour of the Commission as against the Appellant.</p>				Proceedings discontinued.



No.	Record No.	Title	Type of action and venue	Date of Judgment/ Order
4.	2022/191 JR	Johnny Ryan – v – Data Protection Commission & Google Ireland Ltd (as Notice Party)	Judicial Review High Court	28 August 2023
Outcome				Current Status
<p>These proceedings were issued by the Applicant seeking a declaration that the Commission had failed to carry out an investigation of his complaint in accordance with Article 57 of the General Data Protection Regulation and/or the Data Protection Act 2018. The Applicant also sought an order compelling the Commission to proceed to investigate such elements of his complaint in respect of certain data processing operations being carried out by Google Ireland Ltd that were not being included in the (separate) own-volition inquiry commenced by the Commission in respect of processing operations being carried out by Google Ireland Ltd.</p> <p>The Commission maintained the position that as there was a clear overlap between the issues being raised in the Applicant’s complaint and the issues being considered by the Commission in the context of its own-volition inquiry, the Commission was entitled to progress its own-volition inquiry prior to resuming consideration of the Applicant’s complaint.</p> <p>In a written Judgment dated 28 August 2023, Mr Justice Simons dismissed the application for judicial review. The Court acknowledged the discretion the language of the GDPR affords to supervisory authorities in respect of the sequencing of investigations and inquiries. The Court further held that it was entirely proportionate for the Commission to have decided to complete its own-volition inquiry first, before completing its investigation o the Applicant’ complaint.</p> <p>The matter has now been appealed to the Court of Appeal.</p>				Proceedings concluded



No.	Record No.	Title	Type of action and venue	Date of Judgment/ Order
5.	2022 80 CA [2023] IEHC 529	David Fox v The Data Protection Commission	Appeal on a Point of Law High Court	25 September 2023
Outcome				Current Status
<p>By way of written judgement delivered on 25 September 2023 the High Court dismissed Mr Fox's appeal on a point of law from a Decision of the Circuit Court, primarily on the basis that Mr Fox had failed to identify any point of law and as such the High Court did not have any jurisdiction.</p> <p>The background to this appeal was as follows.</p> <p>On 14 November 2019, the DPC delivered a Decision in relation to a complaint made by Mr Fox against the National Gallery of Ireland. Of the 7 points raised by Mr Fox in his complaint, 4 were upheld by the DPC and 3 were rejected.</p> <p>Mr Fox subsequently brought an appeal against the DPC's Decision to reject 3 of the points canvassed in his complaint, being points concerned with (a) whether the installation by the National Gallery of Ireland of CCTV equipment in the National Gallery was justifiable by reference to certain interests identified by the NGI; (b) whether the deployment of certain other IT security measures was lawful; and (c) whether the NGI had complied with an access request made by Mr Fox.</p> <p>In a written Judgment delivered on 25 April 2022, the Circuit Court rejected the appeal, finding that, taking the adjudicative process as a whole, the DPC had fully and fairly considered all elements of the complaint and had come to a determination that was logical and appropriate bearing in mind the law in this area.</p> <p>Mr Fox appealed that Circuit Court Decision to the High Court, on a point of law. In its judgment delivered on 25 September 2023, the High Court dismissed Mr Fox's appeal on the grounds that Mr Fox had failed to identify any point of law and so the High Court had no jurisdiction. The High Court also found that the points that Mr Fox had sought to raise comprised a combination of (i) an attempt to re-run the process that had taken place before the DPC, and (ii) an invitation to the court to reach a different Decision based on bare assertions which were unsupported by any evidence with respect to issues not raised before the DPC or the Circuit Court. Costs were awarded to the DPC.</p>				<p>Hearing concluded. The Court has invited the parties to correspond in relation to the form of the order (including costs) to be made by the Court.</p>

No.	Record No.	Title	Type of action and venue	Date of Judgment/Order
6.	2022/003208	Peter Nowak v Data Protection Commission	Statutory Appeal DublinCircuit Court	Judgment of Mr Justice John O'Connor delivered on 9 October 2023
Outcome				Current Status
<p>This statutory appeal arises in the context of several previous appeals brought by the Appellant against decisions of the Commission dating back to a 2010 complaint against the Institute of Chartered Accountants Ireland. The Circuit Court, High Court and the Court of Appeal have all issued Judgments dismissing the Appellant's various appeals.</p> <p>Following a Judgment of the Court of Appeal in July 2020, the Appellant identified five issues which he claimed should have been dealt with by the DPC but which had not been dealt with. In light of this claim, the DPC issued a fresh decision dealing with these five issues on 21 April 2022.</p> <p>In appealing this decision, the Appellant submitted that there was a serious and significant error or a series of such errors by the Commission which justified setting aside the decision: firstly, a failure to properly investigate the complaint, and secondly that the DPC erred in its conclusion on the outstanding issues identified by the Appellant as arising for investigation. The Appellant also submitted that a case should be stated to the Court of Appeal, based on his lack of confidence of the Circuit Court's ability to deal with the appeal.</p> <p>By way of written judgment dated 9 October 2023, Mr Justice O'Connor dismissed the appeal on the basis that the decision was not vitiated by a serious and significant error or a series of such errors such that would justify setting aside the decision. The Court further ruled that there was no basis for stating a case to the Court of Appeal, as there was no arguable case of substance. The matter returned before the Court on 4 December 2023, for the purpose of dealing with the form of the Court's Order, including the matter of costs. The Court noted that the DPC had been successful in the appeal and made an order for costs in favour of the DPC. This was stayed pending the outcome of Mr Nowak's appeal to the High Court.</p>				<p>Proceedings concluded. Final Orders to be drawn.</p>



No.	Record No.	Title	Type of action and venue	Date of Judgment/ Order
7.	2019/236	John Paul Hickey v Data Protection Commission	Statutory Appeal (Data Protection Acts 1988 & 2003), Limerick Circuit Court	31 October 2023
Outcome				Current Status
<p>This set of proceedings concerns a Decision of the DPC made on 25 January 2019. The decision concerned a complaint against the Diocese of Limerick, an access request, and redacted documents</p> <p>In his judgment delivered orally on 31 October 2023, Judge Daly in the Circuit Court said he was satisfied that in order to succeed with the Appeal the Appellant would have to clearly establish that there had been a serious and significant error, or series of such errors, in the DPC's Decision.</p> <p>The Court noted that the DPC had engaged extensively with the Notice Party in relation to the redactions applied to certain documents. The Court pointed out that the Appellant had not put forward any evidence to say that the DPC had erred in relation to the redactions. In addition, the Court noted that as the Appellant had received un-redacted copies of the documents at the centre of the dispute, the Appeal had become moot.</p> <p>In its Decision, the DPC had found that the Diocese of Limerick had contravened the Data Protection Acts in its delay in releasing the documents in question. The Court noted that the Appellant was seeking a further declaration from the DPC that the Diocese's delay was 'inordinate' or 'excessive', but the Court said that there was no legal basis for the Appellant to request the DPC to include any such declaration in its Decision.</p> <p>The Court referred to the efforts the DPC had made to investigate the Appellant's allegation that there was an additional document not provided to him. Again, the Court found that the Appellant had not put forward any evidence to support his allegation that the DPC had erred in this investigation.</p> <p>Lastly, the Appellant alleged that minutes of certain meetings should have been provided to him. The Court noted that the DPC was satisfied that the minutes were not held by the Notice Party and that again the Appellant had not put forward any evidence to support an allegation that the DPC had erred in that regard.</p> <p>By oral judgment delivered on 31 October 2023, Judge Daly concluded that the Appellant had failed to put forward any evidence to establish any error on the part of the DPC, let alone a serious and significant error. On that basis the Court dismissed the Appeal, upheld the DPC's Decision and made an award of costs in favour of the DPC.</p>				Proceedings concluded.



Supervision

The DPC's Regulatory Strategy identifies a key strategic goal to support organisations and drive compliance. Supervisory engagement with organisations in the public, private, and voluntary sectors enables the DPC to understand how personal data are being processed, and to promote the awareness of organisations of their data protection obligations in context. This allows the DPC to support organisations in identifying potential data protection problems in the development of new products or services, and implementing best practice compliance solutions at the earliest opportunity.

The DPC promotes open and regular communication with organisations that process personal data, as well as sectoral representative bodies, DPO networks, and legislators, as a key method to drive accountability and a wider culture of data protection compliance. Supporting organisations in understanding their own obligations assists in providing them the legal clarity and consistency to develop new products and services in a compliant

and accountable manner, as the GDPR was intended to do. The DPC also believes that proactive engagement with organisations advocates strongly for the upholding of the data protection rights of individuals by mitigating against potential infringements before they occur.

Supervisory engagement with organisations is an important part of the DPC's regulatory toolkit as, in addition to supporting organisations and driving compliance, it can highlight data protection concerns and provide an opportunity for the recommendation of remedial actions. Further, if during engagement with the supervision function it appears necessary for the DPC to take enforcement action against a particular organisation, the DPC is not precluded from taking relevant action in such circumstances. This approach contributes to the DPC's efforts to ensure that its resources are put where they can achieve the most good, and ultimately can produce better results for all stakeholders.

The DPC had **751 supervision engagements** during 2023. The sectoral breakdown is as follows:

Supervision Engagements 2023	
Law Enforcement	34
Health	58
Public Sector	90
Charities/Voluntaries	21
Children/Family	25
Private Sector & Financial	112
Multinational Technology	391
Other	20
Total	751

In addition, across all sectors the DPC engaged in **250 supervision meetings** with organisations in 2023.

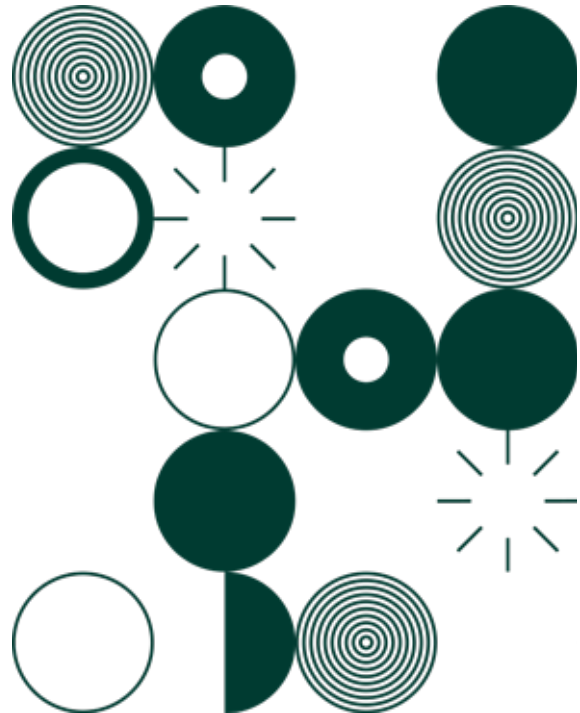
LEGISLATIVE CONSULTATION

The DPC provided guidance and observations on **37** proposed legislative measures in 2023. In so doing, the DPC seeks to promote **data protection by design** and the upholding of data protection rights within legislation where the processing of personal data may result.

In 2023, some of the legislative measures that the DPC engaged in consultation on were:

1. Digital Services Bill 2023
2. Domestic, Sexual and Gender-Based Violence Agency Bill 2023
3. Data Protection Act 2018 (Section 38(4) and Section 60(6)) (Department of Foreign Affairs) Regulations 2023

4. Finance (No. 2) Bill 2023 – amendment of Taxes Consolidation Act 1997 Share Options
5. Garda Síochána (Recording Devices) (Amendment) Bill
6. Health Information Bill 2023
7. Planning and Development Bill 2023
8. Research and Innovation Bill 2023
9. Residential Tenancies (Right to Purchase) Bill 2023
10. SI 635/2015 Disabled Drivers and Disabled Passengers Fuel Grant Regulations (2015)



Throughout 2023, the DPC continued its engagement with DPOs, government departments, state agencies and advocacy groups across all sectors on a wide range of issues including:

Codes of Practice under the Circular Economy Act

Since the entry into force of the GDPR and the Law Enforcement Directive, the DPC has conducted a number of inquiries which determined the use of CCTV by certain local authorities for the purposes of prosecuting offences related to litter pollution and waste management to be unlawful.

In 2022, the Circular Economy and Miscellaneous Provisions Act 2022, remedied the legislative gap in this context by providing for the lawful deployment of recording technology, including CCTV, for the enforcement of litter pollution and waste management legislation subject to statutory codes of practice.

In 2023, the DPC was consulted by the Local Government Management Authority ('LGMA') in relation to three draft codes of practice prepared by the LGMA under the Circular Economy and Miscellaneous Provisions Act 2022. The purpose of these codes is to provide a legal basis for local authorities to use CCTV and mobile recording devices to investigate and prosecute certain waste and litter-pollution related offences.

The DPC played an active role in the scrutiny of these codes as required under the Act and made detailed observations on all three codes. In particular, the DPC made the following general observations:

- The codes must use legally-binding language in order to make clear to local authorities that they confer concrete legal obligations and are not mere guidance or examples of best practice which they may disregard.
- The codes must encourage local authorities to carry out comprehensive Data Protection Impact Assessments that consider privacy risks to the affected individuals both in the short and the long term resulting from any deployment of CCTV on a case-by-case basis.
- The codes must make clear that CCTV and mobile recording devices can only be used when it is necessary and proportionate to do so, and that the onus will be on local authorities to demonstrate this in each case.
- The codes must not open the door to a situation in which these tools are used purely because they are more convenient or popular than other options, as this would not represent a necessary or proportionate interference in the privacy rights of local residents and other affected individuals.

Through its engagement with these codes of practice under the 2022 Act, the DPC was committed to ensuring that they provided a clear legal basis for local authorities to use CCTV and other recording technologies where it is necessary, proportionate and in the public interest to do so. By the end of 2023, the three codes of practice had been finalised. All of the DPC's recommendations were taken on board by the code authors.

Adult Safeguarding and Data Sharing

Goal 2 of the DPC's Regulatory Strategy 2022-2027 sets out a commitment to safeguard individuals and promote data protection awareness while Goal 3 commits to prioritise the protection of children and other vulnerable groups. Following on from work commenced in 2022, the DPC continued a stakeholder engagement project on data protection in the context of adult safeguarding, and the wider context of service provision to at-risk adults. This in line with the DPC's to prioritise the protection of children and other vulnerable groups.

In 2023 the DPC engaged with relevant stakeholders (including advocacy groups, service providers across the public, private, and voluntary sectors, and other relevant regulatory bodies) in order to identify data protection issues arising in the context of adult safeguarding. The purpose of DPC's ongoing engagement is to develop a shared understanding of the practical issues affecting practitioners in this field, and the types of regulatory interventions that the DPC can most usefully make.

In June 2023, the DPC published a blog post addressing concerns regarding the failure by an organisation to share relevant information with a nursing home about a resident's criminal convictions, and the risk that they presented to other residents. The DPC confirmed that in this context, data protection law provides for the sharing of personal data in this context, where deemed necessary to prevent serious harm to other people.

As part of this broader engagement, in October 2023, the DPC delivered two workshop sessions to public sector social workers on access to information and data sharing, and data protection best practices in adult safeguarding. The workshops provided the DPC with a good opportunity to engage the social workers

on issues that they come across in conducting their work on daily basis and a productive forum to discuss practical solutions.

In addition the wide stakeholder engagement in this area, the DPC has conducted an analysis of issues arising in complaints and queries received by the DPC from members of the public in relation to data protection and vulnerable adults. Based upon this cross-functional approach, the DPC's goal is to publish comprehensive guidance in 2024 for this sector which will assist in providing clarity and certainty to adult safeguarding organisations regarding their data protection obligations, in particular when dealing with sensitive situations.

In 2023 the DPC also engaged with the Law Reform Commission on the development of a report on the regulatory framework for adult safeguarding in Ireland. The DPC welcomed this opportunity to contribute to the discussion of data protection in this context, in particular the interplay between GDPR and other legislative and regulatory regimes which govern this area.

Data Protection in Sports

In 2023 the DPC commenced a wide-ranging examination of issues arising in data protection in sport. This project came out of the identification of a number of concerns regarding the processing of personal data at all levels (both professional and amateur), and in particular in relation to the processing of children's data. In particular, the proliferation of the use of technology in sport at all levels, and the resulting increase in the processing of health data for performance monitoring and other purposes, requires sporting organisations to carefully consider their data protection obligations.

As part of this process the DPC has engaged with both national and international stakeholders, including participation in a Forum on Human Rights and Sport under the Enlarged Partial Agreement on Sport of the Council of Europe. This engagement helped the DPC develop a fuller understanding of the scope of data processing that occurs in sports, as well as the complex data sharing systems that can arise between clubs, competition owners, governing bodies, and commercial partners; and the types of governance mechanisms that underpin processing in these contexts.

In September 2023, on foot of concerns arising from a number of sources, the DPC commenced a process of engagement with organisations at both local and national level on the processing of children's data in football. In particular, this engagement has focussed on resolving issues arising in relation to the registration of children to participate in league competitions and the security of identification documents processed for this purpose. In this context, the DPC acknowledges that sports organisations have legitimate purposes for processing data in this context e.g. to ensure the integrity of competitions. As organisations move towards implementing new technical and online solutions to manage this data, the DPC will continue to support them in meeting their data protection obligations, in particular to maintain the security and confidentiality of children's personal data.

The DPC's next step in this project will be to issue a questionnaire to a representative sample of organisations across the spectrum of voluntary and professional sports in Ireland to assess the state of play with regard to data protection compliance, and to gain a fuller understanding of the data protection landscape in terms of the relationships between parties.

This will focus on the use of technology to collect and analyse player performance data, and the primary and secondary processing purposes of this data. The questionnaire will also address transparency and look for detailed information on how data subjects are informed about the processing of their personal data, with a particular focus on children and young people.

In addition to this, the DPC will continue to engage with player representative bodies in various sports to gain a fuller understanding of the concerns of athletes, and to assess the public awareness and understanding of the risks, rules, safeguards and rights in relation to processing in the context of sport, again with a particular focus on children. This will allow the DPC to design and implement appropriate interventions, such as the publication of guidance for sports clubs and other bodies operating in this area.

Voluntary Sector Engagement

Goal 5 in the DPC's Regulatory Strategy 2022-2027 sets out a commitment to support organisations of all size and drive compliance. As part of this strategic goal, in 2023 the DPC has worked in increase engagement with not for profit organisations (NGO), as many of these bodies have limited resources to expend on data protection compliance and might not, for example, have access to designated data protection officer. The DPC understands the challenges that this sector can face, especially in dealing with sensitive situations involving vulnerable adults, children and alleged criminal matters.

As part of this wider sectoral engagement, the DPC brought together a number of NGOs involved in local community work around the country who were affected by a personal data breach resulting from the

failure of a data processor, working on their behalf, to implement adequate data protection safeguards. The primary focus of this engagement was to promote the awareness of these organisations of their responsibilities with regard to managing third-party data processing agreements. Additionally, this engagement allowed room for discussion on a number of other various day-to-day scenarios experienced by the organisations, and it facilitated a valuable platform for peer-to-peer engagement and the sharing of learnings.

This allowed the DPC to further understand the data protection challenges faced in this sector, and to develop new outreach and engagement opportunities in the sector to increase organisations' awareness of their obligations and responsibilities. It also highlights the importance of following up with organisations, who may have been affected by a third party data breach involving the personal data that they process, to assist them in implementing learnings and ultimately leading to better outcomes for individuals.

In 2024 the DPC will be further engaging with organisations across the charity and voluntary sectors with the aim to deliver similar opportunities through information sessions, webinars etc. to educate stakeholders on their data protection responsibilities.

DPC Audit of the Schengen Information System in Ireland

In 2023, the DPC completed its first audit of Ireland's participation in the second-generation Schengen Information System ('SIS II'). SIS II is the EU's information-sharing system for security and border management authorities in Europe. Since Ireland connected to SIS II on 15 March 2021, Irish authorities can now access and transmit data via a shared database with their EU counterparts for police and judicial cooperation purposes.

Ireland's connection to SIS II conferred significant new responsibilities on the DPC, as Ireland's designated authority responsible for monitoring the lawfulness of the associated processing of personal data by Irish police and border management authorities. In particular, the DPC must now carry out an audit of usage of SIS II by Irish authorities every four years.

The DPC formally commenced its first SIS II audit in September 2022. The DPC issued detailed desk questionnaires to the relevant units within the Department of Justice and An Garda Síochána, following which it conducted site visits and inspections of AGS headquarters and immigration control areas at Dublin Airport. The audit was concluded in July 2023, following which the DPC issued a number of observations and recommendations in relation to the processing of personal data by police and border management authorities in order to ensure appropriate safeguarding of individual data protection rights. The DPC received full cooperation from the relevant authorities in carrying out the audit, who accepted the findings of the DPC in full.

The DPC successfully completed its first audit of SIS II two years ahead of schedule. The next audit will take place on or before mid-2027.

Planning and Development Bill Consultation

In mid-2023 the DPC engaged with the Department of Housing, Local Government and Heritage (the Department), pursuant to an Article 36(4) GDPR prior legislative consultation request on the proposed Planning and Development Bill 2022.

A key feature of this Bill was the obligation it would impose upon planning authorities to publish or make available for inspection information relating to planning applications that would contain personal data. This data would derive from submissions received by the Planning Authorities in a variety of contexts e.g. planning applications, objections, submissions on development plans, etc.

While the DPC recognises the importance of ensuring transparency in the planning process, it is equally important to ensure that planning authorities only publish information that is strictly necessary to achieve this objective, and avoid a situation where potentially vast amounts of personal data are published on planning authority websites by default.

The DPC advised that the Bill should more clearly indicate to planning authorities what personal data should be published. This greater clarity could also be provided by way of Regulations, and by the development of a coordinated policy or common Code of Practice followed by all of the Planning Authorities.

The DPC understands and supports the public interest objective of ensuring a clear and transparent planning process and our submissions on the Bill were aimed at assisting the Department in achieving this goal while respecting and upholding the privacy rights of all data subjects.

The Irish Aviation Authority

In 2023, the DPC engaged with the Irish Aviation Authority (IAA), on foot of concerns raised by a private individual. This individual was required to register their aircraft with the IAA, and was concerned about the amount of information contained in the IAA's register of aircraft owners, which it makes publicly available on its website.

The IAA is required to maintain and make available for inspection a register of all aircraft owners in Ireland, and aircraft owners are required to provide their name and address when registering. The DPC advised that although it did not dispute the need to collect the personal data in question, the concern was that the publication of the register, without any limitations, on the IAA's website, appeared to go beyond what was specifically required by legislation. The DPC further noted that this processing had the effect that the names and addresses of private aircraft owners were publicly searchable on search engines, representing a significant invasion of their privacy. The DPC advised the IAA to reconsider the necessity and proportionality of the publication of the register in this form, paying particular regard to the potential risks posed to data subjects.

Following the intervention of the DPC, the IAA agreed to amend the register in order to redact the names and residential addresses of private individuals. The DPC was satisfied that this change more appropriately upheld the privacy rights of data subjects while enabling the IAA to meet its statutory functions. This engagement highlights the importance of public bodies appropriately balancing the legitimate public interest in transparency in the delivery of public services, such as licensing or registration, and the rights of individuals in respect of their personal data. It also demonstrates that a positive outcome for individuals can be achieved by timely supervisory engagement by the DPC with an organisation, and the subsequent implementation of measures to improve compliance with data protection obligations.

CCTV

2023 saw a significant increase in the number of queries received relating to the use of CCTV in areas where there is a higher expectation of privacy. As a result, the DPC published a detailed update of its CCTV guidance to address these issues and our expectations on the use of CCTV in such areas. In addition, in December, the DPC wrote to a number of sectoral representative bodies to make them aware of these developments and to ask them to circulate the guidance to their members. A copy of the [Guidance on CCTVs for Data Controllers](#) can be found on the DPC website, and includes a specific section on 'The use of CCTV in areas of an increased expectation of privacy'.



CASE STUDY: USE OF CCTV IN A RESTAURANT RESTROOM

The DPC engaged with (Aarval Limited a data controller who operates two McDonald's franchises in Limerick) following concerns raised by customers about the use of CCTV in its restrooms. In particular the DPC was interested in ascertaining the lawful basis of the processing of the personal data and that the processing was carried out lawfully, fairly and transparently. The DPC also engaged with the master franchisor, McDonald's Ireland Limited, who, while not the data controller, could offer direction and assistance to franchisees in this area by acting as a liaison between the DPC and data controllers.

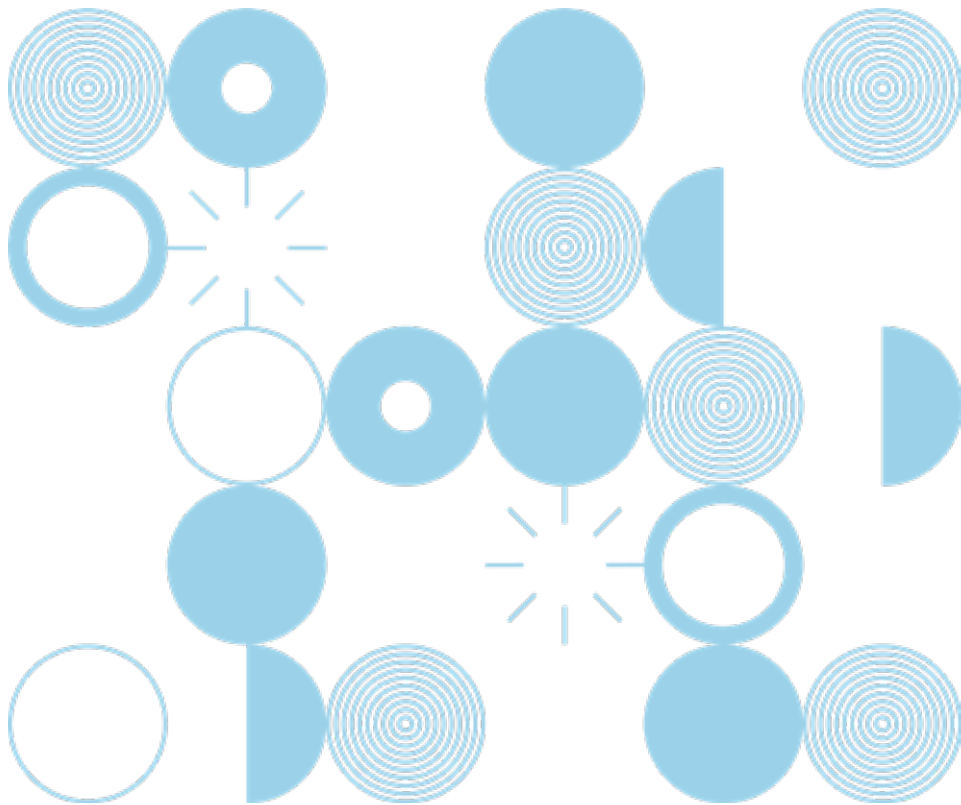
Under Article 6 of the GDPR, a data controller must have a valid lawful basis for processing personal data. One of the lawful bases that can be relied on by a data controller is that the processing is necessary for the purposes of legitimate interests pursued by the data controller (the lawful basis that the controller/restaurant sought to rely on here). The data controller in this instance claimed they were relying on a legitimate business interest to prevent anti-social behaviour and the risk of slips, trips or falls. Such legitimate interests may provide a legal basis for the processing of personal data, provided that the interests of the data controller are balanced with and not overridden by those of the individuals whose personal data are being processed. When relying on legitimate interests as a legal basis to utilise CCTV, the data controller should be able to demonstrate that it is genuinely in their interests to do so, that it is necessary to achieve their identified purpose(s), and that it does not have a disproportionate impact on the individuals whose personal data will be processed. This is of particular importance in areas such as restrooms, where individuals have a heightened expectation of privacy. The DPC considers that the threshold to be reached in any such assessment involving CCTV in restrooms will be at the very highest level.

In this case, the DPC requested a copy of the assessments conducted by the restaurant establishing the necessity and proportionality of placing CCTV in a public restroom. The DPC also requested documentary evidence of repeated anti-social behaviour in the form of incidents reported to An Garda Síochana. The data controller could not provide comprehensive assessments or evidence of anti-social behaviour. Overall, the DPC determined that the data controller did not implement sufficient measures or safeguards to counteract the risk of processing in such a private area and had not adequately demonstrated necessity for the processing or that its interest in preventing potential anti-social behaviour and/or reducing the risk of slip, trips or falls overrode the interests of its patrons who used the facilities.

Following engagement by the DPC with the data controller and McDonald's Ireland Limited , **the data controller was instructed to switch off the cameras and securely delete all footage stored** until a comprehensive assessment (which demonstrated justification for the CCTV) had been conducted. McDonald's Ireland Limited also confirmed that it had requested all its franchisees to **immediately discontinue the use of CCTV in these areas** and delete any personal data obtained from the CCTV until they are in position to demonstrate justification for the use of CCTV in restroom areas. The DPC welcomes the positive engagement demonstrated by McDonald's who fully engaged on the matter and addressed the privacy concerns of its customers.

KEY TAKEAWAY:

- The DPC strongly recommends that all data controllers familiarise themselves with our guidance on CCTV: [Guidance on CCTVs for Data Controllers by including a specific section on 'The use of CCTV in areas of an increased expectation of privacy.](#)



Vulnerable Customers

The DPC's Regulatory Strategy 2022-2027 sets out a commitment to prioritise the protection of children and other vulnerable groups. As part of this strategic goal, throughout 2023, the DPC engaged with several financial institutions and representative bodies regarding the concern whereby the GDPR and data protection law are being used as a barrier to accessing services.

One common concern raised with the DPC is the difficulties members of the deaf or hard-of-hearing community encounter in seeking assistance from a third-party interpreter to contact a service provider where data protection is being used as a barrier to such use. The DPC has previously published guidance advising that data protection law, as a rule, does not prevent organisations from dealing with somebody representing the account holder once they have taken reasonable and proportionate steps to ensure compliance with their security and confidentiality obligations.

The DPC will continue to prioritise this work throughout 2024.

Google BARD – Artificial Intelligence

In late May 2023, Google informed the DPC that it would be releasing BARD, (its experimental conversational Artificial Intelligence service) in the EU by mid-June. On reviewing the documentation provided, the DPC communicated that it had a number of observations regarding the extent of the assessments conducted by Google and lack of information in the documentation provided.

Google, following consultation with the DPC, delayed the release in order to implement initial DPC feedback and recommendations.

In doing so, Google made a number of changes regarding transparency for users prior to launch including:

- In-product contextual disclosures;
- Bard Privacy Notice webpage Bard Privacy Notice updates;
- A more prominent warning notice; and
- Additional educational content on Bard and technology.

Google also committed to undertake further reviews of risk assessments, provide updated documentation, and to further update the DPC with reports on the progress being made in terms of ensuring compliance with GDPR in relation to Bard.

As a result, the DPC has made some further recommended changes to Bard regarding information provided to users and retention periods for personal information. Given the novelty of this technology, it is incumbent upon Google to ensure that the information regarding users personal data is accessible, clear and easy to understand. The DPC continues to undertake a detailed assessment of the voluminous and evolving documentation on Bard and, as with other AI applications, aims to closely monitor developments in 2024. In addition, the DPC is leveraging existing fora hosted by the European Data Protection Board (such as its ChatGPT Taskforce, Technology Expert Subgroup) to exchange information and inform the discussion on AI and Generative AI processing with a view to establishing a consensus amongst EU regulators regarding compliance and best practice under the GDPR. The DPC will continue to work closely with our EU colleagues into 2024 to achieve these objectives.

Instagram Tagging

In November 2022, the DPC began engaging with Meta in relation to tagging on Instagram. Tagging is the process by which one Instagram user who is the original creator of a post or a reel notifies another user of the specific content they have created. In February 2023, the DPC wrote to Meta on their tagging policy and highlighted a number of areas for further consideration.

One such area related to the notification shown when users under 18 years, whose accounts are set to private by default, wanted to tag a public account that they do not follow. This notification would state, 'Account couldn't be tagged. Make your account public to tag others who don't follow you'. This notification also contained a 'Go to settings' button that took the user to a menu where they could change their account from private to public. The DPC noted that this notification did not appear to warn users who are under 18 years of the potential consequences of making this change nor did it redirect these users to any FAQ or Help Centre article.

In September 2023, Meta confirmed to the DPC that it had taken the DPC's recommendations/ guidance on board and was making changes to user notifications. The notification was updated to, 'Account couldn't be tagged. Your account is private, so you can tag only your followers. You can manage your privacy in Settings'. Furthermore, 'Go to settings' was replaced with a 'Learn more' button that takes users to a Help Center article where they can learn more about (1) how to make their user account private at any time, (2) the differences between private and public accounts, (3) how users can manage privacy on Instagram and (4) information for parents on 'who can see my teen's posts on Instagram'.

Microsoft 10 (Windows)

The DPC, in August 2023, concluded a high-level review of the Microsoft Windows 10 Privacy Statement. The review was undertaken to understand the extent of privacy information being presented to individuals in the EU/ EEA. The DPC carried out an extensive mapping exercise which highlighted numerous layers and links contained within the Privacy Statement which were not necessarily privacy related and in some instances were circular bringing the individual back to the main Microsoft Privacy Statement.

The DPC's recommendations/ guidance and observations drew attention to an organisation's transparency obligations under the GDPR.

In November 2023, Microsoft advised the DPC that it intends to conduct a thorough review of their Privacy Statement and that they are committed to making any necessary changes to reflect their goals of transparency and clarity. This engagement will continue with Microsoft into 2024.



Director of Public Prosecutions Catherine Pierse addresses DPC staff. February, 2023.

RayBan Meta Smart Glasses

In 2021, the DPC engaged with Meta on their new wearable technology product; Smart Glasses a product produced with Ray Ban. Using voice-activated controls, the Smart Glasses allow the wearer to capture images, video, call recording, and have a voice assistant. After an extensive engagement, wherein the DPC provided feedback on its concerns about the means by which those captured in the videos and photos would receive notice that they were being recorded, in 2023 Meta announced a new version of the Smart Glasses. On foot of concerns raised by the DPC, Meta had made changes to the design to increase privacy design measures and make the Smart Glasses operation less covert in nature including:

- Physical increase in size of external facing privacy LED light to give effective means of notice that recording is occurring (LED light size more than doubled);
- a blinking pattern added to the LED light when recording;
- additional controls to prevent accidental triggers of recordings; and
- additional privacy measures to prevent tampering or usage by unauthorised persons.

These changes were made to ensure a more effective means of giving notice to individuals and minimise the risk of inconspicuous media capture to address concerns raised by the DPC.

Technology companies Law Enforcement engagement policies and procedures

Under Article 57 of the GDPR, the DPC has a duty to monitor and enforce the application of the GDPR and to promote the awareness of data controllers and processors of their obligations under the GDPR. In this context, the DPC contacted several technology organisations in relation to how they share personal data with law enforcement and requested detail on the processes and policies that they have in place when doing so.

The DPC examined issues such as the process which controllers use to authenticate requests for user data from law enforcement agencies, how they determine the validity of emergency requests for user data, respect the principle of data minimisation when responding to requests for user data and the internal guidance and/ or workflows that is available to the controller's staff who process such requests.

Further to this review, the DPC wrote to each controller with feedback. Whilst many controllers had robust and well considered policies and procedures in place, a number of controllers had room for improvement. For those controllers whose policies were not considered to be sufficiently developed, recommendations were provided on further action that they could take in this regard. This included detail on useful practices that would assist with eliminating any gaps in terms of data protection.

For those organisations where the DPC identified room for improvement, they are expected to revert to the DPC during 2024 with detailed feedback on how they addressed the recommendations.



Children's Data Protection Rights

DATA PROTECTION TOOLKIT FOR SCHOOLS

In the course of its supervision and engagement activities in 2023 the DPC identified a number of areas which schools, as a sector, appeared to be finding challenging from a data protection compliance perspective. As set out above, the DPC's Regulatory Strategy 2022-2027 sets out a commitment to prioritise the protection of children along with other vulnerable groups. As part of this strategic goal, in 2023, the DPC commenced a process of stakeholder engagement to discuss data protection concerns arising in the context of schools. The DPC met with a number of bodies and organisations in the education sector, including the Joint Managerial Board (JMB), the Professional Development Services for Teachers (PDST) and the Limerick and Clare Education and Training Board (LCETB) in order to gain a clear picture of the specific areas, which the sector considers merit particular

attention in terms of guidance. Issues such as managing subject access requests (SARs), the exercise of children's rights and the role of parents, and data sharing with other bodies were among the topics of concern raised by stakeholders.

On foot of this engagement, the DPC commenced drafting of a new 'Data Protection Toolkit for Schools' resource, which includes a detailed guidance document, a sample Data Protection Impact Assessment (DPIA) template, a checklist for responding to subject access requests, tips on what to include in a privacy policy, and a 'Frequently Asked Questions' section, all of which are tailored to the needs of schools as data controllers. The toolkit will further assist schools and the wider education sector in meeting their data protection obligations.

Children's Data Case Study:

SPORTING ORGANISATION AND THE POSTING OF IMAGES OF CHILDREN

A parent of a young child contacted the DPC as they were concerned that photographs of their child would be posted on social media by a sporting organisation. The individual had been informed that upon enrolling their child with their organisation, they were agreeing to allow photographs or videos of activities, which may include their child, being used in promotional material on their website or on social media platforms used by them for promotional purposes.

Separately the same organisation contacted the DPC raising a query in relation to the same matter. In their contact, the organisation admitted that it did not have the appropriate technical measures in place for those who did not wish to have photographs of their child published.

As the issues raised concerned the public posting of images of children, the DPC viewed this matter as serious enough to warrant examination of the issue by its Direct Intervention Unit.

The DPC engaged with the sporting organisation, highlighting the requirements under Article 6 of the GDPR (lawful basis) for such processing and provided information on the conditions of consent under Article 7. The sporting organisation actively and willingly engaged with the DPC, acknowledging that the complaint served to highlight the deficits in its data protection processes. Following this engagement, the sporting organisation updated their practices and procedures.

KEY TAKEAWAY:

- The publication of images of children must have a very specific lawful basis under Article 6 of the GDPR. If relying on consent as a lawful basis for the processing, the purpose must be made clear and a stand-alone consent should be sought.

CHILDREN'S POLICY GUIDANCE

Publication of guidance for parents

In early 2023, the DPC produced four short guides for parents on children's data protection rights under the GDPR. These guides are intended to help parents to understand their children's rights and to answer questions that can arise in typical situations where those rights apply.

- **My child's data protection rights – the basics:** This guide outlines some of the issues that can arise when a parent seeks to exercise data protection rights on behalf of their child.
- **Children's data and parental consent:** This guide looks at the meaning of the 'age of digital consent' and outlines when parents' consent may be needed for processing their child's personal data, and how parents can approach those cases.
- **Protecting my child's data:** This guide is intended to help parents understand the rights that they have in relation to their children's data and gives some useful advice on how to protect their children's rights.
- **Are there any limits on my child's data protection rights?** This guide outlines some important limits to how and when children's data protection rights may be exercised, whether by children themselves or by parents on their behalf. It outlines some common situations where these can arise and suggests ways in which parents can address them.



#PauseBeforeYouPost campaign

In August 2023, the DPC launched a **#PauseBeforeYouPost** campaign on social media, aimed at raising awareness of the risks involved in posting back-to-school photos of children online. The campaign also provided tips on how to keep your children's information safe, such as avoiding oversharing information, making sure there is no identifiable information in the background of the photo, and the importance of talking to children before posting their photos online.



#PauseBeforeYouPost campaign

EXTERNAL ENGAGEMENTS

In order to keep industry and the wider public abreast of the DPC's activities in the field of children's policy, staff from the DPC also spoke at numerous external events over the course of 2023, including the Children's Right's Alliance 'Know Your Rights' Conference, and the 'Growing Up in the Digital Age Summit' hosted by Google. The DPC also published a podcast on '5 Years of the GDPR – A Spotlight on Children's Data', and recorded an interview for Webwise's 'Casting the Net' podcast, a youth-led audio series hosted by teenagers, to discuss what teens need to know about data protection.

The DPC also participated as a member of a number of external working groups focused on children's data protection issues, including the International Age Assurance Working Group (a global forum for data protection authorities, online-safety regulators, and international organisations to learn from each other's experiences in the field of age assurance) hosted by UK Information Commissioner's Office (ICO). The DPC is also an active member of the Global Privacy Assembly's Digital Education Working Group, and contributed to the group's roadmap for 2024.

The DPC's intensive work on children's data protection rights during 2023 saw the DPC nominated to represent the European Data Protection Board (alongside Spain and France) on the newly formed Task Force on Age Verification under the Digital Services Act. The European Commission is establishing this task force with the aim of fostering cooperation with national authorities of Member States with expertise in the field of age verification in an effort to identify best practices and standards. The role of the EDPB in this group will be to provide a data protection perspective on matters pertaining to age verification.

ENGAGEMENT WITH STATUTORY BODIES

Throughout the course of 2023, the DPC met with several statutory bodies to discuss developments in the area of children's data protection issues, including the Federal Trade Commission (FTC) in the United States, and Ireland's Coimisiún na Meán. As part of its engagement with Coimisiún na Meán, the DPC submitted a response to its Call for Inputs on Ireland's first binding Online Safety Code. The DPC's submission focused on the areas of age assurance and safety by design. The DPC also held meetings with its French and UK counterparts, the Commission Nationale de l'Informatique et des Libertés and the Information Commissioner's Office, throughout 2023 to exchange views and discuss the latest developments in both DPA's work on children's data protection rights.

The DPC also engaged with the European Commission to discuss an upcoming EU Code of conduct on age-appropriate design, a key action under the Better Internet for Kids+ strategy (BIK+). The Code will build on the regulatory framework provided in the Digital Services Act will be in line with the EU's Audiovisual Media Services Directive (AVMSD) and the GDPR.

CODES OF CONDUCT

The DPC engaged with Technology Ireland throughout 2023 on their 'European Youth Online Data Protection Code of Conduct'. This Code was motivated by the publication of the DPC's 'Fundamentals for a Child-Oriented Approach to Data Processing', and will focus on certain topics of the GDPR that are deemed particularly important to drive higher standards of protection for children's personal data online. The DPC will continue to engage with Technology Ireland into 2024 on this Code in line with our obligation to encourage the drawing up of codes of conduct in relation to the processing of children's personal data, as per Section 32 of the Irish Data Protection Act 2018.

EUROPEAN DATA PROTECTION BOARD (EDPB) GUIDANCE ON CHILDREN'S DATA

The DPC has been continuing its role as co-rapporteur in the preparation at EDPB level of guidance on children's data protection issues alongside a team of co-rapporteurs from Germany, France, Greece and Denmark. The DPC is pleased to be involved in such an important piece of work that seeks to harmonise the approach at an EU level, to be taken to the critical area of the processing of children's data.

The DPC is also contributing to significant work on the complex issue of age verification in the digital environment.





Data Protection Officers

Data Protection Officers (DPOs) are a key component in Ireland’s data protection compliance record. For DPOs to operate effectively they need the support of Senior Management and to have regular and direct communication lines into their organisation’s Management Board.

A key part of the DPC’s strategic goal of supporting organisations and driving compliance is working with Data Protection Officers (DPOs) to increase the knowledge and impact of their role. DPOs play an important role in data protection compliance for the organisations in which they have been designated including through providing advice on data protection impact assessments, and monitoring the implantation and efficacy of data protection policies. As the contact point for the DPC in their organisations, DPOs are an important group of stakeholders, and the DPC is committed to supporting them (as well as non-designated data protection data protection operatives) in making their roles more effective.

As part of the requirements of GDPR, the DPC must be notified of the formal designation of a DPO by an organisation. As of the end of the 2023 the DPC has been notified of the designation of 3,520 DPO broken down by sector as follows:

Notification of Data Protection Officers

Public Sector	357
Private Sector	2932
Not-for-profit Sector	231



DPO NETWORKS

Since the application of GDPR in 2018, networks of DPOs coming together in various sectors have proven to be a valuable resource for the DPC in engaging with those sectors, and have also provided forums for the sharing of information and the collaborative development of compliance solutions. In 2023 the DPC engaged with a number of networks, including the Civil Service DPO Network, a grouping of DPOs from across the public sector, and the Health Research Data Protection Network, which brings together DPOs working in hospitals, academia and other settings to address issues arising in data protection and health research.

In the private and semi-state sectors, the DPC engaged with the DPO Network of the Banking and Payments Federation of Ireland, the DPO network of Telecommunications Industry Ireland/IBEC, and the Insurance Ireland DPO Network/Working Group. These engagements are valuable in allowing the DPC to platform current and upcoming data protection issues affecting these sectors.

In December 2023, the DPC brought together a group of DPOs and non-designated data protection champions working in NGOs active in the local community sector to encourage the development of a new network for information sharing and problem solving. The DPC intends to expand on this work in 2024, to increase its reach to sectors and organisations that may be less well-resourced than others when it comes to managing data protection compliance.

DPO EVENTS

As part of its broader programme of outreach and engagement, the DPC has contributed to a number of conferences and events for DPOs and privacy practitioners including the annual conference of the Association of Data Protection Officers, and the annual PDP Data Protection Conference. In September 2023, the DPC contributed to new course run by the Institute of Public Administration, 'GDPR and Data Protection Programme for DPOs in the Public Service', aimed at providing specific and relevant information to those acting as DPOs in public bodies and agencies across Ireland. The first iteration of this course was well received, and will run again in 2024, with the DPC's continued participation.

EDPB COORDINATED ENFORCEMENT FRAMEWORK (CEF) 2023 CASE STUDY

The DPC participated in the 2023 Coordinated Enforcement Framework (CEF) Topic 'The Designation and Position of Data Protection Officers'. EDPB members decided to prioritise this topic given the position of Data Protection Officers ('DPOs') under the GDPR as intermediaries between Supervisory Authorities, individuals and the business units of an organisation. This action aligned with the DPC Regulatory Strategy 2022-27 to cooperate and communicate with peer data protection authorities on emerging issues and working with DPOs to increase the knowledge and impact of their role.

The DPC participated in this action as a fact-finding exercise with DPOs established in Ireland with the aims being to:

- help to identify emerging issues;
- assess the knowledge, expertise and impact of the DPOs; and
- generate deeper insights into the role at an EU level.

The DPC launched their participation in the action on the 15th of March, 2023, by means of a fact-finding exercise whereby 100 DPOs were contacted across all sectors in Ireland, private, public and not-for-profit, to participate in a questionnaire with flexibility in whether the DPOs or the organisation/controller answered the questions.

Following the collation of the completed questionnaires, the DPC produced an aggregated national report, which was fed into the broader EDPB report.

The DPC found three substantive issues in its national report:

1. The Resources of the Data Protection Officer (Article 38.2 GDPR).
2. Conflicts of Interests (Article 38.6 GDPR).
3. Tasks of the DPO (Article 39 (1) (a to e) GDPR).

Some findings in the DPC national report include:

- Approximately 33% of respondents replied that they do not have the resources sufficient to fulfil the role of a DPO. Upon further analysis of the responses it was discovered that the high majority of respondents who stated they

do not have adequate resources sufficient to fulfil the role of a DPO came from the Public and Not-for-Profit Sector.

- Approximately 36% indicated that the data protection officers' tasks are performed in addition to other tasks, but not as the main task. In that regard it was noted that many of the non-data protection tasks did not compliment the role of a DPO such as Health and Safety Officer, Human Resource Officer, Employee Engagement Manager, Communications Officer.
- Approximately 80% of DPOs replied they have at least 3 + years of experience working on the application and the interpretation of data protection requirements.

The completed EDPB report including the DPC national report is available here:

https://edpb.europa.eu/news/news/2024/edpb-identifies-areas-improvement-promote-role-and-recognition-dpos_en

The DPC will be participating in the 2024 CEF action, which will concern the implementation of the right of access by controllers.



Deputy Commissioner Tony Delaney and Commissioner Helen Dixon Q&A at DPC staff day. December, 2023.



International Activities

EUROPEAN DATA PROTECTION SUPERVISORY BODIES

In 2023, the DPC attended and actively participated at all monthly plenary meetings, as well as expert subgroup meetings (over **150** meetings in total).

COOPERATION WITH OTHER EDPB SUPERVISORY AUTHORITIES 2023

The DPC continued to invest considerable resources in the day-to-day operation of the One Stop Shop under the GDPR at various levels in the performance of its role as a Lead Supervisory Authority, including seeking the assistance of other authorities on a broad range of matters as well as keeping them informed of pertinent issues and developments. Voluntary Mutual Assistance requests are used to communicate details of OSS complaints and follow up communications and actions on complaints, as well as notification to Supervisory Authorities of updates on

supervision cases and inquiries and sharing of documents. Formal Mutual Assistance requests are used to formally request information from another Supervisory Authorities or to request that a Supervisory Authority take certain actions.

As part of the on-going co-operation and communication between the DPC and the other EU/ EEA Supervisory Authorities, the DPC responded to **800** voluntary and formal mutual assistance requests from other European Regulators.

In addition to engagement with other EU/ EEA Supervisory Authorities in the context of complaints and inquiries, on some **100 occasions** the DPC provided written updates to all other authorities on impending internet/ social media platform product or service launches in the EU and invited their input on identifying any data protection concerns.

Examples of issues on which other EU/EEA Supervisory Authorities were briefed and their input sought included Google BARD and Meta Threads.

In addition to extensive engagement with EU/EEA supervisory authorities, the DPC also engaged with data protection authorities across the globe, including:

- The UK's Information Commissioner's Office;
- The International Digital Regulation Cooperation Forum;
- Participation in the British, Irish, and Islands Data Protection Authorities (BIIDPA) forum;
- Bilateral engagements with the US Federal Trade Commission;
- The European Case Handling Workshop in Bern;
- The Spring Conference of Data Protection Commissioners in Hungary; and
- Supporting the University of Maastricht in delivery training sessions to data protection authorities.

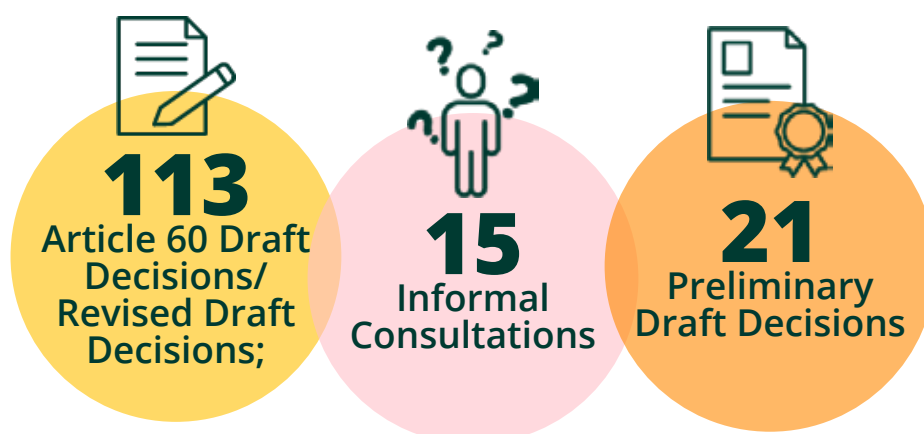
In 2023, the DPC submitted the following to the GDPR Article 60 cooperation process:

Draft Decisions	Final Decisions	Article 65 Process
18	12	2

In addition, the DPC submitted through the Article 60 cooperation mechanism **229** notifications of amicable resolutions achieved in cross-border complaints.

Furthermore, as a **Concerned Supervisory Authority**, the DPC reviewed:

- **113** Article 60 Draft Decisions/ Revised Draft Decisions;
- **15** Informal Consultations; and
- **21** Preliminary Draft Decisions.



DATA PROTECTION CERTIFICATION

Certification has been a growing area for the EDPB and the DPC in 2023. The DPC continues to work closely with EU Colleagues on a number of Certification Schemes. The DPC are also engaging closely with colleagues on improving internal procedures and developing further guidelines for stakeholders.

The DPC is the relevant supervisory authority responsible for approval of data protection criteria or mechanisms in certification schemes, while the Irish National Accreditation Board (INAB) is responsible for the accreditation of Certification Bodies (CBs) that intend operating such schemes. 2023 saw the DPC working on finalising an inter-agency agreement between the DPC and Irish National Accreditation Board on accreditation of certification schemes under GDPR Articles 42 and 43 which is expected to be finalised in 2024.

The DPC attended two intensive workshops on Certification in 2023 hosted by the Agencia Española de Protección de Datos from Spain and the Commission Nationale pour la Protection des Données from Luxembourg respectively. These workshops were attended by representatives of data protection authorities from the EDPB. The workshop held in Luxembourg also hosted certification professionals from all over Europe (including INAB officials) to discuss the development, the challenges and future opportunities for the GDPR certification

In addition, both workshops covered a number of other areas such as:

- issues arising when using the certification as a tool for data transfers to countries outside the European Economic Area (EEA);
- the methods of cooperation between the EDPB expert groups, the national accreditation bodies and other external stakeholders for the GDPR certification schemes assessment;
- tools and methods for the criteria assessment; and
- Pre-defined set of certification and cooperation related issues that have arisen in relation to current and past certification scheme applications.



Deputy Commissioner Graham Doyle and NewsTalk tech reporter Jess Kelly discussion at DPC staff day. June, 2023.

INTERNATIONAL TRANSFERS – BINDING CORPORATE RULES

The DPC has a role in the assessment and approval of Binding Corporate Rules (BCR) applications from multi-national companies.

BCR were introduced in response to the need of organisations to have a global approach to data protection where many organisations consisted of several subsidiaries located around the globe, transferring data on a large scale. BCR form a legally binding internal code of conduct operating within a multinational group, which applies to transfers of personal data from the group's EU/EEA entities to the group's non-EU/EEA entities. BCR contain enforceable data subject rights and they must be approved by the competent Data Protection Authority.

During 2023, the DPC was lead reviewing supervisory authority in relation to **22** BCR applications from **14** different companies. **Four** of those applications were **given approval** in 2023 – Controller and Processor BCR for Autodesk Ireland Operation Unlimited and Controller and Processor BCR for Informatica Ireland EMEA UC.

The DPC also assisted other European Data Protection authorities by acting as co-reviewer for another SA on **5** BCR applications and acted as rapporteur on drafting teams for Article 64 Opinions on **3** BCR in 2023.

Once the BCR applications are approved, the DPC continues to have a significant ongoing oversight role. Each BCR holder is required to submit an update of their BCR on an annual basis which will require review. In 2023 the DPC was lead Supervisory Authority on **26** approved BCR for **18** different BCR holders. The list of these approved BCR files is listed on our website.

In addition the EDPB issued a total of **26** Article 64 opinions on BCR applications in 2023 and the DPC reviewed each of these applications.



Deputy Commissioner Ultan O'Carroll and Simon McDougall (formerly ICO) Q&A at DPC staff day. June, 2023.



DPC ATTACHÉ POSITION – BRUSSELS

The DPC established a new position of Data Protection Commission Attaché in Brussels during 2023. In light of its experience in the five years since the GDPR's application, the DPC identified a strategic need for a full-time DPC presence in Brussels. Many of the DPC's key stakeholders are Brussels based or Brussels-adjacent given the DPC's unique position as the Lead Supervisory Authority in Europe for a large number of multinational technology companies.

These stakeholders include the European Commission, the European Data Protection Board and its subgroups, Members of the European Parliament, Civil Society Organisations and Data Controllers with representatives based in Brussels.

The Attaché, through attending events, meetings, and providing briefings, seeks to bolster the DPC's proactive engagement with these stakeholders in an effort to ensure the DPC's work is accurately communicated to them and understood. Equally, this engagement means the DPC can receive feedback from these stakeholder groups on an ongoing basis.

The Attaché position demonstrates the DPC's commitment to fostering fruitful relationships with international colleagues and Brussels based stakeholders so it can better deliver on its European focussed regulatory responsibilities.





Communications, Corporate Governance and Human Resources

COMMUNICATING DATA PROTECTION

In the dynamic and ever-evolving realm of data protection, effective communication and stakeholder engagement are paramount to fostering understanding, building trust, and ensuring compliance with the principles of privacy and data protection.

The DPC is committed to providing timely and accurate information to the public, fostering transparency and accountability in the data protection landscape. The DPC actively engages with the media, issuing press releases, providing interviews, and responding to inquiries to ensure that the public is kept informed of the DPC's activities and decisions.

Over the course of 2023, the DPC published a total of **14** press releases leading to significant coverage on international and national level media.

The growth of the DPC's social media presence across X (formerly Twitter) and LinkedIn was integral to the support of its awareness-raising and communications activities. The combined followers across both platforms increased by over **6,800** during 2023, to over **48,100**, an increase of **114%** on last year's figures. There was an organic reach of over **1.4 million**, with strong engagement across the board.

New Guidance
Records of Processing (Article 30) Guidance.
My child's data protection rights – the basics.
Children's data and parental consent.
Protecting my child's data.
Are there any limits on my child's data protection rights?
Updated Guidance
Transfers of Personal Data to Third Countries or International Organisations.
Complaints handling, Investigations and Enforcement For Individuals.
Guidance on the Use of CCTV – For Data Controllers

DPC Funding and Staffing

The 2023 gross estimate provision for Vote 44 — Data Protection Commission was €26.364M (2022: €23.234M) of which €17.100M (2022: €15.970M) was allocated for pay related expenditure, and €9.264M (2022: €7.264M) of which was allocated to non-pay expenditure. The funding for 2023 represented an increase of €3.1M on the 2022 allocation.

2023 saw the on boarding of **44** new colleagues in the DPC. The number of DPC staff at year-end 2023 was **210**.

The DPC will continue to drive recruitment during 2024 through a combination of open recruitment and the promotion and development of DPC staff.

Recruitment

Following a procurement exercise, a contract was put in place with an external recruitment agency. This, along with running competitions through PAS should impact positively on the DPC's continued recruitment drive and will be a key tool in allowing the DPC to recruit the staff it needs to discharge its domestic and international functions by filling critical roles.

Competitions Run in 2023	New Joiners	Promotions
AP Confined Competition	44 new hires in 2023	15 DPC staff members were promoted within the DPC in 2023.
HEO Open Legal Analyst Competition		
HEO Open Regulatory Investigator		
EO Confined Competition		

Professional Development

In 2023, the DPC continued to prioritise the professional development of all of its staff, developing a Learning and Development Strategy which delivered a range of skill enhancements in the areas of leadership development, personal professional development and wellbeing.

Employee Engagement Forum

An Employee Engagement Forum was established in 2021. The Forum has a diverse and inclusive membership, with representation at each grade an essential requirement. In 2023 the Forum met five times. The purpose of the Forum is to contribute to the DPC's commitment to becoming an Employer of Choice through enhancing the employee experience for staff.

CORPORATE GOVERNANCE

The DPC has in place a Corporate Governance Framework which sets out how the DPC is governed and describes the structures, policies and processes that are in place in order for the DPC to deliver on its statutory obligations.

Internal Control Environment

The Accounting Officer's Statement of Internal Financial Control for 2023 will be published on the DPC's website with its Financial Statement later in the year.

DPC Audit and Risk Committee

In line with the Corporate Governance Standard for the Civil Service (2015), and also with regard to the Code of Practice for the Governance of State Bodies (2016), the DPC established its own Audit and Risk Committee, as a Committee of the DPC, effective from 1 January 2020. The second term of the Audit and Risk Committee commenced on 1 January 2023 which runs for a three year period.

The members of the Committee in 2023 were:

- Conan McKenna (chairperson);
- Karen Kehily;
- Brid Rosney (RIP)
- Tara McDermott (joined Q4 2023)
- Michael Horgan; and
- Graham Doyle.

Five meetings of the Audit and Risk Committee were held in 2023.

Internal Audit function

The Internal Audit function in the DPC is provided by an external service provider who provides regular reports to the DPC Audit and Risk Committee on internal audits carried out during the year.

Official Languages Act 2003

The DPC's fifth Language Scheme under the Official Languages Act 2003 commenced on 21 December 2020 and will remain in effect until the introduction of language standards following the Official Languages (Amendment) Act 2021. The DPC continues to provide, and improve Irish language services with enhancements of services, as per the existing Scheme.

Freedom of Information (FOI)

In 2023, the DPC received a total of **52** FOI requests. Three were granted, seven were partially granted, 41 were deemed out of scope, and one was withdrawn. The DPC's regulatory activity is exempted from FOI requests in order to preserve the confidentiality of our supervisory, investigatory and enforcement activities. Nevertheless, the DPC is committed to providing transparent information to the public around the administration of its office and use of public resources.

Ethics in Public Office Act 1995 and Standards in Public Office Act 2001

The DPC was established under the Data Protection Act 2018 and operates in accordance with the provisions of that Act. Measures are in place to ensure that the staff of the DPC, holding designated positions, comply with the provisions of the Ethics in Public Office Act, 1995 and the Standards in Public Office Act, 2001.

Regulation of Lobbying Act 2015

The Lobbying Act 2015 together with its associated code of conduct, regulations and guidelines aims to ensure that lobbying activities are conducted in accordance with public expectations of transparency. The Commissioners for Data Protection are Designated Public Officials (DPOs) under this Act, as noted on the DPC website.

Interactions between lobbying bodies and DPOs must be reported by the lobbyists. The Standards in Public Office Commission (SIPO) has established an online register of lobbying at www.lobbying.ie to facilitate this requirement.

Engagement with Oireachtas members

In accordance with the Department of Public Expenditure, NDP Delivery and Reform, Circular 25 of 2016, the DPC provides a dedicated mailbox to address the queries of Oireachtas members and to receive feedback.

Section 42 of the Irish Human Rights and Equality Commission Act 2014 – Public Sector Equality and Human Rights Duty

The DPC seeks to meet obligations under Section 42 of the Irish Human Rights and Equality Commission Act 2014 and has put in place measures to ensure that consideration is given to human rights and equality in the development of policies, procedures and engagement with stakeholders in fulfilling its mandate to protect the fundamental right to data protection.

The DPC's Regulatory Strategy 2022 – 2027 outlines how the DPC will continue to protect the data protection rights of individuals and has particular regard to the Public Sector Equality and Human Rights Duty. The DPC website content along with other published information is designed with regard to the principles of plain English, and the DPC has also increased its publication of audio resources. The Duty is also embedded into the Corporate Governance Framework and the Customer Charter and Action plan, as well as the Protected Disclosures notice which was published to the DPC's website in 2022.

To support customers who may require assistance when engaging with the services provided by the DPC, the Accessibility Officer may be contacted via the channels listed on the DPC [website](#), and below:

Postal address:

Accessibility Officer
Data Protection Commission
21 Fitzwilliam Square
Dublin 2
D02 RD28
Ireland

Email:

DPCAccessibilityOfficer@dataprotection.ie

Customer Charter

The DPC's Customer Charter and accompanying Quality Customer Service Action Plan and Managing Unreasonable Behaviour and Contacts Policy for 2024 – 2026 are published on the DPC's website. There is a designated customer service comments mailbox for customers to engage with the DPC. Any and all comments received are taken into consideration as part of the on-going review of delivering quality customer service.

APPENDICES

Appendix 1: Protected Disclosures

Report on Protected Disclosures received by the Data Protection Commission in 2023

The policy operated by the DPC under the terms of the Protected Disclosures Acts 2014 and 2022 is designed to facilitate and encourage all workers to raise genuine concerns about possible internal wrongdoing in the workplace, so that these concerns can be investigated following the principles of natural justice and addressed in a manner appropriate to the circumstances of the case.

Section 22 of the Protected Disclosures Act 2014, substituted by Section 30 of the Protected Disclosures (Amendment) Act 2022, requires public bodies to prepare and publish, by 1 March in each year, a report in relation to the previous year in an anonymised form.

Pursuant to this requirement, the DPC confirms that in 2023:

- **No** internal protected disclosures (from staff of the DPC) were received.
- **Twenty Two** potential protected disclosures (set out in the table below) were received from individuals external to the DPC in relation to issues pertaining to data protection within other entities. These issues were raised with the DPC in its role as a 'prescribed person' as provided for under Section 7 of the Protected Disclosures Act (listed in SI 364/2020). Nine of the disclosures were accepted as valid protected disclosures.

Reference Number	Type	Received	Status	Outcome
01/2023	Section 7 (external, to 'prescribed person')	Q1 2023	Open	Accepted and referred for potential investigation. Ongoing at year-end.
02/2023	Section 7 (external, to 'prescribed person')	Q1 2023	Open	Accepted and referred for potential investigation. Ongoing at year-end.
03/2023	Section 7 (external, to 'prescribed person')	Q1 2023	Closed	Insufficient detail provided, complainant did not follow up when requested.

Reference Number	Type	Received	Status	Outcome
04/2023	Section 7 (external, to 'prescribed person')	Q1 2023	Closed	Not accepted as a valid protected disclosure, referred as a potential complaint.
05/2023	Section 7 (external, to 'prescribed person')	Q1 2023	Closed	Insufficient detail provided, complainant did not follow up when requested.
06/2023	Section 7 (external, to 'prescribed person')	Q1 2023	Closed	Insufficient detail provided, complainant did not follow up when requested.
07/2023	Section 7 (external, to 'prescribed person')	Q1 2023	Closed	Accepted but could not progress. Insufficient detail provided, complainant did respond when further information was requested.
08/2023	Section 7 (external, to 'prescribed person')	Q1 2023	Closed	Not accepted as a valid protected disclosure. Contents of submission outside the remit of the DPC.
09/2023	Section 7 (external, to 'prescribed person')	Q1 2023	Open	Accepted and referred for potential investigation. Ongoing at year-end .
10/2023	Section 7 (external, to 'prescribed person')	Q2 2023	Closed	Submission was not a protected disclosure. DPC not the intended authority.
11/2023	Section 7 (external, to 'prescribed person')	Q2 2023	Open	Accepted and referred for potential investigation. Ongoing at year-end.
12/2023	Section 7 (external, to 'prescribed person')	Q2 2023	Closed	Not accepted as a valid protected disclosure, directed to make a submission as a potential complaint.

Reference Number	Type	Received	Status	Outcome
13/2023	Section 7 (external, to 'prescribed person')	Q2 2023	Closed	Insufficient detail provided, complainant did not follow up when requested.
14/2023	Section 7 (external, to 'prescribed person')	Q2 2023	Closed	Insufficient detail provided, complainant did not follow up when requested.
15/2023	Section 7 (external, to 'prescribed person')	Q3 2023	Closed	Insufficient detail provided, complainant did not follow up when requested.
16/2023	Section 7 (external, to 'prescribed person')	Q3 2023	Open	Accepted and referred for potential investigation. Ongoing at year-end.
17/2023	Section 7 (external, to 'prescribed person')	Q3 2023	Open	Accepted and referred for potential investigation. Ongoing at year-end.
18/2023	Section 7 (external, to 'prescribed person')	Q3 2023	Open	Accepted and referred for potential investigation. Ongoing at year-end.
19/2023	Section 7 (external, to 'prescribed person')	Q3 2023	Closed	Not accepted as a valid protected disclosure, referred as a potential complaint.
20/2023	Section 7 (external, to 'prescribed person')	Q4 2023	Open	Accepted and referred for potential investigation. Ongoing at year-end.
21/2023	Section 7 (external, to 'prescribed person')	Q4 2023	Closed	Not accepted as a valid protected disclosure. Complainant did not intend to submit a protected disclosure. Directed to website.
22/2023	Section 7 (external, to 'prescribed person')	Q4 2023	Under consideration	Engaging with complainant at year – end.

Appendix 2: Report on Energy Usage at the Data Protection Commission

ENERGY REPORT 2023.

OVERVIEW OF ENERGY USAGE

General

The DPC continues to monitor its energy consumption and ways to assist in the reduction of energy usage. We continue to participate in SEAI online monitoring and are participating in the 'Reduce your Use' campaign for Winter 2023/24.

Over the last 12 months, we have made significant progress in meeting our energy efficiency and greenhouse gas targets across the organisation.

Office	% Reduction in actual consumption in last 3 years validated data
Fitzwilliam Sq – Electricity	44%
Satellite Office – Electricity	31%
Portarlinton – Electricity	25%
Portarlinton – Natural Gas	6%

DUBLIN.

21 Fitzwilliam Square

The head office of the DPC is located at 21 Fitzwilliam Square, Dublin 2. Energy consumption for the office is solely electricity, which is used for heating, lighting and equipment usage.

21 Fitzwilliam Square is a protected building and is therefore exempt from the energy rating system.

Satellite office

DPC currently maintains additional office space in Dublin to accommodate the increase in staff numbers. This office was sourced by OPW and DPC took occupancy in October 2018. This office will be maintained until a new permanent head office is ready to facilitate the DPC's Dublin-based staff and operations. The Office is 828 sq mts in size.

Energy consumption for the building is solely electricity, which is used for heating, lighting and equipment usage.

The energy rating for the building is C2.

PORTARLINGTON

The Portarlinton office of the DPC has an area of 444 sq mts and is located on the upper floor of a two-storey building, built in 2006.

Energy consumption for the office is electricity for lighting and equipment usage and natural gas for heating.

The energy rating for the building is C1

ACTIONS UNDERTAKEN.

The DPC participates in the SEAI online system for the purpose of reporting its energy usage in compliance with the European Communities (Energy End-use Efficiency and Energy Services) Regulations 2009 (S.I. No 542 of 2009)

The energy usage for the office for 2022 (last validated SEAI figures available) is as follows:

	Electrical	Natural Gas
Dublin		
Fitzwilliam Sq.	52,440 kWh	
Satellite Office	61,653 kWh	
Portarlinton	30,600 kWh	46573 kWh

OVERVIEW OF ENVIRONMENTAL POLICY /STATEMENT FOR THE ORGANISATION

The Data Protection Commission is committed to operate in line with Government of Ireland environmental and sustainability policies.

Outline of environmental sustainability initiatives

- Purchase of single use plastics ceased since January 2019.
- Ongoing replacement of fluorescent lighting with LED lighting in Portarlington office as units fail or require replacement bulbs.
- Installation of sensor lights in refurbished area of Portarlington office.
- Sensor lighting in use in Satellite office.
- Introduction of Government Energy Conservation plans.
- Sensor lighting introduced in Bathrooms Portarlington Office.

Reduction of Waste Generated

- DPC use a default printer setting to print documents double-sided.
- DPC has also introduced dual monitors for staff to reduce the need to print documents to review / compare against other documentation during case work.
- DPC provide General Waste and Recycling bins at stations throughout the offices.
- DPC has signed up for use of Brown Food waste bins.

Maximisation of Recycling

DPC policy is to securely shred all waste paper. Consoles are provided at multiple locations throughout the offices. Shredded paper is recycled.

Sustainable Procurement

PC procurements and processes are fully compliant with Sustainable Procurement.

Catering contracts stipulate the exclusion of single use plastics.



Representatives from the DPC meet with members of the PFAI to discuss the use of player data. September, 2023.

Appendix 3: DPC Statement of Internal Controls

The Financial Statement of the Data Protection Commission for the year 1 January 2023 to 31 December 2023 and its Statement of Internal Controls for the same period are in preparation by the DPC and will be appended to this report following the completion of an audit in respect of 2023 by the Comptroller and Auditor General.



European Union Agency for Fundamental Rights Director Michael O'Flaherty and Commissioner Helen Dixon. September, 2023.



Deputy Commissioner MB Donnelly, speaking at the HSE Safeguarding Conference on data sharing in context of adult safeguarding. November, 2023.

Appendix 4: Case Studies

A key objective of the DPC is to provide a responsive and high-quality information service to individuals and organisations regarding their rights and responsibilities under data protection legislation. The DPC achieves this through its public-information helpdesk service, which responds to queries from individuals and organisations and through its complaint handling process.

This chapter of the report highlights a selection of the types of queries and complaints the DPC has progressed in the last twelve months. Each case study provides a short summary of the key takeaways.

Case Study 1:**ORGANISATION PUBLISHING ALLEGED PERSONAL DATA**

The DPC received a query from an individual relating to what appeared to be the unintentional inclusion of their property on an advert published by a property website. The individual advised that the property website had published on its website an image of a property for sale as well as a number of other neighbouring properties. The owner of one of these other properties was the individual that contacted the DPC.

The individual first contacted the DPC via email raising their concern and followed up a short time later with a phone call to the DPC Helpdesk. During the Helpdesk call, the individual advised the DPC that the image contained, a photograph of their house along with their address.

In response to this information, the individual was advised about the six lawful bases for processing personal data under Article 6 of the GDPR. They were also advised of the definition of personal data as set out in the GDPR; information concerning or relating to a living person who is identified or identifiable (such a person is referred to as a 'data subject').

The individual was further advised that while an image of a property alone may not constitute personal data, an image containing the property address as well as a house number, may entitle them to request erasure of this data from the property website. The DPC recommended that in the first instance, the individual make contact, in writing, with the owners of the property website requesting the removal of their property from the published images on the website.

Having followed the advice provided by the DPC, the individual reverted to the DPC to advise that owners of the property website had promptly complied with their request and had removed the image of their property from its website.

KEY TAKEAWAYS:

- While the definition of what constitutes personal data is broad, it may not include images of a property or home when not accompanied by any other identifying information.
- While the DPC telephone Helpdesk is available to members of the public who have data protection queries, the DPC recommends that individuals consider approaching organisations in the first instance to give them an opportunity to respond to concerns in advance of raising a complaint with the DPC.

Case Study 2:**ALLEGED UNLAWFUL RETENTION AND ALLEGED UNLAWFUL PROCESSING IN RELATION TO A NEWSLETTER**

This case relates to an individual who alleged their personal data, in the form of their name, address and email address had been unlawfully retained and processed by a property management company.

The individual received an unsolicited email containing a newsletter from the company, despite not having a business relationship with the company for a number of years. The individual contacted the company requesting an explanation as to why the company had retained the individual's personal data. The company stated that it was previously the managing agent for a particular residential development that the individual had a business interest in. It advised that it had sent the email in error. The company informed the individual that it had now deleted their personal data from its database.

The individual was not satisfied with this response from the company and submitted a complaint to the DPC. Following engagement with the DPC the company explained it had been the managing agent for an owner management company and following the termination of its contract with the owner management company, it had failed to delete the individual's personal data from its database.

As part of the examination of this complaint, the DPC sought to establish if the company had a lawful basis for processing the individual's personal data by retaining it following the end of the respective contract. The company informed the DPC that it was relying on Article 6(1)(a) of the GDPR which states that processing shall be lawful where a data subject has given their consent. The company further stated that under the Property Services (Regulation) Act 2011 it was required to retain data for a period of no less than six years. The company further indicated that it was an oversight on its part that it had retained the individual's personal data beyond the six-year retention period. It also established that an administrative error had resulted in the individual receiving the unsolicited email.

The company acknowledged that it no longer had a lawful basis to process the individual's personal data by retaining it post the six-year period and confirmed that it had deleted all personal data relating to the individual. The company also confirmed what steps it had taken to improve the procedures for managing its database of contacts to ensure unlawful processing of this type did not recur.

Accordingly, the company did not adhere to the principles relating to processing of personal data in accordance with Article 5(1)(b) of the GDPR ('purpose limitation') when it used the individual's contact details to send them a newsletter when it should not have retained the individuals' contact details for this period of time. It also did not adhere to Article 5(1)(e) of the GDPR ('storage limitation') when it retained the individual's personal data which permitted the identification of the individual for longer than was necessary for the purpose for which the personal data was original obtained.

The DPC issued recommendations to the controller around its obligations to ensure that all processing is lawful, fair and transparent, as required under Article 5 of the GDPR and that appropriate technical and organisational measures are implemented to ensure and to be able to demonstrate that processing is performed in accordance with the GDPR.

KEY TAKEAWAY:

- This case demonstrates that data controllers need to ensure there is a justification for the processing of the personal data in the first place in both the context of processing by retaining the personal data beyond the retention period and processing by using the personal data to communicate with the individual.

Case Study 3:**PARTIAL COMPLIANCE WITH A RECTIFICATION REQUEST**

Four years after the conclusion of an investigation into suspected plagiarism in an educational setting, an individual requested to have aspects of the internal report regarding the investigation rectified. The report was compiled following an independent investigation in which the individual was interviewed as a witness and not as the subject of the investigation.

The individual submitted the rectification request to the data controller, the individual's employer. As part of their request, the individual stated that there were a number of instances where the personal data in the report was inaccurate, incomplete or misleading, and requested that these instances be rectified in accordance with Article 16 of the GDPR. In its response to the individual, the education provider stated that it could not rectify the report but it could restrict access to it. As the individual was dissatisfied with this response, they submitted a complaint to the DPC.

In this instance, the DPC examined whether the educational provider was correct in its initial refusal of the rectification request. The education provider confirmed to the DPC that due to the passage of time since the report had been created, the investigator's notes had been destroyed as such it was unable to check the alleged inaccuracies and that as it was not the author of the report it could not alter the contents. The education provider offered, as a proposal for amicable resolution, to add a supplementary statement recording the individual's position to the report.

The individual refused the proposal as they were of the view that the report was incomplete as not all the evidence they provided was referred to in the report, and where it was quoted, they felt it was taken out of context.

It is important to note, that it is not the role of the DPC, nor is it encompassed within the right to rectification under Article 16 of the GDPR, to reassess or to repeat the work of an independent investigator, nor to undermine the professional opinion of an expert. The independent investigator provided their professional assessment of all evidence and testimony gathered during the investigation, and it was their professional discretion as to what material was relevant to be included in the report. The purpose of the individual's testimony was to inform the independent investigator in order to assist with the investigation. The fact that the individual disagrees with the assessment did not constitute the report as being inaccurate or incomplete.

The education provider further offered to delete the report which would cease the processing of the individual's personal data. Once again, the individual did not accept this offer.

The DPC was of the view that the report should be erased where it was no longer necessary for the education provider to retain it. Alternatively, the education provider should add the supplementary statement to provide a more accurate account of the events.

KEY TAKEAWAY:

- As with all data protection rights, the right to rectification is not an absolute right. The right must be examined on a case-by-case basis, depending on the nature of the personal data for which rectification is being sought, the purposes for which the personal data was collected and the circumstances of the case. In general, only personal data, which relates to a matter of fact, may be rectifiable. Personal data contained in opinions, whether personal or professional will generally not be amenable to the right to rectification.

Case Study 4:**COMPLAINT OF EXCESSIVE PERSONAL DATA REQUESTED BY A LETTING AGENT**

An individual lodged a complaint with the DPC after they had viewed a rental property. In their complaint, they alleged that the letting agency had requested excessive personal data during the application process.

According to the individual, as they were unsuccessful in their application to rent the property, they made an erasure request to the letting agency under Article 17 of the GDPR for the deletion of their personal data. The letting agency responded to the individual advising that it had erased the personal data and confirmed that it had not shared personal data with any third parties. While the individual was satisfied with the response they received from the letting agent, they still had concerns regarding the amount of personal data that had been requested in the first instance. On this basis, they submitted a complaint to the DPC.

As part of the complaint handling process, the DPC contacted the letting agency requesting clarity on the different types of personal data it was requesting as part of the application process. The organisation confirmed it requested copies of identification; proof of current address; employment and previous landlord references; two-month bank statements; and a PPS number. The letting agency stated that the information was required for it to ensure the identity of the applicant and that the applicant can afford the property.

The DPC found that the organisation did not meet the principle of data minimisation under Article 5(1)(c) of the GDPR, which states: 'personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed'. The DPC determined that the volume of personal data requested from the individual as a prospective tenant was excessive for the initial stage of an application process.

KEY TAKEAWAY:

- To comply with data protection requirements, requesting and obtaining specific personal information from individuals for the purpose of considering them as likely tenants would be more appropriately confined to those who will be entering into the actual letting agreement, rather than requesting all information at the start of the process. More information on this subject matter can be found at:
- <https://www.dataprotection.ie/en/dpc-guidance/requesting-personal-data-prospective-tenants>
- <https://www.dataprotection.ie/en/dpc-guidance/guidance-collection-personal-data-prior-viewing-property>

**ACCESS
REQUEST****Case Study 5:****ACCESS REQUEST SEEKING THIRD PARTY DATA**

An individual submitted a subject access request to their former employer. This individual then raised a concern with the DPC querying whether the company was obliged to provide them with the names of all of the employees who had been involved in compiling the response to the subject access request.

The DPC assessed the legal framework surrounding this question and responded to the query with reference to paragraph 73 of judgement C-579/21 of the Court of Justice of the European Union (CJEU) and article 15(4) of the GDPR. In this regard, the CJEU judgement had clarified that 'the employees of the controller cannot be regard as being 'recipients', within the meaning of Article 15(1)(c) of the GDPR [...] when they process personal data under the authority of that controller and in accordance with its instructions'.

Consequently, the DPC advised the individual that they were not entitled to a list of the names of the employees who had been involved in preparing their subject access request response under the category of 'recipients' as provided for in the GDPR under Article 15(1)(c) and Article 15(4) of the GDPR.

KEY TAKEAWAY:

- Individuals are only entitled to their own personal data when making an access request, generally you are not entitled to the names or other personal data of third parties, though this can be subject to certain other assessment in line with Article 15(1)(c) and Article 15(4) of the GDPR.

Case Study 6:

ACCESS REQUEST COMPLAINT WHERE A FEE WAS REQUESTED

The DPC received a complaint from an individual in relation to a subject access request made to a medical centre for a copy of their personal data. According to the individual, the medical centre had requested a fee to process the access request. Before contacting the DPC, the individual had already advised the medical centre that access to a copy of personal data is free under the GDPR and queried if the letter seeking a fee may have issued in error.

Following receipt of this complaint, the DPC corresponded with the medical centre to ascertain why it had sought a fee to process the subject access request and to seek confirmation that the subject access request had since been complied with.

The medical centre promptly reverted to the DPC accepting that the request for a fee should not have been made. It further outlined additional data protection training for staff regarding its obligations to patients making subject access requests would be provided. The medical centre also confirmed that a copy of the personal data was furnished to the individual with its apologies. The individual confirmed to the DPC that it had received a copy of their personal data.

KEY TAKEAWAY:

- Under Article 15(3) of the GDPR there is an obligation for a data controller, such as a medical centre, to provide a copy of the personal data free of charge. For any further copies of the personal data requested by individuals, the data controller may charge a reasonable fee based on administrative costs. However, this particular subject access request was not a repeat request and therefore there was no legal basis for a fee to be sought.

**ACCESS
REQUEST****Case Study 7:****FAILURE TO RESPOND TO AN ACCESS REQUEST**

The DPC received a complaint from an individual who had made a subject access request to a state hospital for a copy of all information held concerning them. The individual did not receive a response to this request.

The DPC contacted the Data Protection Officer (DPO) for the Hospital Group and informed them of the complaint.

The DPC reminded the hospital of their GDPR obligations, drawing their attention to Article 12(3), which states that controllers have an obligation to provide a response to an individual's subject access request within the statutory timeframe. As part of the engagement, the DPC stipulated a timeline for the hospital to respond to the individual and provide them with a copy of the personal data. The data controller complied with the DPC's direction.

KEY TAKEAWAYS:

- Organisations are required to implement appropriate organisational measures in place to ensure that they are in a position to respond to any rights requests within the stipulated timeframes under the GDPR.
- Organisations should note that the DPC maintains a record of complaints received which forms part of any consideration of potential future action, including proposals for the carrying out of an inquiry and the further exercising of formal powers such as reprimands.

Case Study 8:**ENFORCEMENT NOTICE ISSUED DUE TO AN
INCOMPLETE RESPONSE TO AN ACCESS REQUEST**

The DPC received a complaint in which the complainant's representative indicated that they wished to make a formal complaint regarding the delay by Tusla to release records containing their client's personal data on foot of a subject access request. The representative further stated that a full response to the complainant's access request had not been provided and they had been receiving the records containing personal data in a piecemeal fashion for the previous two years. It was unclear to the complainant's representative the amount of personal data outstanding in relation to their client's access request.

The DPC commenced an examination of the complaint by contacting Tusla requesting that it provide the individual with a copy of all personal data held or controlled by it in relation to the individual or notify the individual of the refusal of the subject access request identifying any statutory restriction relied on by it to withhold their data.

Tusla responded indicating that it would be in a position to release personal data to the data subject within a specified timeframe. However, this deadline passed without the complete records containing personal data being released. Subsequent to further DPC engagement, Tusla outlined that, due to the volume of personal data involved, the personal data relating to the individual would issue in batches. This release would be subject to restrictions being applied to third party non personal data, personal data subject to legal professional privilege and where the release of personal data would be in contempt of court proceedings.

The complainant's representative later confirmed they had received a portion of their client's personal data but advised that it was heavily redacted. It clarified the records containing the personal data of the individual that remained outstanding and which it was seeking urgently. An extensive exchange of correspondence between Tusla and the DPC followed over an extended period of time during which several deadlines were not met by Tusla in relation to the issuing of records containing personal data and /or responding to correspondence from the DPC and the data subject's representative.

The DPC considered that an amicable resolution to this complaint was not achievable and considered it appropriate to conclude that process and issue an Enforcement Notice pursuant to Section 109(5)(d)(i) of the Data Protection Act 2018 to require the data controller to furnish the remaining records of personal data to the data subject within a specified timeframe. This notice informed Tusla of the following:

'A person (being a data controller or data processor) who, without reasonable excuse, fails or refuses to comply with a requirement specified in an enforcement notice shall be guilty of an offence under Section 133*19) of the Data Protection Act 2018 and shall be liable (i) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both, or (ii) on conviction on indictment, to a fine not exceeding €250,000 or imprisonment for a term not exceeding 5 years or both.'

The issuing of this Enforcement Notice resulted in the remaining records containing personal data issuing to the data subject within the timeframe specified in the Enforcement Notice.

KEY TAKEAWAYS:

- The examination of this complaint involved extensive communication between the DPC, Tusla and the data subject's representative. Had Tusla responded to the subject access request in an appropriate manner and within agreed timeframes, the issuing of an Enforcement Notice would not have arisen in this instance. This complaint demonstrates the consequences of a data controller failing to fulfil its obligations under Article 15 of the GDPR. Data controllers should consider these consequences upon receipt of a subject access request under Article 15 of the GDPR and work to ensure that the fundamental right of access is respected for all data subjects.
- Organisations should again note that the DPC maintains a record of complaints received, and that this forms part of any consideration of potential future action, including proposals for the carrying out of an inquiry and the further exercising of formal powers.

Case Study 9:**AN ERASURE REQUEST CONNECTED TO A PROPERTY SALE**

A prospective buyer initiated the facilitated purchase of a property through a real estate intermediary. Shortly after this, the vendor of the property withdrew from the sale. As part of the purchasing process, the prospective buyer had provided a copy of their ID, proof of address and bank details to the real estate intermediary. Following the breakdown in the process, the prospective buyer sought the erasure of their personal data pursuant to Article 17 of the GDPR.

The prospective buyer initially submitted this erasure request to the email address listed on the real estate's privacy policy, but this 'bounced back' as the email was not active. The prospective buyer then sent the request to the primary email address of the real estate intermediary.

As no response was received from the real estate intermediary, the individual made a complaint to the DPC. Following the intervention of the DPC, the real estate intermediary engaged with the individual concerning their erasure request. However, during the complaint handling process, the DPC established that the organisation concerned refused to comply with the erasure request. According to the organisation, it was relying on an obligation under the Property Services (Regulation) Act 2011, which created a legal requirement to retain the data for six years. The matter was referred to the Property Services Regulatory Authority for clarity, who advised that bank details were not covered by the wording of the Act and could be deleted on foot of an erasure request.

Following this confirmation, the DPC engaged with the real estate intermediary to ensure that the bank details were erased as part of the erasure request. The DPC informed the prospective buyer that certain other items of personal data, such as their name, address and contact details would not be erased as the real estate intermediary had a lawful basis to restrict the right of erasure in line with the Property Services (Regulation) Act 2011. The DPC also ensured that the real estate intermediary updated its privacy policy to accurately reflect the appropriate point of contact.

KEY TAKEAWAYS:

- Organisations must ensure that they have an appropriate, monitored point of contact for facilitating the exercising of data protection rights.
- Organisations should also ensure that any restrictions being placed by them on the exercising of rights are valid and in line with any legislation pertinent to the sector, they are operating in. This should be explained to the individual.

**ERASURE
REQUEST****Case Study 10:****COMPLAINT RELATED TO NON-COMPLIANCE WITH AN
ERASURE REQUEST TO A PROSPECTIVE EMPLOYER**

This complaint concerned the alleged non-response to an erasure request made by an individual to a prospective employer pursuant to Article 17 of the GDPR.

Following receipt of the complaint, the DPC engaged with the individual and the prospective employer (controller) in order to establish the subject matter of the complaint and to commence with the amicable resolution process. Further to this engagement, the DPC established that the individual had since received a response from the controller. However, the individual informed the DPC that while the controller had erased their personal data, their job application 'account' was still active on the controller's website.

Having established this was the case, the DPC contacted the controller, bringing their attention to the fact that information in relation to the account had not been erased. In their response, the controller acknowledged that the information had not been fully deleted, and advised that this was due to a technical error but that they would comply with the erasure request immediately.

Subsequently, the DPC was updated by the organisation concerned that they had since fully complied with the erasure request by deleting the account. The controller also advised that they had contacted the individual to confirm the action they had taken and apologised for the delay in removing the individual's login credentials from their systems.

KEY TAKEAWAYS:

- In this case, the DPC was able to quickly and effectively make the prospective employer aware that they had not fully completed the individual's erasure request. This ability to quickly contact and engage with both parties resulted in an effective and speedy outcome. Most importantly, the individual was able to exercise their right to obtain from the controller the erasure of personal data concerning them, as afforded to them under the GDPR.
- The DPC encourages individuals to contact the data protection officer or other designated data protection contact points within an organisation, as this can assist with the proper and efficient handling of any data protection requests.

Case Study 11:**NON-COMPLIANCE WITH AN ERASURE REQUEST
ASSOCIATED WITH AN ONLINE GAMBLING ACCOUNT**

An individual opened an online account with a bookmaker and deposited a sum of money to their account. Having attempted to download the application ('app') associated with the service, the individual quickly realised that the app was not compatible with their mobile phone. The following day the individual submitted an erasure request under Article 17 of GDPR to the bookmaker. The bookmaker refused to comply with the erasure request, stating that it had legal obligations to retain the personal data as a deposit and withdrawal of funds had taken place on the account, thus making them a 'customer'. The individual was dissatisfied with this response as they did not agree that they were a 'customer' of the bookmaker, as they did not place any bets through the account, either online or through the app.


Following engagement with the DPC, the bookmaker advised that it could not erase the individual's personal data as it was subject to Anti-Money Laundering legislation, under the Criminal Justice (Money Laundering and Terrorist Financing Acts 2010, which became applicable when the deposit and withdrawal of funds were made on the individual's account.

The bookmaker outlined to the DPC that although it was legally obliged to retain the individual's personal data it only retains the minimum amount that is necessary to fulfil this legal obligation in line with the principle of data minimisation as set out in Article 5(1)(c) of the GDPR.

Following its examination of the complaint, the DPC found that while the organisation had demonstrated a valid lawful basis for the ongoing retention of the personal data, the DPC issued recommendations to the organisation on its obligations to ensure that all processing is lawful and fair and that it is transparent about its processing activities.

KEY TAKEAWAYS:

- Under the GDPR, not only must a data controller have a lawful basis for initially obtaining an individual's personal data, but it must also have an ongoing legal basis for the retention of the personal data in accordance with Article 6. Controllers need to ensure they are transparent when processing personal data.
- A proactive approach on the part of data controllers when they receive a data protection request can often resolve matters and avoid the need to engage in a lengthy complaint handling process.

An orange, multi-pointed starburst shape with a dark green outline. Inside the shape, the words "ERASURE" and "REQUEST" are written in a dark green, serif font, one above the other.

ERASURE
REQUEST

Case Study 12:

NON-COMPLIANCE WITH AN ERASURE REQUEST RELATED TO MEDICAL DATA

An individual contacted the DPC following the refusal of their erasure request by a health care provider. According to the individual, they had requested the erasure of all historic health records relating to them held by the health care provider, as the individual was of the opinion that the records were incorrect as they related to an alleged misdiagnosis.

As part of its examination of the complaint, the DPC requested that the health care provider set out its lawful basis for processing the individual's health records, specifically in relation to Articles 6 and 9 of the GDPR. The health care provider advised that it was relying on Article 6(1)(e) of the GDPR for processing the individual's personal data which states that processing shall be lawful if 'processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller'.

In relation to Article 9 of the GDPR, the health care provider stated that it continues to process the health records under Articles 9(2)(h) and (i) of the GDPR. Article 9(2)(h) of the GDPR states, 'processing is necessary for the purposes of preventive or occupational medicine, medical diagnosis...'. While Article 9(2)(i) of the GDPR states, 'processing is necessary for reasons of public interest in the area of public health...'.

As part of their engagement with the health care provider, the individual provided them with a contradictory diagnosis from another health care provider, which the individual stated was evidence that proved the original diagnosis was incorrect. Having reviewed the documentation provided, the health care provider noted that a medical diagnosis is a medical opinion that is given at a point in time. Therefore, any medical opinion, given at a different point in time, cannot be accepted as evidence that a historic medical opinion was incorrect. The medical provider further advised that while a medical condition may change over time, it does not eradicate the fact that an individual was, at one point, treated for a particular illness or provided with a certain diagnosis.

The DPC noted that for the purposes of the GDPR, personal data is inaccurate if it is incorrect as to a matter of fact. However, based on the information available to the DPC, the personal data held on file by the health care provider, namely the original diagnosis, was not inaccurate as it was the original diagnosis at that point in time. On this basis, the DPC found that the health care provider had a lawful basis for the continued processing of the individual's health records in accordance with Article 17(1)(a) of the GDPR.

In this regard, the processing of the personal data in the form of retaining the original diagnosis is still necessary in relation to the purposes for which the personal data was originally collected or otherwise processed. Further, the DPC found that the health care provider's refusal to comply with the individual's erasure request is consistent with Article 17(3)(c) of the GDPR in providing comprehensive medical assessment and treatment of the individual.

Following the engagement of the DPC, the health care provider added a supplementary statement on the individual's medical record to include the documentation provided by the individual, which would inform any future readers of the individual's medical file of the individual's opinion, and the contradictory diagnosis in relation to the medical diagnosis.

Note: Article 17(1)(a) of the GDPR states that a data controller shall erase personal data that is no longer necessary for its original purposes. However, Article 17(3)(c) of the GDPR excludes the application of Article 17(1) in circumstances where the processing is necessary, 'for reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9(2) as well as Article 9(3).'

KEY TAKEAWAYS:

- The DPC encourages individuals to raise data protection concerns directly with the controller in the first instance so that it can address them. Data controllers should have meaningful and efficient measures in place to deal with and address data protection complaints when raised with them directly by an individual.
- This case study highlights the fact that historic medical data cannot be erased as it relates to an opinion given at a point in time and any future opinions cannot overwrite a historic opinion provided by a professional in their professional capacity. That said, there was scope to add a supplementary statement on the individual's medical record to reflect the updated medical opinion, which the health care provider could have done without the need for the individual to resort to DPC intervention. The public interest may require health care providers to ensure supplementary up to date medical records are on an individual's medical record.

DISCLOSURE

Case Study 13:**DISCLOSURE OF HEALTH AND FINANCIAL DATA TO A THIRD PARTY**

An individual submitted a Freedom of Information ('FOI') request to their former employer, a State Agency. Once in receipt of the response to the FOI request, the individual became aware that the State Agency had disclosed their financial data and special category personal data, namely health data, to a connected third party. The individual subsequently submitted a complaint to the DPC in relation to this disclosure.

The DPC was tasked with examining whether the State Agency had lawfully processed, in a non-excessive manner, the individual's personal data when a staff member of the State Agency disclosed the individual's health and financial data to a connected third party.

In the circumstance of this case, the individual had communicated with a member of the Human Resources ('HR') department in their official capacity, highlighting issues connected with the individual's health, financial status and personal life. Due to issues connected to the individual's health, they were regularly in contact with the HR staff member in their official capacity.

Following a meeting between the individual and the HR staff member, the HR staff member emailed a summary of what was discussed with a connected third party i.e. a member of the Civil Service Employee Assistance Service ('CSEAS'). The CSEAS provides an internal Employee Assistance Programme to civil service staff, which employees can refer to by contacting the service. It is a shared service utilised by all State Agencies for the benefit of all employees, promoting employee wellness and organisational effectiveness.

During the examination of this complaint, the State Agency stated that the processing of the personal data, the sharing of the individual's personal data by the HR staff member to the CSEAS member, was lawful as the individual shared the personal data freely with the HR staff member, accordingly they had consented to the processing; the overlapping services and consultation between the HR staff member and the CSEAS in relation to an employee would be normal; both the HR staff member and the CSEAS member operate under strict confidentiality in the performance of their duties; and what the individual shared with the HR staff member was so concerning, that the HR staff member had to urgently disclose it to the CSEAS member in order to seek appropriate guidance, and support to assist the individual. Accordingly, the State Agency's position was that there were no prohibitions on the disclosure.

Notwithstanding, the HR staff member had a genuine concern for the health and welfare of the individual, the DPC found that the circumstances did not fit the urgency associated with protecting life rather the processing occurred as the HR staff member sought direction and guidance from the CSEAS member to urgently deal with the issues raised by the individual.

The DPC also found that the State Agency could not rely on having obtained the consent of the individual to process their personal data in this manner, as although the individual shared the personal data freely with the HR staff member, they did not consent to the HR staff member disclosing this personal data to the CSEAS member.

The State Agency did not provide any other lawful bases for the processing. The DPC found that the State Agency did not have a lawful basis for the processing and accordingly, the processing was unlawful.

In consideration of the principles relating to processing of personal data the DPC found that the State Agency obtained the personal data for a specified, explicit and legitimate purpose, namely to provide the individual with HR assistance with the issues they had raised with HR. Similarly, considering the connected relationship between the HR staff member in their official capacity and the CSEAS member, the sharing of the individual's personal data was not further processed in a manner that was incompatible with the purpose for which it was obtained, as it was disclosed in order to provide the individual with assistance regarding the issues raised, which included employee wellness.

However, the DPC found that the State Agency disclosed an excessive amount of personal data than what was required in order to seek, and provide, assistance to the individual. Accordingly, the State Agency did not adhere to the principle of data minimisation, and this was identified and accepted by the State Agency.

KEY TAKEAWAYS:

- In an employment context, the need to share employees' personal data with third parties frequently arises. This case illustrates that to ensure the sharing occurs in compliance with data protection requirements, ongoing training is necessary for all staff in relation to their obligations under data protection law. Furthermore, controllers must conduct due diligence to satisfy themselves that all data processing activities comply with data protection laws.
- The DPC expects accountability on the part of controllers and when handling a complaint it will scrutinise explanations and reasons given by a controller in order to ensure that the position put forward is verifiable and defensible.

Case Study 14:**DISCLOSURE OF PERSONAL DATA TO A DEBT COLLECTION AGENCY**

An individual contacted the DPC after an energy service provider further processed their personal data by sharing it with a third party (data processor), a debt collection agency. According to the individual, they had completed the contract with the service provider and had received their final invoice for the services provided. The individual disputed some of the charges on the invoice; however, they did not receive a response from the service provider and were subsequently contacted by a debt collection agency.

As part of the complaint handling process, the DPC contacted the service provider and questioned the lawful basis it was relying on under Article 6 of the GDPR for sharing the individual's personal data the debt collection agency. The service provider stated that its lawful basis for processing the individual's personal data was Article 6(1)(b) of the GDPR which states that processing shall be lawful if the 'processing is necessary for the performance of a contract to which the data subject is party...'. The service provider further explained that the individual's invoice dispute related to an 'early exit fee' which was applied to the invoice as the individual had cancelled the contract with the service provider prior to the agreed contract length. The service provider also advised that its terms and conditions stated that should a customer break the contract with the service provider, they would be charged an exit fee. The service provider further advised that the individual agreed to its terms and conditions when they registered with the service provider.

However, the service provider also informed the DPC that it had failed to record the individual's dispute of the invoice. This failure to record the dispute resulted in the individual's personal data being shared with a third party incorrectly. The service provider acknowledged that it had not followed its own internal procedures for dealing with disputed debts and that this was a result of human error.

Although the service provider would normally have a lawful basis for the processing of an individual's personal data by sharing in the circumstances of this case, by not following the correct internal procedures, the service provider incorrectly processed the individual's personal data by providing their details to the third party, the data processor.

Accordingly, the service provider failed to demonstrate its compliance with a key principle of the GDPR, processing personal data in a manner that ensures appropriate security of the personal data, including protection

against unauthorised or unlawful processing, using appropriate technical or organisational measures, in accordance with Article 5(1)(f) of the GDPR ('integrity and confidentiality').

The service provider should have had regard to Article 25 of the GDPR ('Data protection by design and default'), in ensuring that the appropriate technical and organisational measures for ensuring that, by default, only personal data which are necessary for each specific purpose of the processing are processed, are in fact followed by all staff members.

The DPC recommended to the service provider that where there is a live dispute on the account it should ensure that its staff are aware of the internal procedure to document the dispute so that accounts are not referred to a debt collection agency until the dispute is resolved or closed.

KEY TAKEAWAYS:

- Data processors may lawfully process personal data, providing there is a legal basis for the processing. Article 28 of the GDPR details the circumstances in which a data controller can engage the services of a data processor. However, in this case, the controller had disregarded previous concerns raised by the individual and failed to follow its own internal procedures.
- Data controllers must also ensure that its staff are fully trained in internal procedures, and data protection policies, to ensure appropriate security of the personal data, including protection against unauthorised or unlawful processing.

**PROSECUTION****Case Study 15:****PROSECUTION OF CHILL INSURANCE LIMITED**

In July 2022, the DPC received a complaint from an individual regarding unsolicited marketing SMS messages received from Chill Insurance Limited. In response to the DPC's investigation of the complaint, Chill Insurance Limited explained that it did not have consent to send these marketing communications. Following the receipt of a similar complaint in 2021 to the DPC, a full review of its marketing campaigns was carried out by the company and changes were made to said campaigns. However, all changes that were identified following that review were not implemented and this led to the further complaint in 2022. As the DPC had previously issued a warning to the company, the DPC decided to prosecute arising from this complaint case.

At Dublin Metropolitan District Court on 11 September 2023, Chill Insurance Limited pleaded guilty to one charge under Regulation 13(1) of the ePrivacy Regulations for the sending of a marketing SMS message without consent and one charge under Regulation 13(12)(c) of the ePrivacy Regulations for not including a valid opt out in that message. The District Court applied the Probation of Offenders Act 1907 in this case, on the basis of a charitable donation of €500 to Little Flower Penny Dinners. Chill Insurance Limited agreed to discharge the DPC's legal costs.

Case Study 16:

PROSECUTION OF HIDDEN HEARING LIMITED

Four individuals lodged complaints about unsolicited marketing SMS messages, emails and telephone calls that they had received from Hidden Hearing Limited. One of the complainants replied to the sender requesting that their telephone number be removed from the company's marketing list. This request was actioned but due to a system error, the central record management (CRM) system in the company failed to synchronise with its Diary Management system, therefore the complainant's telephone number was not removed from the calling list and he was subjected to a further unsolicited marketing telephone call.

The DPC's investigation of these four complaints established that Hidden Hearing Limited had no consent to send unsolicited marketing communications to the complainants concerned. As the DPC had issued a warning to the company in a previous complaint, the DPC decided to prosecute arising from these complaint cases.

At Dublin Metropolitan District Court on 11 September 2023, Hidden Hearing Limited pleaded guilty to two charges under Regulation 13(1) of the ePrivacy Regulations for the sending of a marketing email and marketing SMS message without consent and two charges under Regulation 13(6)(a) of the ePrivacy Regulations for making marketing telephone calls without consent. The District Court applied the Probation of Offenders Act 1907 in this case, on the basis of a charitable donation of €500 to Little Flower Penny Dinners. Hidden Hearing Limited agreed to discharge the DPC's legal costs.

**PROSECUTION****Case Study 17:****PROSECUTION OF THE MULTIPLE SCLEROSIS SOCIETY OF IRELAND**

In April 2023, the DPC received one complaint from an individual regarding unsolicited marketing email messages received from The Multiple Sclerosis Society of Ireland. In response to the DPC's investigation of the complaint, The Multiple Sclerosis Society of Ireland explained that the individual had opted out of marketing in July 2018. However, in April 2023 as part of an ICT migration project the complainant's email address was included in error on the list of individuals who had consented to marketing. As a result, the complainant was sent unsolicited marketing email messages. As the DPC had issued a warning to the company in a previous complaint, the DPC decided to prosecute arising from this complaint case.

At Dublin Metropolitan District Court on 11 September 2023, The Multiple Sclerosis Society of Ireland pleaded guilty to one charge under Regulation 13(1) of the ePrivacy Regulations for the sending of a marketing email without consent. The District Court applied the Probation of Offenders Act 1907 in this case, on the basis of a charitable donation of €500 to Little Flower Penny Dinners. The Multiple Sclerosis Society of Ireland agreed to discharge the DPC's legal costs.

Case Study 18:

PROSECUTION OF VODAFONE IRELAND LIMITED

In April 2023, the DPC received one complaint from an individual regarding an unsolicited marketing email message received from Vodafone Ireland Limited. In response to the DPC's investigation of the complaint, Vodafone Ireland Limited explained that the individual had opted out of marketing in December 2021. However, it was found that three recent email marketing campaigns were incorrectly designed as a result of human error which resulted in marketing messages being sent to 20,790 customers who had opted out of marketing. Once this error was identified the campaigns were stopped and not reused. This individual was one of the customers impacted.

The DPC had previously prosecuted Vodafone Ireland Limited in 2022, 2021, 2019, 2018, 2013 and 2011 for breaching Regulation 13 of the ePrivacy Regulations in relation to previous complaints. Accordingly, the DPC decided to proceed to another prosecution arising from this complaint case.

At Dublin Metropolitan District Court on 11 September 2023, Vodafone Ireland Limited pleaded guilty to one charge under Regulation 13(1) of the ePrivacy Regulations for the sending of a marketing email without consent. The District Court convicted Vodafone Ireland Limited on the one charge and imposed a fine of €500. Vodafone Ireland Limited agreed to discharge the DPC's legal costs.

KEY TAKEAWAY:

- These prosecution cases highlight the importance of having systems in place that accurately record a data subject's consent wishes, particularly when an organisation is migrating data to new business systems or beginning new marketing campaigns, and that organisations should regularly review any customer consent lists that they have.

CCTV

Case Study 19:**FAIR PROCESSING COMPLAINT RELATING TO CCTV IN THE WORKPLACE**

An individual raised a concern with their employer in the beauty industry regarding what they believed was excessive use of CCTV cameras in the workplace. The individual stated that they were not informed that the cameras were being installed and had concerns that the devices were capable of recording both audio and video. In response to their concerns, the organisation advised the individual that the cameras were installed for the safety of staff and that no audio was recorded.

The individual then submitted a complaint to the DPC as they were dissatisfied with the response received from the organisation. As part of its examination, the DPC queried the organisation on the alleged audio recordings via the CCTV cameras. The organisation provided the DPC with evidence in the form of a letter from the CCTV system supplier, which confirmed that the cameras did not have audio recording capability.

Regarding the background as to why the organisation made the decision to install CCTV cameras, the organisation informed the DPC that it initially installed the cameras following a series of security issues including incidents of theft. However, it also stated that the cameras were installed for the safety of staff when working alone. Whilst the individual claimed that they were unaware the cameras had been installed, the organisation stated that the cameras had been in place for three years prior to the individual making a complaint to the DPC and that the individual had provided training to the staff in relation to same.

The organisation cited a number of lawful basis for the processing of data in this manner, including Article 6(1)(d) of the GDPR as its lawful basis stating that the cameras are necessary to protect the vital interests of its staff. Article 6(1)(d) of the GDPR states that the processing of personal data shall be lawful if 'processing is necessary in order to protect the vital interests of the data subject or of another natural person'. It further cited Article 6(1)(f) of the GDPR which states that processing shall be lawful if 'processing is necessary for the purposes of the legitimate interests pursued by the controller...' as the organisation has a legitimate interest in the security of the workplace, safety of staff and prevention of crime.

In response the DPC informed the organisation that Article 6(1)(d) of the GDPR may only be relied upon by an organisation where the processing of personal data is necessary to protect a person's life or mitigate against a serious threat to a person. As such, the DPC advised the organisation that it could not rely on Article 6(1)(d) of the GDPR as its lawful basis for the use of CCTV cameras in the workplace. Regarding its reliance on Article 6(1)(f) of the GDPR, the organisation confirmed that it had conducted a legitimate interest balancing test prior to the installation of the CCTV cameras. The organisation further stated that the processing was limited to what is necessary and cited its requirement for safety purposes. It stated that footage was retained for a period of 20 days and had put in place access controls to the footage.

Following its examination of the complaint, the DPC found that the organisation had demonstrated a valid lawful basis for the processing of personal data by means of CCTV cameras under Article 6(1)(f) of the GDPR.

KEY TAKEAWAYS:

- There must be a lawful reason for the use of CCTV, such as crime prevention, health and safety of workers. The use of CCTV must be necessary and proportionate.
- Organisations should take into account what benefits can be gained; whether better solutions exist; and what effect it may have on individuals before installing such systems.
- More information on this subject matter can be found at:
<https://www.dataprotection.ie/en/dpc-guidance/guidance-use-cctv-data-controllers>

CCTV

Case Study 20:**CCTV IN RESTROOMS**

Each year the DPC receives numerous queries and complaints from various individuals complaining specifically about the use of CCTVs in restroom areas by various organisations such as public houses, nightclubs, restaurants and transport depots. More particularly, the complaints allege that the cameras are pointing over specific areas in restrooms where there is an increased expectation of privacy, such as over cubicles or urinals.

While, the DPC has engaged with organisations on a one-to-one basis, the issue of the lawfulness of the processing of personal data by way of CCTVs in restrooms needs to be considered more generally. Consequently, the DPC has examined these issues further and updated its [Guidance on CCTVs for Data Controllers by including a specific section on 'The use of CCTV in areas of an increased expectation of privacy.'](#)

KEY TAKEAWAYS:

- Organisations should avoid using CCTV where a reasonably high expectation of privacy exists (for example, over cubicles). The threshold for the use of CCTV in restrooms more generally, remains very high, and requires data controllers to identify and examine all the legitimate issues arising and to assess and implement appropriate measures which adequately protect the interests of individuals using those facilities which must be evaluated prior to the deployment of any system.
- The DPC strongly recommends that all data controllers familiarise themselves with this updated guidance.

Case Study 21:

BREACH COMPLAINT RELATED TO EMPLOYMENT INFORMATION

The DPC received a complaint from an individual against their employer relating to a data breach. The breach occurred when a HR folder, which contained the individual's personal data, was placed on an open drive that was accessible to third party individuals.

Having reviewed the information provided, the DPC noted that the employer had notified the breach to the DPC. As part of its notification, it advised that, due to human error, a folder, which contained the personal data of a number of employees, was accidentally transferred to a common internal shared drive. It further advised that this folder was not accessible to anyone outside of the organisation. Once the employer became aware of this breach, it took immediate action to secure the files affected. The Human Resources folders were secured by removing them from the shared drive and relocating them to the appropriate local HR drive.

The employer investigated this incident and confirmed that no further processing of personal data occurred in this instance. The employer informed the affected individuals of this breach and provided various updates regarding same via email. The employer subsequently provided the individual with a detailed list of the categories of personal data which were involved in this data breach.

The DPC conducted an inspection at the employer's premises. Having assessed the breach notification, the complaint received and the information established during the inspection, the DPC reminded the employer of its obligations under Article 5(1)(f) and Article 24 of the GDPR. The employer has since confirmed to the DPC the technical measures put in place to prevent a recurrence of such an incident in the future.

KEY TAKEAWAY:

- Organisations should ensure that they have appropriate controls and monitoring in place when using facilities such as shared folders and drives. If such are being used, they should be regularly audited to ensure that there is no personal data accessible.



BREACH

Case Study 22:

DATA PROCESSOR IN THE CHARITY SECTOR BREACH

The DPC became aware of a breach which had occurred at a data processor when eighteen (18) organisations (data controllers) operating in the charities sector used a data processor based outside of the DPC's jurisdiction. The organisations provided services largely aimed at supporting vulnerable individuals and are not for profit with many of their personnel working on a volunteer basis.

The breach occurred when a bad actor gained access to the data processor's network. The data processor was unable to confirm how long the bad actor may have infiltrated its systems before the discovery of the breach. This resulted in the exfiltration of some data, the deletion of a database that held the data and a ransom note demanding payment. The bad actor made direct contact with the data processor and provided evidence of the exfiltrated data.

The data processor did not pay the ransom and stated that it had restored its systems from backup. However, the exfiltrated data remained a risk.

Only eight of the eighteen organisations were able to confirm having an existing Breach Incident Response Plan, which is a plan to respond to data breaches. Many of the data controllers demonstrated a lack of IT experience in any form and did not appear to recognise the extent of their Article 24 GDPR obligations (appropriate technical and organisational methods).

Most of the organisations had varying degrees of understanding of the personal and special category data which they held and a number were not able to confirm the categories of data held.

Most of the organisations did not have in place a controller – processor contract pursuant to Article 28(3) GDPR. Instead, these data controllers relied on a Software as a Service Subscription Agreement, which appear to favour the data processor in terms of obligations to respond or provide information related to a security incident.

A number of the organisations did not conduct a Data Protection Impact Assessment (DPIA) despite the nature of the organisation and the clients for whom they cater. Some organisations stated the inability to perform a DPIA due to the data processor's refusal to supply information about its systems and the breach.

The DPC engaged with the Data Protection Authority in the country where the processor was located to gather and share information. The DPC further engaged with the organisations, both from a regulatory and supervisory capacity. The DPC provided a number of recommendations, which emphasised the organisations obligations in the areas of awareness on the categories of personal data they processed pursuant to Article 4(1) and Article 9 GDPR. The DPC also emphasised the importance of vetting any third party they were choosing to engage with prior to permitting the processing of personal data (Article 28(1) GDPR), as well as their obligation to ensuring that a processing agreement is in place setting out clearly the responsibilities of both parties (Article 28(2) GDPR) and is tested regularly.

KEY TAKEAWAYS:

- The key takeaways are that an organisation may outsource its processing of personal data activities to a third party but it cannot outsource its responsibility and obligations under the GDPR. Particular care is needed when sharing with third parties the data of individuals especially their special category data. Data protection is a fundamental human right and organisations in the charities sector must recall that people trust them with keeping their data safe.
- Appropriate technical and organisational methods can be put in place by organisations who can seek the advice of peer organisations or the DPC.



BREACH

Case Study 23:

SECOND LEVEL SCHOOL A VICTIM OF A WHALE PHISHING ATTACK

The DPC received a breach notification from a school in relation to a bad actor who accessed and infiltrated a school's ICT systems, including the email system, for an unknown length of time. The bad actor gathered information before sending a phishing email and tricked the administrator for financial accounts into directing payments into a fraudulent account.

The bad actor sent an email to the accounts administrator, pretending that it had come from the email of the school principal. This practise is referred to as spoofing and has the appearance of being from a trusted individual and being a valid request. This email contained fraudulent duplicates of invoices relating to legitimate work performed in the school. However the bank account details were manipulated by the bad actor to redirect the payment to an unknown recipient and the school, who were unaware of this, carried out the transaction.

The breach was discovered when the legitimate supplier reported that they had not been paid.

The DPC engaged with the school and recommended that the school take a number of actions to recover from the breach and mitigate against a recurrence including the implementation of Multifactor Authentication, ongoing monitoring and reminders on its email usage policy.

KEY TAKEAWAY:

- A key takeaway is that any organisation which employs a third party email system must ensure that its use within the organisation ensures an appropriate level of security and this can be achieved through configuring appropriate security option and providing clear guidance to staff on the correct usage of the software being used.

Case Study 24:

CCTV POLICIES AND PROCEDURES

A customer of a restaurant lost their belongings while in the premises. They then requested that a staff member provide them with access to the restaurant CCTV footage to assist in finding out what happened to their belongings.

The staff member, using their phone, took a photo of the footage and then allowed the customer to view the image however:

1. They did not prevent the customer from using their mobile phone to take a copy of the image.
2. Did not log the customers contact details should the need arise to make contact relating to the image.

Having become aware of the incident, the restaurant manager submitted the breach as low risk, however following a DPC risk analysis the risk level was increased to high due to the lack of internal controls and policies in place.

When the owner/occupier of a premises installs a CCTV system, having justified it as a necessary and proportionate measure, they as a data controller must give due consideration to the safe storage of personal data and the implementation of appropriate security measures. Data controllers are obliged to implement technical and organisational measures to ensure that personal data are kept secure from any unauthorised or unlawful processing and accidental loss, destruction or damage. In this case, the staff member should not have allowed the individual take a photo of the image.

The restaurant was not able to mitigate the risks associated with this breach, as it was unable to contact the customer to request/ confirm the deletion of the image from all locations.

The DPC engaged and advised the restaurant that it should review CCTV Policies and Procedures. In particular, it drew its attention to risk factors around:

1. Authorisation of access to CCTV footage
2. Restrictions and logging of any duplication of CCTV footage.
3. Awareness training for staff of the risks involved in the sharing of the CCTV footage. This should be clearly called out in its CCTV usage policy.

KEY TAKEAWAY:

- A key takeaway is that the use of CCTV within any organisation should be underpinned by appropriate policies and guidance and enforced through training and awareness, to ensure that there is an appropriate level of security to mitigate any risks that may arise.

Case Study 25:**TRANSFER OF HARD COPY PAPER DOCUMENTS**

The breach concerned an organisation who has a function in conducting independent reviews. The organisation was returning documents following the completion of their review process. The organisation normally encourages the use of a file transfer system for the transfer of subject records but also facilitates the sending of hard copies. In this instance, the sending organisation requested that the copies of records it had sent in hard copy be returned to it. The organisation returned these documents by post and the envelope was reinforced and secure when it left the organisation. However, it was stated that it was not sent by registered post, which was the normal policy for the organisation when requesting hard copies from organisations to support the appeal / assessment process. When the envelope arrived back to the sending organisation the envelope had all of the seams split and badly torn and three pages were missing from the package.

The documents contained details related to vulnerable individuals, the nature and category of data related to Article 4(1) GDPR and while it did not contain any medical data, certain medical information could be inferred from the fact that the service user had engaged with the sending organisation.

The organisation had engaged with the postal service used when returning the details to the requesting organisation and as part of its investigation into the missing three pages, it was established that the envelope was received undamaged by the postal service, however it was not sent as registered post and so postal tracking was not available.

The organisation has committed to enforcing the use of registered post and updating its policy to direct staff that when returning hard copies to the data controller, that steps are taken in line with Article 5(1)f GDPR and Article 32 GPDR to implement appropriate technical and organisational measures such as ensuring the correspondence is registered with the postal service and that appropriate reinforced envelopes are used to ensure a level of security and protection appropriate to any risk.

It was noted that the organisation had engaged with the postal service as part of its investigation into the missing three pages and had established that the envelope was received undamaged by the postal service. However as it was not sent as registered post the tracking of the envelope was not available.

It also identified that while the policy in use by the organisation did call out the use of registered post as the preferred method of postage it was only mentioned in relation to the receipt of hard copies from the sending organisations. The organisation recognised this as an oversight within its own policies.

The DPC engaged and advised the organisation to update its policy on the returning of hard copies to organisations and that it should include this in staff training and awareness campaigns.

KEY TAKEAWAY:

- A key takeaway is that the transference of any hardcopies containing personal data within or external to an organisation should be underpinned by appropriate policies and guidance and enforced through training and awareness, to ensure that there is an appropriate level of security to mitigate any risks that may arise.

Case Study 26:**TRANSFER OF HARD COPY PAPER DOCUMENTS WHILE MOVING PREMISES**

A medical General Practitioner ('GP') who operated his practice from his own home was moving work premises. The GP stated they had 4000 patients attending the practice over time and operated both digital storage and paper files. The GP engaged a local delivery van to transport the paper medical files connected with the practise. The medical files were put into boxes and placed in the private delivery van.

The breach was discovered during a system audit which followed the move. A box containing medical files, which had been transported, was missing. The van driver confirmed that he had deposited all the boxes in the reception area of the new premises. The GP reported the loss of the box of files to the local Garda Station. It was established that the box, which contained over 2000 medical files, could not be located and the GP confirmed that there was no backup of these records. The missing files related to medical diaries and timesheets, vaccination records and clinical records pertaining to the assessment and treatment of private patients.

The DPC engaged with the GP and established that the GP did not intend to notify affected individuals. The GP advised that he was liaising with the HSE on the matter and that they had aligned their practises with the HSE policy on record keeping (HSE Standards and Recommended Practices for Healthcare Records Management, QPSD-D-006-3 V3). The GP initially stated that the risk was low as the missing data was not incomplete.

Following further engagement, the DPC drew the GP's attention to the obligations under Article 34 of the GDPR to notify the affected individuals without undue delay. Following this engagement, the GP confirmed that he had sent a notification to every affected patient or minor patient's parent or guardian by either email or by postal letter.

The personal data in question encompassed both Article 4 and 9 GDPR. Some of the personal data included names, address, dates of birth, PPSNs and vaccination details.

The GP engaged with the HSE on the management of medical records. New measures have since been introduced by the GP to digitise the remaining medical records held.

In line with the obligations set out under Article 5(1)(f) GDPR and Article 32 GDPR to implement appropriate technical and organisational measures appropriate to any risk, practical steps such as having an individual in attendance to receive any medical records being transported have also been introduced.

It was noted that the GP had operated from their home for over 20 years and while he used secure filing cabinets, appropriate measures were not taken when transporting the files.

The DPC engaged with the GP and issued recommendations regarding the GP's obligations as a controller under Article 24 GDPR and directed him towards the guidance provided on the DPC Website. The DPC further referred the GP to the data protection guidance published by the Irish College General Practitioners (ICGP).

KEY TAKEAWAY:

- A key takeaway is that when transferring any hardcopies containing personal data such as when moving premises, an organisation (or individual where they are the controller) must take into account all the potential risks and ensure there are appropriate technical and organisational measures in place to prevent or mitigate the risks.

Case Study 27:

RISKS POSED BY USERS OF VIDEO CONFERENCING

The DPC received a notification from a statutory body tasked with investigating complaints about the professional conduct of experts. The breach occurred during the course of a public hearing, which was held remotely, when access permissions were incorrectly provided to attendees including journalists.

This error made visible documents revealing personal data, that members of the public were not entitled to view as they did not form part of the hearing. The personal data, which was unintentionally disclosed during the hearing was subsequently published by journalists in numerous media outlets.

The breach was assessed as high risk because the data subject's location which was published could be inferred from the data disclosed.

By way of mitigation, the statutory body confirmed removal of the personal data by the media outlets. In addition, the organisation updated their technical and organisational measures to restrict access to personal data.

KEY TAKEAWAY:

- This case highlights the potential risks posed by users of video conferencing. Controllers should ensure that individuals operating such technologies are familiar in their use and are done in compliance with the standard operating policies and procedures.

*CROSS
BORDER***Case Study 28:****CROSS-BORDER COMPLAINT CONCERNING RIGHT TO ERASURE REQUEST TO AN ONLINE FINANCIAL COMPANY AMICABLY RESOLVED**

The DPC as Lead Supervisory Authority received a complaint via the One-Stop-Shop (OSS) mechanism created by the GDPR from an individual in Germany regarding an erasure request, pursuant to Article 17 of the GDPR to an online financial company based in Ireland.

Having submitted the erasure request to the company for the deletion of their personal data from the company's database, the individual received a refusal from the company to their request. The company informed the individual concerned that it had a legal obligation that required it to retain the data. In the complaint, the individual stated that the company did not provide further information for the basis of its refusal of their request, or information on how long it would retain their data.

The individual then lodged their complaint via the North Rhine-Westphalia Data Protection Authority, who then transferred the complaint to the DPC as the Lead Supervisory Authority.

The complaint was identified as potentially being capable of amicable resolution under Section 109 of the Data Protection Act 2018.

As part of the amicable resolution process, it was established that the company was a financial regulated entity obliged by law to keep the personal data related to closed accounts for a period of seven years, and, upon the expiry of this period, it deletes the personal data associated with a closed account. The company confirmed the date the individual's data would be deleted, and confirmed that until such a time as it could comply with the erasure request, the individual's personal data would be safeguarded.

The DPC communicated this information to the individual via the North Rhine-Westphalia Data Protection Authority. The individual responded, confirming the information provided by the DPC had led to the amicable resolution of their complaint.

KEY TAKEAWAY:

- This case study demonstrates the benefits to individuals of the DPC's intervention by way of its complaint handling and amicable resolution process, which allows it to get to the root of issues between Data Subjects and Controllers. The process allows the DPC to assist individuals in EU States – by addressing their concerns, and providing clarification on data protection procedures and the individual's rights under the GDPR.

**CROSS
BORDER****Case Study 29:****AMICABLE RESOLUTION OF A CROSS BORDER COMPLAINT REGARDING A RIGHT TO ERASURE REQUEST**

The DPC received a complaint via the One-Stop-Shop (OSS) mechanism from an individual regarding the handling of an Article 17 GDPR erasure request made by them.

The individual in this matter had made an erasure request to have their social media account, as well as any subsequent personal data belonging to them, erased by the controller. The individual also noted as part of their complaint that they had lost access to the account in question. Therefore, they could not delete the account on their own accord using the controller's self-deletion tool, due to inaccessibility. The individual first raised their request with the controller directly, but was left dissatisfied with the controller's response to their request. The individual then contacted their national supervisory authority, seeking assistance in acquiring the erasure of the account and related personal data.

The DPC identified the complaint as potentially being capable of amicable resolution under Section 109(2) of the Data Protection Act 2018. The DPC commenced an examination of the complaint by contacting the controller and outlining the details of the complaint.

In its response to the DPC, the controller acknowledged that it appeared that the individual was unable to access their account as asserted by the individual in their complaint. On foot of the DPC's intervention, the social media company contacted the individual directly and its specialist team assisted the individual in regaining access to their account. This enabled the individual to then initiate the process of self-deleting their account and related personal data. The individual subsequently notified the DPC that they considered that their complaint had been amicably resolved.

KEY TAKEAWAY:

- This case demonstrates that organisations cannot always rely on automated systems to address customer concerns and that they need to be mindful of the small percentage of users who cannot exercise their rights through the automated mechanisms in place.

Case Study 30:

**CROSS-BORDER COMPLAINT: DELISTING REQUEST
PURSUANT TO ARTICLE 17 GDPR**

Via the One-Stop-Shop (OSS) mechanism, the DPC received a complaint related to a 'Right to be Forgotten' request made to a large multinational technology company pursuant to Article 17 GDPR. The individual requested the delisting of three URLs that were being returned in a search against the individual's name on the controller's search engine. The URLs in question related to their now-deregistered business. The individual's personal telephone number and residential address were visible through the URLs in question (the individual having operated their previous business at that same address).

The individual submitted their request along with supporting documentation to verify themselves for the purposes of their request. However, the supporting documentation the individual provided was flagged as being illegible, which the individual disputed, and the Data Controller did not appear to have considered the substantive request itself. The individual was not satisfied with the Data Controller's response and subsequently made a complaint to the Bavarian Data Protection Authority (Concerned Supervisory Authority), who transferred the complaint to the DPC for investigation, as the company complained of, has its main establishment in Ireland.

In response to the DPC's investigation, the Data Controller agreed to review the individual's request in full and, having considered the information provided with the request as to the personal details contained in the URLs, determined that the complained-of URLs were eligible for delisting. As a result, the Data Controller delisted the URLs from being returned in a search of the individual's name and informed the individual directly of same. The Data Controller stated that, should the individual have any further URLs or search terms it wished to submit for the purposes of a delisting request, the most efficient and effective means of doing so was through its online form.

The individual subsequently responded to the DPC to confirm their satisfaction with the actions taken by the controller.

KEY TAKEAWAY:

- Delisting and “right to be forgotten” requests need to be considered properly and a balancing test carried out to establish whether the public interest in accessing the information outweighs the rights of the individual to have that same information deleted, or vice versa.

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An Coimisiún um Chosaint Sonraí
Data Protection Commission



An Coimisiún um
Chosaint Sonraí
Data Protection
Commission

Tuarascáil Bhliantúil 2023

GLUAIS

CSA – Údarás Maoirseachta lena mBaineann

DPA – Údarás Cosanta Sonraí

CCS – An Coimisiún um Chosaint Sonraí

DPO – Oifigeach Cosanta Sonraí

EDPB – An Bord Eorpach um Chosaint Sonraí

GDPR – An Rialachán Ginearálta maidir le Cosaint Sonraí

IMI – Córas Faisnéise an Mhargaidh Inmheánaigh

LED – An Treoir maidir le Cosaint Sonraí i réimse Fhorfheidhmiú an Dí

LSA – Príomhúdarás Maoirseachta

OSS – Ionad Ilfhreastail

SMC – Coiste Ardbhainistíochta

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Brollach

Bliain ghnóthach i ndáil le cearta sonraí pearsanta a chosaint ba ea an bhliain 2023. Le linn na bliana, tháinig méadú suntasach ar an líon gearán ar dhéileáil an Coimisiún um Chosaint Sonraí (“an Coimisiún”) leo, agus eisíodh an líon is mó fineálacha riamh agus forchuireadh an líon is mó orduithe ceartúcháin riamh tar éis fiosrúcháin trasteorann agus náisiúnta. Rud ba ghinearálta fós, thug Cúirt Bhreithiúnais an Aontais Eorpaigh líon mór breithiúnas a bhaineann le cosaint sonraí, agus leanadh le díriú intíre a leagan ar nithe cosanta sonraí os comhair chúrteanna na hÉireann freisin.

Leagtar amach sa tuarascáil bhliantúil seo leithead na hoibre a rinne an Coimisiún ar fud na bliana 2023. Léirítear sna cás-staidéir mhionsonraithe ar fud na tuarascála an raon eagraíochtaí ar déileáladh leo. Idir chuideachtaí réadmhaoine agus airgeadais, ghníomhaireachtaí eastáit réadaigh, scoileanna agus sholáthraithe oideachais, eagraíochtaí agus oibríthe cúram sláinte, ghníomhaireachtaí earnála poiblí, fhostóirí agus fhostóirí ionchasacha, gheallghlacadóirí, sholáthraithe fuinnimh, chuideachtaí árachais, bhialanna, charthanais

agus chuideachtaí meán sóisialta, déanann eagraíochtaí sonraí pearsanta daoine a úsáid agus a phróiseáil gach lá, agus an méid sin á dhéanamh acu ar bhealaí casta dothuigthe go minic. Ar fud na bliana 2023, d’fhéach an Coimisiún leis an gceart atá ag daoine aonair chun cosaint chuí a fháil dá sonraí pearsanta a chosaint trí rialáil chothrom chomhréireach a dhéanamh, ar aon dul leis na creataí dlíthiúla is infheidhme agus leis an gcásdlí a bhíonn ag athrú i gcónaí.

Fiosrúcháin agus Forfheidhmiú Trasteorann

I dteannta breac-chuntas a thabhairt ar roinnt fiosrúchán náisiúnta a cuireadh i gcrích, tuairiscítear sa tuarascáil conas a d’oibrigh an Coimisiún le rialálaithe eile Cosanta Sonraí san Eoraip faoin Rialachán Ginearálta maidir le Cosaint Sonraí (RGCS) ar fhiosrúcháin mhórscaála agus, ar bhonn ginearálta, chun treoir agus caighdeán a leagan síos trí obair an Bhoird Eorpaigh um Chosaint Sonraí. Bhí 89 bhfiosrúchán reachtúla idir lámha ag an gCoimisiún le linn na bliana, lenar áiríodh 51 fhiosrúchán trasteorann. Cuireadh roinnt fiosrúchán mórscaála i gcrích, agus an Coimisiún ag forchur breis agus 87%¹ de

1) DLA Piper GDPR Fines and Data Breach Survey 2024 - <https://www.dlapiper.com/en/insights/publications/2024/01/dla-piper-gdpr-fines-and-data-breach-survey-january-2024>

na fíneálacha forfheidhmiúcháin RGCS uile a forchuireadh ar fud an Aontais Eorpaigh (bunaithe ar fhíneálacha airgid). Rinne an Coimisiún roinnt ionchúiseamh rathúil faoi na Rialacháin um Príobháideacht agus Cumarsáid Leictreonach freisin, áit ar tugadh aghaidh ar theachtaireachtaí margáiochta gan iarraidh.

Rud suntasach sa bhliain 2023 ba ea gur críochnaíodh an t-imscrúdú ón gCoimisiún ar dhlíthiúlacht na n-aistrithe sonraí pearsanta ón Aontas Eorpach chuig Stáit Aontaithe Mheiriceá a bhí á ndéanamh ag Meta agus an t-imscrúdú ón gCoimisiún i ndáil le TikTok agus úsáideoirí is leanaí. Ós rud é gurb é an Coimisiún an Príomhúdarás Maoirseachta san Aontas Eorpach (AE) i gcásanna ina bhfuil bunaíocht aonair nó príomhbhunaíocht na cuideachta lena mbaineann lonnaithe in Éirinn, is é an Coimisiún a threoraigh na himscrúduithe sin, ar seoladh iad i gcomhar le rialálaithe eile AE faoi shásraí comhair agus comhsheasmhachta RGCS. Glacadh cinntí críochnaitheacha sna cásanna sin i mí na Bealtaine (Meta) agus i mí Mheán Fómhair (TikTok) 2023, agus forchuireadh leo fíneálacha dar luach €1.2bn agus €345m faoi seach. Gné amháin den rialáil sin ba ea gur thionscain na cuideachtaí lena mbaineann tacair chomhthráthacha éagsúla imeachtaí dlí os comhair Ard-Chúirt na hÉireann agus na gCúirteanna Eorpacha, agus iad ag déanamh agóid in aghaidh thoradh na bhfiosrúchán ón gCoimisiún agus in aghaidh an phróisis trínar cuireadh i gcrích iad.

Caidreamh agus maoirseacht

Gné lárnach d'obair an Choimisiúin is ea treoir a thabhairt d'eagraíochtaí agus cuideachtaí faoin bhfeidhm Maoirseachta atá aige. Áiríodh leis na réimsí tosaíochta ar díríodh orthu sa bhliain 2023 na cearta sonraí atá ag leanaí agus ag daoine soghonta a chosaint faoi Straitéis Rialála an Choimisiúin 2022-27. Agus cearta cosanta sonraí á gcoimirciú aige, rinne an Coimisiún caidreamh le hearnálacha éagsúla agus thacaigh sé leo, idir bhialanna, eagraíochtaí spóirt, eagraíochtaí neamhrialtasacha, chuideachtaí ilnáisiúnta teicneolaíochta, ghníomhaireachtaí forfheidhmithe dlí, scoileanna, agus chomhlachtaí earnála poiblí.

Faoi na feidhmeanna caidrimh agus maoirseachta atá againn, bhuaill an Coimisiún le comhlachtaí ionadaíocha roinnt uaireanta chun obair trí conas a d'fhéadfaí cur chuige rioscabhunaithe prionsabalbhunaithe RGCS a chur i bhfeidhm sa chleachtas. Cuireann an Coimisiún treoir agus moltaí ar fáil do ghrúpaí agus eagraíochtaí maidir leis an gcur chuige is fearr, agus oibríonn sé líne chabhrach theileafóin chun cabhrú leis an bpobal ar an ní sin agus ar nithe eile ar bhonn laethúil.

Trí chaidreamh, thug an Coimisiún aghaidh ar an diúltú faisnéis thábhachtach a chomhroinnt idir gníomhaireachtaí cúraim i gcás gur cuireadh an diúltú sin síos do RGCS. Le RGCS, ceadaítear d'eagraíochtaí faisnéis a chomhroinnt go dleathach (sonraí a phróiseáil) i gcás go bhfuil saol nó sábháilteacht (leasanna ríthábhachtacha) duine aonair i gceist – cibé acu i suíomh cúraim nó i suíomh eile. D'oibrigh an Coimisiún chun tacú le heagraíochtaí neamhrialtasacha seirbhísí a sholáthar do dhaoine aonair soghonta le linn na bliana, agus leanfar ar aghaidh leis an gcaidreamh sin sa todhchaí.

Déanann an Coimisiún caidreamh tráthrialta le cuideachtaí maidir le táirgí nua agus maidir le conas aghaidh a thabhairt ar shaincheisteanna cosanta sonraí a d'fhéadfadh teacht chun cinn, lena n-áirítear na cearta cosanta sonraí atá ag leanaí. Sna míonna tosaigh den bhliain 2023, chuir an Coimisiún ceithre threoir ghearra le chéile do thuismitheoirí maidir leis na cearta cosanta sonraí atá ag leanaí faoi RGCS. Tá na treoracha sin ceaptha chun cabhrú le thuismitheoirí na cearta atá ag a leanaí a thuiscint agus freagra a thabhairt ar cheisteanna ar féidir leo teacht chun cinn sna gnáthchásanna ina bhfuil feidhm ag na cearta sin.

Reachtaíocht agus ceaduithe

Thug an Coimisiún ionchur agus barúlacha maidir le breis agus 37 bpíosa reachtaíochta bheartaithe, ghníomhaigh sé mar phríomhrialálaí i ndáil le 22 iarratas ar cheadú Rialacha Ceangailteacha Corparáideacha ó 14 chuideachta dhifriúla, agus d'oibrigh sé ar roinnt dréachtchód cleachtais, lena áiríodh trí chód a forbraíodh faoin Acht um an nGeilleagar Ciorclach agus Forálacha Ilghnéitheacha, 2022. Tugadh an reachtaíocht sin isteach chun bunús dlí soiléir a thabhairt d'údarais áitiúla chun úsáid a bhaint as gléasanna taifeadta amhail TCI agus ceamaraí colainne le haghaidh cionta bruscair agus cionta bainistíochta dramhaíola a chosc, a imscrúdú, a bhrath agus a ionchúiseamh.

TCI

Tarraingítear aird sa tuarascáil ar chásanna inar úsáideadh TCI nó modhanna eile chun faireachas a dhéanamh ar dhaoine aonair i limistéir phoiblí agus i limistéir príobháideacha araon. Le linn na bliana, rinneadh gníomh forfheidhmiúcháin in aghaidh roinnt údarás áitiúil agus cuideachtaí i gcás gur próiseáladh sonraí daoine aonair le TCI gan aon bhunús dleathach. Is i gcoirílár RGCS atá an prionsabal 'gan dochar a dhéanamh', a aistrítear ina bprionsabail éagsúla mar a leanas: prionsabail na comhréireachta agus an riachtanais; prionsabal an íoslaghdaíthe sonraí; prionsabal an teorannaithe de réir cuspóra; agus prionsabal an léirscriosta ina dhiaidh sin, nuair nach mbeidh sonraí pearsanta ag teastáil a thuilleadh chun na críche ar chuici a bailíodh iad. Ní mór d'eagraíochtaí a bhailíonn píosaí scannáin TCI údar soiléir agus bunús dleathach soiléir a bheith acu le déanamh amhlaidh. Ceanglaítear bunús dleathach soiléir a bheith acu chun an fhaisnéis/na híomhánna sin a chomhroinnt ina dhiaidh sin freisin. Sampla amháin atá tugtha sa tuarascáil is ea úsáid thréimhsiúil a bhaint as TCI i leithris, cibé acu i mbialanna nó i scoileanna. Ós rud é gurb ionann leithris agus limistéir ina bhfuil daoine aonair ag súil le hardleibhéal príobháideachta a fháil, beidh údar láidir fianaisebhunaithe ag teastáil chun aon íomhánna nó aon píosaí scannáin TCI a thaifeadadh agus a úsáid

Oifigigh Chosanta Sonraí

Tarraingítear aird sa tuarascáil seo ar an ról tábhachtach a imríonn Oifigigh Chosanta Sonraí laistigh d'eagraíochtaí. I ngach comhlacht poiblí, agus ina lán cuideachtaí príobháideacha, imríonn an tOifigeach Cosanta Sonraí ról ríthábhachtach maidir le cearta príobháideachta daoine aonair a chur chun cinn trína chinntiú go ndéanann an eagraíocht breithniú iomlán ar conas a chomhlíonann an dóigh a bpróiseálann sí sonraí fostaithe agus custaiméirí na hoibleagáidí dlíthiúla atá uirthi cearta aonair a sheasamh, ag gníomhú dó/di mar "chara riachtanach" do na heagraíochtaí sin tríd an gcomhrá comhlíonta a choinneáil chun tosaigh. Tacaíonn dea-chleachtais rialachais sonraí agus baill foirne tacaíochta laistigh d'eagraíochtaí le ról an Oifigigh Cosanta Sonraí. Imríonn an tOifigeach Cosanta Sonraí ról tábhachtach maidir le déileáil le míonsárúithe sonraí agus maidir le fógra a thabhairt don Choimisiún faoi shárúithe tromchúiseacha sonraí freisin. Sa bhliain 2023, tháinig méadú ar an líon fógraí faoi shárúithe a tugadh don Choimisiún. Agus rochtain thráthrialta acu ar an lucht ardbhainistíochta, tá ról neamhspleách ag Oifigigh Chosanta Sonraí maidir le caighdeáin chosanta sonraí a chothabháil laistigh d'eagraíochtaí. Sa bhliain 2023, d'oibrigh an Coimisiún le líonraí Oifigeach Cosanta Sonraí, agus d'éascaigh sé líonra earnála poiblí agus líonra náisiúnta piara le piara d'Oifigigh Chosanta Sonraí do chomhlachtaí príobháideacha agus do chomhlachtaí poiblí araon. Doimhneofar an obair sin sna blianta atá le teacht.



Slán a fhágáil faoi bhrón

D'fhág an Coimisiún slán le beirt a chuir go mór le hobair na hoifige le cúpla bliain anuas sa bhliain 2023. Chaill Coiste Iniúchóireachta agus Riosca an Choimisiúin guth cumasach agus meon fiosrach nuair a fuair Bride Rosney bás roimh am i mí Mheán Fómhair. Bhí Bride ina comhalta gníomhach den Choiste Iniúchóireachta agus Riosca ó bunaíodh é, agus bhí an t-ádh orainn tairbhe a bhaint as a cuid eolais agus treorach. Fuair Kathleen Malone, comhghleacaí urramach agus ball foirne reatha den Choimisiún, bás tobann ina dhiaidh sin i mí na Samhna, agus an-díomá á cur ar a comhghleacaithe. Cronaímid go léir sa Choimisiún an rannchuidiú eisceachtúil a rinne Kathleen agus a heitic oibre agus a saineolas. Tapaímid an deis seo chun cuimhneamh ar an mbeirt díobh agus comhbhrón an Choimisiúin a dhéanamh le teaghlach Bride agus Kathleen araon.

Athrú ceannaireachta

Ba faoi stiúir ag Helen Dixon a cuireadh gníomhaíochtaí an Choimisiúin i gcrích sa bhliain 2023, agus í ina Coimisinéir Cosanta Sonraí aonair le linn na bliana sular tháinig an dara téarma cúig bliana a bhí aici chun deiridh go luath sa bhliain 2024. Ba faoi thionacht an Choimisinéara Dixon agus Dale Sunderland, an comh-Choimisinéir eile, a rinneadh an obair atá mionsonraithe sa tuarascáil seo, agus tapaímid an deis seo chun aitheantas a thabhairt le buíochas don mhaoirseacht a rinne an Coimisinéir Dixon ar an gCoimisiún le deich mbliana anuas. Sa bhliain 2023, rinne an Coimisiún um Cheapacháin Seirbhíse Poiblí, ag gníomhú dó thar ceann Rialtas na hÉireann, formhaoirseacht ar phróiseas neamhspleách earcaíochta oscailte chun coimisinéirí nua a cheapadh chuig an gCoimisiún um Chosaint Sonraí. Cuireadh an próiseas sin i gcrích go luath sa bhliain 2024, nuair a cheap an Rialtas Dale Sunderland agus mé féin chuig na ról mar Choimisinéirí Cosanta Sonraí.

Táimid ag teacht i gceannas ar rialálaí atá ceannoscailte agus a bhfuil meas air, ar rialálaí é a bhfuil sé mar luachanna aige cearta an duine aonair a sheasamh trí rialáil chothrom chomhréireach a dhéanamh sna blianta atá le teacht.



**Coimisinéir Dale Sunderland agus
Coimisinéir Cathaoirleach Dr Des Hogan**

**Dr Des Hogan
Cathaoirleach, An Coimisinéir um
Chosaint Sonraí**

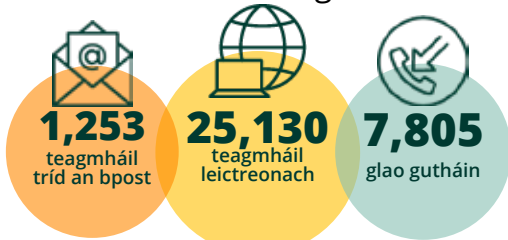


Achoimre Fheidhmeach

AG TACÚ LE DAOINE AONAIR

Ón 1 Eanáir 2023 go 31 Nollaig 2023:

- Fuair an CCS breis is **25,130** teagmháil leictreonach², **7,085** glao gutháin agus **1,253** teagmháil tríd an bpost;
- Sa bhliain 2023 fuair an CCS **11,200** cásanna nua³ ó dhaoine aonair. is ionann é sin agus méadú 20% ar an bhfigiúr **9,370** do for 2022.
- Ghlac an Coimisiún le 11,200 cás nua an bhliain seo caite: **8,600** cás a bhí ina gceisteanna a rabhtas in ann déileáil leo ar bhealach measartha tapa; agus **2,600** cás a chuaigh ar aghaidh chuig próiseas foirmiúil láimhseála gearán.



- Chomh maith le 11,200 cás nua a fháil, thug an CCS **11,147** cás chun críche in 2023, agus réitíodh **3,218** díobh tríd an bpróiseas foirmiúil láimhseála gearán. Áirítear leis an bhfigiúr seo gearáin a fuarthas roimh 2023.

In 2023, na hábhair GDPR is minice le haghaidh fiosrúcháin agus gearáin ar aghaidh ag bheith:

- Iarratais Rochtana;
- Próiseáil chothrom;
- Nochtadh;
- Margaíocht Dhíreach; agus
- Ceart chun Scriosta

2) Cuimsíonn cumarsáid leictreonach seoltaí ríomhphoist chuig cuntas info@ an CCS agus foirmeacha gréasáin a chuirtear isteach trí shuíomh Gréasáin an CCS.

3) Sainmhínear cásanna mar theagmhálacha a dteastaíonn tuilleadh rannpháirtíochta uathu tar éis an cheist tosaigh. Mar sin is féidir gearáin ó dhaoine aonair a áireamh i gcásanna sa chás seo, ach cuimsítear ann freisin iarratais ar chomhairle agus treoir nach mbaineann gné gearáin leo. Ní áirítear leis an bhfigiúr seo teagmhálacha ó na meáin chumarsáide, cuirí cainte, fógraí sáraithe nó comhairliúcháin roimh ré.

AG TACÚ LEIS AN TIONSCAL

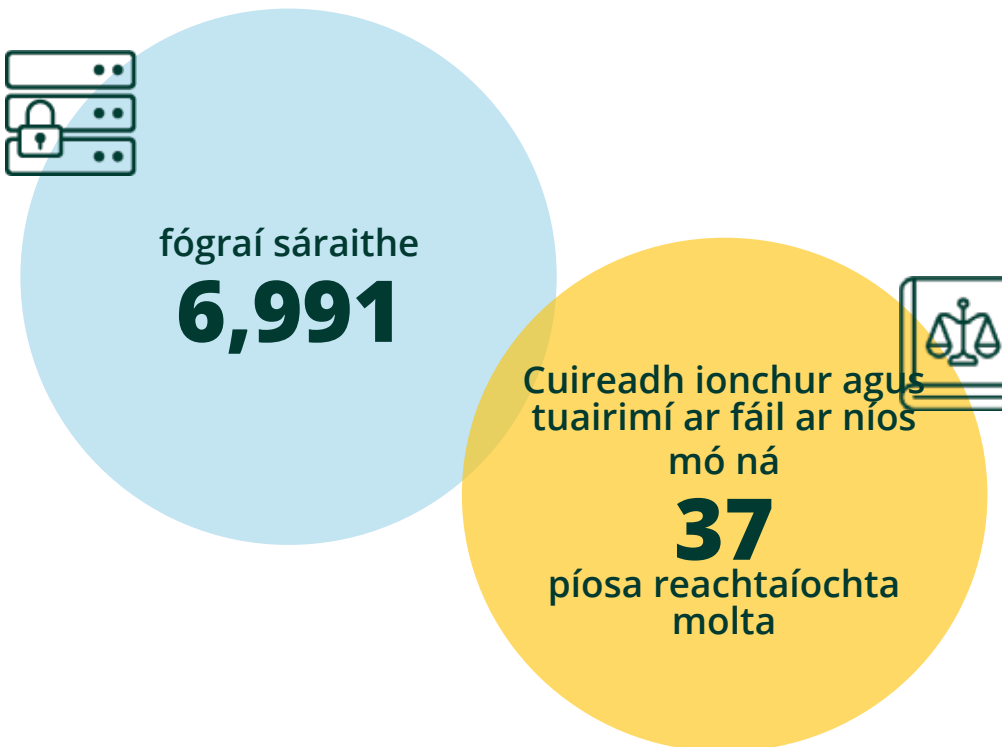
- Fuarthas **6,991** fógra bailí ar an iomlán maidir le sárú sa bhliain 2023. Is ionann é seo agus méadú **20%** ar 5,828 sárú a fógraíodh in 2022.
- As an líon iomlán cásanna maidir le sárú a taifeadadh, tugadh **92%** chun críche sa bhliain 2023.

D'éascair an chúis ba mhinice le sárúithe a tuairiscíodh don CCS mar gheall ar chomhfhreagras a bheith míthreorach chuig na faighteoirí míchearta, ag **52%** den iomlán iomlán.

RIALÁIL/ IMSCRÚDÚ AGUS MAIRSEACHT A DHÉANAMH

Le linn 2023, thug an Coimisiún ionchur agus barúlacha maidir le breis agus **37** bpíosa reachtaíochta bheartaithe.

Trí ghníomhaíocht Maoirseachta, sheol an Coimisiún comhairliúchán reachtúil ar na Cóid Chleachtais a tugadh isteach faoin **Acht um an nGeilleagar Ciorclach agus Forálacha Ilghnéitheacha, 2022**, rud lena dtabharfar bunús dlí soiléir d'Údaráis Áitiúla chun úsáid a bhaint as gléasanna taifeadta amhail **TCl agus Ceamaraí Colainne** le haghaidh cionta bruscair agus cionta bainistíochta dramhaíola a chosc, a imscrúdú, a bhrath agus a ionchúiseamh. Leis sin, cinnteofar go mbeidh Údaráis Áitiúla in ann na teicneolaíochtaí sin a imscaradh ar bhealach spriocdhírithé comhréireach, i gcomhlíonadh na gcreataí reachtaíochta um Chosaint Sonraí.



Chuir an Coimisiún leis an gcaidreamh le geallsealbhóirí i réimsí **an chúraim sláinte agus an chúraim** shóisialaigh chun cabhair agus treoir a thabhairt maidir le saincheisteanna a thagann chun cinn le linn sonraí pearsanta daoine soghonta a phróiseáil. Mar chuid den chur chuige ilghnéitheach sin, iarradh ar an gCoimisiún rannchuidiú le tuarascáil ón **gCoimisiún um Athchóiriú an Dlí** ar an gcreat rialála náisiúnta le haghaidh cumhdach aosach.

Ba é an Coimisiún an príomhúdarás maoirseachta i ndáil le **22 iarratas ar Rialacha Ceangailteacha Corparáideacha** ó 14 chuideachta dhifriúla. **Ceadaíodh ceithre cinn de na hiarratais sin sa bhliain 2023.** Thug an Coimisiún cúnamh d'údaráis Eorpacha eile Cosanta Sonraí trí ghníomhú mar chomh-athbhreithnitheoir d'údarás maoirseachta eile ar chúig iarratas ar Rialacha Ceangailteacha Corparáideacha agus ghníomhaigh sé mar rapóirtéir ar fhoirne dréachtaithe i ndáil le Tuairimí Airteagal 64 ar thrí cinn de Rialacha Ceangailteacha Corparáideacha sa bhliain 2023.

Bhí 100 cruinniú caidrimh ag an bhfoireann Maoirseachta Ilteicneolaíochta le Cuideachtaí Teicneolaíochta éagsúla agus le hÚdaráis Mhaoirseachta eile sa bhliain 2023 agus **d'éirigh léi ceithre thionscadal sceidealaithe ardáin Idirlín a bhfuil** impleachtaí acu do chearta agus saoirsí daoine aonair a chur siar nó a leasú.

Bhí méadú suntasach ann sa bhliain 2023 sa líon ceisteanna a fuarthas faoi úsáid a bhaint as TCI **i limistéir a bhfuil ionchas níos mó go n-urramófaí próbháideacht iontu.** Mar thoradh air sin, d'fhoilsigh an Coimisiún leagan nuashonraithe mionsonraithe den Treoir ar úsáid **TCI** uaidh chun plé a dhéanamh ar na saincheisteanna sin agus ar ár n-ionchais maidir le TCI a úsáid i limistéir den sórt sin agus scríobh sé chuig roinnt rialaitheoirí sonraí agus comhlachtaí ionadaíochta eanála chun iad a chur ar an eolas faoi na forbairtí sin.

Amhail an 31 Nollaig 2023, **bhí 89 bhFiosrúchán Reachtúla idir lámha** ag an gCoimisiún, lenar áiríodh 51 Fhiosrúchán Trasteorann.

I mí na Bealtaine, d'fhógair an Coimisiún gur tugadh chun críche fiosrúchán RGCS a sheol sé ar **Meta Platforms Ireland Limited maidir le hAistrithe Sonraí.** Bhí an cinneadh faoi réir Phróiseas Réitigh Díospóide Airteagal 65, ar ina dhiaidh a d'fhorchuir an Coimisiún fineáil €1.2 billiún ar Meta Ireland agus a thug sé ordú dó a oibríochtaí próiseála a chur i gcomhréir leis an reachtaíocht.

I mí Mheán Fómhair, d'eisigh an Coimisiún an cinneadh críochnaitheach uaidh maidir lena fhiosrúchán ar **TikTok Technology Limited.** Scrúdaíodh san fhiosrúchán seo an dóigh a raibh **sonraí pearsanta a bhaineann le leanaí** á bpróiseáil ag TikTok. Bhí an cinneadh faoi réir Phróiseas Réitigh Díospóide Airteagal 65, ar ina dhiaidh a thug an Coimisiún ordú do TikTok a phróiseáil a chur i gcomhréir leis an reachtaíocht agus a d'fhorchuir sé fineálacha dar luach iomlán **€345 mhilliún.**

Faoi dheireadh 2023, tar éis glacadh lena chinntí, ghearr an CCS fineálacha arbh fhiú **€1.55 billiún** iad.

Sa bhliain 2023, de bhreis ar na cásanna thuas, thug an Coimisiún **13 fhiosrúchán** chun críche, d'eisigh sé **24 dhréachtchinneadh shealadacha** chuig gearánaigh agus chuig eintitis rialáilte sular tugadh chun críche iad; sheol sé **18 ndréachtchinneadh** ar aghaidh chuig próiseas comhchinnteoireachta Airteagal 60; tharchuir sé **dhá chinneadh** chuig Sásra Réitigh Díospóide Airteagal 65 ó EDPB; **d'eisigh sé 12 chinneadh a bhí tugtha chun críche sa bhliain 2023;** agus d'iarr sé aighneachtaí ar ráitis faoi shaincheisteanna nó tuarascálacha fiosrúcháin ó pháirtithe ábhartha i **dtrí fhiosrúchán** eile. Ina theannta sin, thíolaic an CCS trí shásra comhair Airteagal 60 **229** fógra maidir le réitigh cairdiúla a baineadh amach maidir le gearáin trasteorann.

FIOSRÚCHÁIN AGUS GNÍOMH FORFHEIDHMITHE GAOLMHAR A TUGADH CHUN CRÍCHE IN 2023

Eagraíochtaí	An Cinneadh a Eisíodh	An Fhíneáil a Forchuireadh	An Beart Ceartaitheach a Forchuireadh
WhatsApp Ireland Ltd	Eanáir 2023	€5.5 milliún	Ordú faoi bhun: Airteagail 5(1)(a) agus 6(1) RGCS.
Kildare County Council	Eanáir 2023	€50,000	Toirmeasc sealadach ar cheamaraí TCI ag láithreacha éagsúla. Ordú faoi bhun: Airteagail 5(1)(a), 6(1), 13 agus 32(1) RGCS. Ailt 71, 72, 76, 78 agus 82 den Acht um Chosaint Sonraí, 2018.
Airbnb Ireland UC	Eanáir 2023	N/B	Cinneadh nach ndearnadh aon sárú.
Centric Health	Feabhra 2023	€460,000	Iomardú faoi bhun: Airteagail 5(1)(f), 5(2) agus 32(1) RGCS.
Banc na hÉireann	Feabhra 2023	€750,000	Iomardú faoi bhun: Airteagail 5(1)(f) agus 32(1) RGCS. Ordú faoi bhun: Airteagail 5(1)(f) agus 32(1) RGCS
Ard-Easpag Bhaile Átha Cliath	Feabhra 2023	N/B	Ordú faoi bhun: Airteagal 5(1)(a) RGCS.
Meta (Facebook)	Bealtaine 2023	€1.2 billiún	Sreabha sonraí a fhionraí faoi bhun: Airteagal 46 RGCS. Ordú faoi bhun: Airteagal 46 RGCS.
An Roinn Sláinte	16 Meitheamh 2023	€22,500	Toirmeasc faoi bhun: Airteagail 5(1)(c), 6(1), 6(4) agus 9(1) RGCS. Iomardú faoi bhun: Airteagail 5(1)(c), 5(1)(f), 6(1), 6(4) agus 32(1) RGCS.
Airbnb Ireland UC	Meitheamh 2023	N/B	Cinneadh nach ndearnadh aon sárú.
Airbnb Ireland UC	Meitheamh 2023	N/B	Iomardú faoi bhun: Airteagail 5(1)(c) agus 5(1)(e). Ordú faoi bhun: Airteagail 5(1)(c) agus 5(1)(e).

Eagraíochtaí	An Cinneadh a Eísíodh	An Fhíneáil a Forchuireadh	An Beart Ceartaitheach a Forchuireadh
Airbnb Ireland UC	Iúil 2023	N/B	Iomardú faoi bhun: Airteagail 5(1)(c), 6(1)(f), 15(1), 12(1) agus 12(3). Ordú faoi bhun: Airteagal 12(1).
Comhairle Contae na Gaillimhe	Lúnasa 2023	N/B	Toirmeasc sealadach ar cheamaraí TCI agus ar uathaithint uimhirphlátaí ag láithreacha éagsúla. Toirmeasc sealadach ar cheamaraí coirp a úsáid. Ordú faoi bhun: Airteagal 35 RGCS agus Ailt 71, 72, 76, 78, 82 agus 90(1) den Acht um Chosaint Sonraí, 2018. Iomardú faoi bhun: Airteagal 24 RGCS.
TikTok	Meán Fómhair 2023	€345 mhilliún	Iomardú faoi bhun: Airteagail 5(1)(a), 5(1)(c), 12(1), 13(1)(e), 24(1), 25(1) agus 25(2) RGCS. Ordú faoi bhun: Airteagail 5(1)(a), 5(1)(c), 12(1), 13(1)(e), 24(1), 25(1) agus 25(2) RGCS.
Airbnb Ireland UC	Meán Fómhair 2023	N/B	Iomardú faoi bhun: Airteagal 12(4).
Airbnb Ireland UC	Meán Fómhair 2023	N/B	Iomardú faoi bhun: Airteagail 6(1)(f), 5(1)(c) agus 5(1)(e). Orduithe faoi bhun: Airteagail 5(1)(c) agus 5(1)(e).
Airbnb Ireland UC	Meán Fómhair 2023	N/B	Iomardú faoi bhun: Airteagail 6(1)(f) agus 5(1)(c). Ordú faoi bhun: Airteagail 6(1)(f) agus 5(1)(c).
Apple Distribution International Limited	Samhain 2023	N/B	Cinneadh nach ndearnadh aon sárú.
Microsoft Operations Ireland Limited	Samhain 2023	N/B	Iomardú faoi bhun: Airteagail 12(4) agus 17. Ordú faoi bhun: Airteagail 12(4) agus 17.

Eagraíochtaí	An Cinneadh a Eísíodh	An Fhíneáil a Forchuireadh	An Beart Ceartaitheach a Forchuireadh
Meta (Facebook and Instagram)	Samhain 2023	N/B	Toirmeasc ar shonraí pearsanta a phróiseáil chun críocha fógraíochta iompraíochta ar bhonn Airteagal 6(1)(b) nó (f) RGCS.

DEIMHNIÚ FÍNEÁLACHA RIARACHÁIN

I mí na Samhna 2023, deimhníodh i gCúirt Chuarda Bhaile Átha Cliath na cinntí a rinne an Coimisiún um Chosaint Sonraí chun fineálacha riaracháin a fhorchur ar chúig eagraíocht dhifriúla. Bhí na fineálacha sin sa raon idir €15,000 agus €750,000. Ar bhailiú, fineálacha aistrítear chuig an stáchtiste lárnach in Éirinn.

- VIEC, ag trádáil mar Virtue Eldercare – (€100,000)
- A&G Couriers, ag trádáil mar Fastway Couriers – (€15,000)
- Comhairle Contae Chill Dara – (€50,000)
- Centric Health – (€460,000)
- Banc na hÉireann – (€750,000)



D'fhreastail ar bhreis agus
150
cruinniú an BECS

CAIDREAMH A DHÉANAMH LE RIALÁLAITHE EILE

Ó bhí an 1 Eanáir 2023 ann:

- Thug an Coimisiún freagra ar bhreis agus **800** ceann d'larrataí Frithpháirteacha agus larrataí Frithpháirteacha Deonacha Airteagal 61 ar chabhair ó Rialálaithe Eorpacha eile;
- D'fhreastail an Coimisiún ar bhreis agus **150 cruinniú Bhord Eorpach um Chosaint Sonraí (BECS)** a seoladh go fíorúil agus i bpearsa araon;
- Leanadh le hionadaithe a bheith acu ar gach foghrúpa EDPB; agus
- Leanann an Coimisiún de bheith ina bhall gníomhach de Ghrúpa Rialálaithe Digiteacha na hÉireann, mar aon le ComReg, leis an gCoimisiún um Iomaíocht agus Cosaint Tomhaltóirí agus le Coimisiún na Meán (Údarás Craolacháin na hÉireann roimhe seo) mar chuid d'ullmhúcháin na hÉireann don athrú reachtach atá le teacht ar leibhéal an Aontais Eorpaigh.

freagair ar bhreis agus
800
ceann d'larrataí Frithpháirteacha agus larrataí Frithpháirteacha Deonacha



COSAINN SONRAÍ A PHRÍOMHSHRUTHÚ

Labhair baill foirne den Choimisiún ag **120 imeacht cainte** sa bhliain 2023, agus iad comhdhéanta de sheimineáir fhíorúla agus de sheimineáir i bpearsa araon.



d'fhreastail
ag
120
imeacht cainte

Tá an Coimisiún tiomanta fós d'fheasacht ar chearta cosanta sonraí agus ar fhreagrachtaí cosanta sonraí a bhrú chun cinn.

Fónann suíomh Gréasáin an Choimisiúin mar mhol lárnach le haghaidh faisnéis faoi chosaint sonraí, agus treoir chuimsitheach á tabhairt do dhaoine aonair maidir le topaicí éagsúla, amhail dlíthe um chosaint sonraí a thuiscint, cearta cosanta sonraí a fheidhmiú, agus sárúithe sonraí a thuairisciú. Sa bhliain 2023, rinne an Coimisiún **cúig** phíosa treorach nua⁴ substaintiúla (lena n-áirítear ceithre cinn atá saincheaptha go sonrath do leanaí), dhá ghrafaic faisnéise, agus **12** chás-staidéar nua⁵ a tháirgeadh le haghaidh shuíomh Gréasáin an Choimisiúin sa bhliain.

4) <https://www.dataprotection.ie/ga/treoir-ccs>

5) <https://www.dataprotection.ie/ga/dpc-guidance/case-studies>

GNÍOMHAÍOCHT EILE

Sa bhliain 2023:

- Chuir an Coimisiún **237** n-imscrúdú ar mhargaíocht dhíreach leictreonach i gcrích;
- Rinne an Coimisiún **ceithre chuideachta a ionchúiseamh** i ndáil le cumarsáidí margaíochta neamhiarrtha a sheoladh gan toiliú (Rialachán 13 d'Ionstraim Reachtuil 336 de 2011) chuig daoine aonair. Rinne an Chúirt ciontuithe sna cúisimh uile agus d'fhorchuir sí fíneálacha arbh fhiú €2,000 san iomlán iad;
- **Fuair an Coimisiún 26 ghearán a bhaineann leis an Treoir maidir le Cosaint Sonraí i réimse Fhorfheidhmiú an DLí agus chuir sé 37 gcinn de ghearáin den sórt sin i gcrích;**

críochnaíonn
muid
237
fiosrúchán
margaíochta
díreach



4
ionchúiseamh
margaíochta
gan iarraidh

fuaireamar
26
gearán TFD



Críochnaíonn
muid
37
gearán TFD



Misean

Dlí um chosaint sonraí a chur i bhfeidhm go seasta trí rannpháirtíocht, trí mhaoirseacht agus trí fhorfheidhmiú, agus comhlíonadh na reachtaíochta um chosaint sonraí a chur chun cinn. Cosnaíonn an Coimisiún um Chosaint Sonraí cearta cosanta sonraí daoine aonair agus tugann sé soiléire do na heagraíochtaí a rialaíonn sé trí:

- páirtithe leasmhara a chur ar an eolas faoina gcearta agus a bhfreagrachtaí;
- cur chun cinn cóir agus cothrom a ghlacadh maidir le láimhseáil gearán;
- teagmháil a dhéanamh go fairsing agus go trédhearcach le páirtithe leasmhara;
- páirt ghníomhach a ghlacadh ag leibhéal an Bhoird Eorpaigh um Chosaint Sonraí chun comhsheasmhacht a bhaint amach;
- fadcheann teicneolaíochta a chothú, ag súil le forbairtí rialála amach anseo;
- pionós a ghearradh go comhréireach agus go críonna; agus
- inniúlachtaí saineolacha na foirne a choinneáil agus a thabhairt le chéile chun éifeachtacht oibríochtúil a chinntiú.



Fís

Mar rialaitheoir ar dhlí an AE maidir le cosaint sonraí, tá an Coimisiún um Chosaint Sonraí dúthrachtach faoi bheith neamhspleách, tionchar a imirt go hidirnáisiúnta, agus a bheith iontaofa ag an bpobal; trí rialú le cuspóir soiléir, le muintín an phobail, le meas ár bpiaraí agus trí bheith éifeachtach maidir le rialú.

Beidh ról ceannaireachta ag an CCS i leith soiléireacht dhlíthiúil a chur ar fáil i mblianta tosaigh an Rialacháin Ghinearálta maidir le Cosaint Sonraí. Glacfaidh an CCS cur chun cinn rialála bunaithe ar riosca i leith a chuid oibre, ionas go gcuirfear a gcuid acmhainní in ord tosaíochta i gcónaí ar bhonn na tairbhe is mó a thabhairt don líon is mó daoine.

Chomh maith leis sin, beidh an CCS ina áit oibre thairbheach agus dhúshlánach, ina leagfar béim ar na daoine is cuí a choinneáil, a tharraingt isteach agus a cheapadh chun cur lena shainordú, agus aitheantas á thabhairt gurb é luach agus inniúlacht na foirne an bua is mó atá aige.



Luachanna

Is rialtóir neamhspleách é an CCS, ar a bhfuil freagracht as eagraíochtaí na hearnála príobháidí agus poiblí araon a rialú, chomh maith le cearta cosanta sonraí daoine aonair a chosaint. Agus na dualgais seo á gcomhlíonadh, tá an CCS dúthrachtach faoi ghníomhú i gcónaí i mbealach atá:

- ✓ Cothrom
- ✓ Saineolach
- ✓ Comhréireach
- ✓ Trédhearcach
- ✓ Cuntasach
- ✓ Réamhbhreathnaitheach
- ✓ Gníomhach
- ✓ Neamhspleách
- ✓ Dírithe ar Thorthaí





Straitéis Rialála

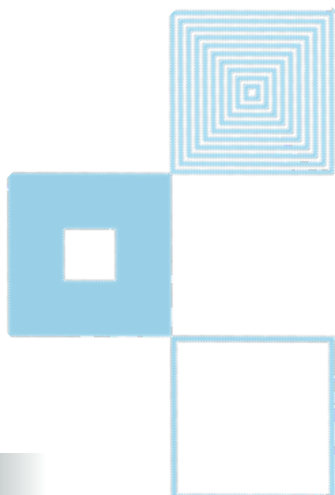
I mí na Nollag 2021, d'fhoilsigh CCS a Straitéis Rialála do 2022-2027, a bheidh mar threochlár don CCS trí thréimhse bhunathraitheach.

Tá fíis uailmhianach leagtha síos ag an CCS maidir leis an méid a chreideann sé a bheidh mar chúig bliana ríthábhachtach i dteacht chun cinn dlí, rialú agus cultúr cosanta sonraí.

Tá an Straitéis – agus an clár oibre a eascraíonn as – bunaithe thart ar chúig philéar idircheangailte ó thaobh comhthosaíochta.

- 1. Rialú go comhsheasmhach agus go héifeachtach**
- 2. Daoine aonair a chosaint agus feachtas maidir le cosaint sonraí pearsanta a chur chun cinn**
- 3. Tosaíocht a thabhairt do chosaint leanaí agus do ghrúpaí leochaileacha eile.**
- 4. Soiléireacht a thabhairt chuig páirtithe leasmhara**
- 5. Tacú le heagraíochtaí agus treallús a chur faoi chomhlíontacht**

Socraítear an Straitéis de réir spriocanna bunúsacha, a bhfuil misean, fíis agus luachanna an CCS mar bhonn agus mar thaca acu, a rannchuidíonn le chéile le seachadadh a thosaíochtaí straitéiseacha.





Roil agus Freagrachtaí

FEIDHMEANNA AN CCS

Is é an Coimisiún um Chosaint Sonraí (CCS) an t-údarás náisiúnta neamhspleách in Éirinn atá freagrach as seasamh le buncheart na ndaoine san AE go ndéanfaí a gcuid sonraí pearsanta a chosaint. Dá réir sin, is é an CCS an t-údarás maoirseachta Éireannach a bhfuil sé de chúram air monatóireacht a dhéanamh ar an Rialachán Ginearálta maidir le Cosaint Sonraí (GDPR) (Rialachán (AE) 2016/679).

Áirítear i measc croífheidhmeanna an CCS, faoin GDPR agus faoin Acht um Chosaint Sonraí 2018 – a thugann tuilleadh éifeachta don GDPR in Éirinn

:

- **spreagadh comhlíonta fheabhsaithe le reachtaíocht chosanta sonraí ag rialaitheoirí agus ag próiseálaithe;**
- **láimhseáil ghearán ó dhaoine aonair maidir le hábhar sáruite a gcuid ceart cosanta sonraí;**
- **cur i gcrích fiosrúchán agus imscrúduithe maidir le hábhar sáruite na reachtaíochta cosanta sonraí;**
- **cothú feasachta i measc eagraíochtaí agus an phobail maidir leis na rioscaí, na rialacha, na cosaintí agus na cearta ar dá gcúram iad agus sonraí pearsanta á bpróiseáil; agus**
- **comhoibriú le húdaráis chosanta sonraí i mballstáit eile de chuid an AE faoi cheisteanna ina bhfuil próiseáil trasteorann i gceist.**

Gníomhaíonn an CCS mar an t-údarás maoirseachta freisin don phróiseáil sonraí pearsanta faoi roinnt creat dlí breise. Áirítear orthu seo **an Treoir maidir le Forfheidhmiú Dlí** (Treoir 2016/680, faoi mar a trasuíodh í faoin **Acht um Chosaint Sonraí 2018**) a bhaineann le próiseáil sonraí pearsanta ag comhlachais a bhfuil feidhmeanna forfheidhmithe dhlí acu i gcomhthéacs chosc, imscrúdú, aimsiú nó ionchúiseamh cionta coiriúla nó cur i ngníomh pionós coiriúil. Cuireann an CCS feidhmeanna áirithe maoirseachta agus forfheidhmithe i bhfeidhm freisin maidir le próiseáil sonraí pearsanta i gcomhthéacs na gcumarsáidí leictreonacha faoi na **Rialacháin e-Phríobháideachais** (I.R. Uimh. 336 ó 2011).

Chomh maith lena chuid feidhmeanna faoin GDPR, leanann an CCS air de bheith ag cur i gcrích a chuid feidhmeanna rialála faoi **na hAchtanna um Chosaint Sonraí 1988 agus 2003**, maidir le gearáin agus imscrúduithe a bhaineann leis an tréimhse roimh 25 Bealtaine 2018, chomh maith le catagóirí áirithe srianta eile próiseála, is cuma má tharla an phróiseáil sin roimh nó tar éis 25 Bealtaine 2018.

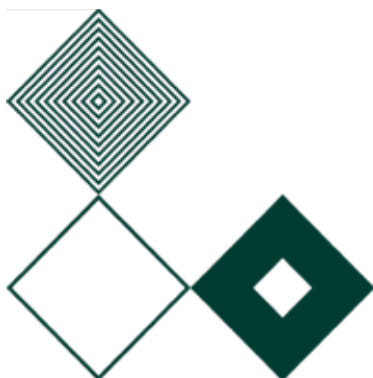
Chomh maith le reachtaíocht shonrach chosanta sonraí, is ann do thart ar 20 píosa breise reachtaíochta, a chlúdaíonn réimsí éagsúla earnála, a bhaineann le próiseáil sonraí pearsanta, ina mbíonn ar an CCS feidhm áirithe maoirseachta a chur i gcrích a leagtar air faoin reachtaíocht sin.

FOIREANN SHINSEARACH AN CCS

Cuimsíonn Coiste Bainistíochta Sinsearaí an CCS (SMC) an Coimisinéir um Chosaint Sonraí agus an seachtar Leaschoimisinéirí. Déanann an Coimisinéir agus baill an SMC maoirseacht ar bhainistiú agus ar rialú cuí na heagraíochta, de réir na bprionsabal sin a leagtar amach sa Chaighdeán Rialachais Corparáideacha don Státseirbhís (2015). Tá sceideal foirmiúil ceisteanna le cur san áireamh agus a bhfuil cinneadh le déanamh fúthu, de réir mar is cuí, ag an SMC, chun maoirseacht agus smacht éifeachtacha na heagraíochta a chinntiú.

Foireann Shinsearach an CCS:

- Helen Dixon (An Coimisinéir um Chosaint Sonraí);
- Ian Chambers (Ceannasaí Gníomhaíochta Rialála);
- Tony Delaney (Ceannasaí Gníomhaíochta Rialála);
- MB Donnelly (Ceansaí Straitéise, Rialachais, Airgeadais agus Riosca);
- Graham Doyle (Ceannasaí Gnóthaí Corparáideacha, Meáin Chumarsáide & Cumarsáidí);
- Cian O'Brien (Ceansaí Fiosrúchán agus Imscrúduithe ar Mhórsála);
- Ultan O'Carroll (Ceannasaí Teicneolaíochta, Oibriúcháin & Feidhmíochta);
- Fleur O'Shea (Ceannasaí Ceann Gnóthaí Dlí);
- Sandra Skehan (Ceannasaí Gníomhaíochta Rialála);
- Dale Sunderland (Ceannasaí Gníomhaíochta Rialála);



An 20 Feabhra 2024, d'fhógair Helen McEntee TD, an tAire Dlí agus Cirt, gur cheap an Rialtas beirt Choimisinéirí Cosanta Sonraí nua, eadhon an Dr Des Hogan agus an tUas. Dale Sutherland, tar éis dheireadh thionacht Helen Dixon Uas., an Coimisinéir a bhí ag dul as oifig, ar tháinig a tionacht chun deiridh an 19 Feabhra tar éis di fónamh ar feadh dhá théarma cúig bliana.

AN COIMISIÚN UM CHOSAINT SONRAÍ - VÓTA 44

Maoinítear an CCS go huile is go hiomlán ag an Státchiste. Is é an Coimisinéir um Chosaint Sonraí an tOifigeach Cuntasaíochta do Vóta an Choimisiúin, Vóta 44.

Vótáil an Coimisiún um Chosaint Sonraí leithdháileadh buiséadach de €26.364M ar leithdháileadh €17.100M de do chaiteachas a bhaineann le pá, agus leithdháileadh €9.264M de sin ar chaiteachas neamhphá. B'ionann an maoiniú do 2023 agus méadú €3.1M ar leithdháileadh 2022.



Coiste Ardbhainistíochta an Choimisiúin, Nollaig 2023.

An líne chúil ó chlé go deas: Ian Chambers, Dale Sunderland, Graham Doyle.

An líne láir ó chlé go deas: Sandra Skehan, Ultan O'Carroll, Fleur O'Shea, Cian O'Brien.

An líne tosaigh ó chlé go deas: Tony Delaney, Helen Dixon, MB Donnelly.



Teagmhálacha, Fiosrúcháin agus Gearáin

Déanann páirtithe leasmhara teagmháil leis an CCS ar bhealaí éagsúla, lena n-áirítear, línte teileafóin Deasc Chabhrach an CCS, foirmeacha gréasáin ar líne, ríomhphost agus tríd an bpost.

TEAGMHÁLAITHE/CEISTEANNA

Idir 1 Eanáir 2023 agus 31 Nollaig 2023:

Sa bhliain 2023, rinneadh **25,130** teagmháil leictreonach⁶ leis an CCS, **7,085** glaoch gutháin agus **1,253** teagmháil tríd an bpost, méadú 18%, 3% agus 12% ar fhiigiúirí 2022 faoi seach.

GEARÁIN

Le linn na tréimhse céanna, fuair an CCS **11,200** cás nua⁷. Chuaigh **2,600** acu sin ar aghaidh chuig an bpróiseas foirmiúil láimhseála gearán, lena n-áirítear 230 gearán maidir le margaíocht dhíreach leictreonach. Is ionann líon iomlán na gcásanna a fuarthas agus méadú 20% ar iomlán na bliana 2022, agus an líon is mó cásanna a fuair an CCS in aon bhliain ó tháinig an GDPR i bhfeidhm.

6) Cuimsíonn cumarsáid leictreonach seoltaí ríomhphoist chuig cuntas info@ an CCS agus foirmeacha gréasáin a chuirtear isteach trí shuíomh Gréasáin an CCS.

7) Sainmhínítear cásanna mar theagmhálacha a dteastaíonn tuilleadh rannpháirtíochta uathu tar éis an cheist tosaigh. Mar sin is féidir gearáin ó dhaoine aonair a áireamh i gcásanna sa chás seo, ach cuimsítear ann freisin iarratais ar chomhairle agus treoir nach mbaineann gné gearáin leo. Ní áirítear leis an bhfiigiúr seo teagmhálacha ó na meáin chumarsáide, cuirí cainte, fógraí sáráithe nó comhairliúcháin roimh ré.

Ar an iomlán, chuir an CCS **3,218** gearán i gcrích, lena n-áirítear **1,756** gearán a fuarthas roimh 2023.

Nuair a fhaightear ábhar imní a d'ardaigh duine aonair, déantar measúnú chun a chinneadh an bhfuil an cheist ina 'gearán' mar a shainmhínítear faoi na hAchtanna, is é sin go mbaineann an t-ábhar le próiseáil sonraí pearsanta an duine aonair agus go ndearnadh sárú ar cearta cosanta sonraí an duine aonair. Ní mór don CCS measúnú a dhéanamh freisin ar cé acu an é nó nach é an CCS an t-údarás cuí chun an gearán a scrúdú, mar go bhféadfadh sé bheith faoi dhlínse rialtóra cosanta sonraí eile.



Gearáin a Fuarthas faoin GDPR – na 5 Príomhshaincheist sa bhliain 2023	Uimh.	% den iomlán
Iarratas ar Rochtain	1014	39
Próiseáil Chóir	374	14
Nochtadh	348	13
An Ceart chun Léirsciosadh	323	12
Margaíocht Dhíreach	121	5

LÁIMHSEÁIL GEARÁN

Próiseálann an CCS gearáin faoi thrí phríomhchreat dlíthiúil:

- an Rialachán Ginearálta um Chosaint Sonraí (GDPR), a bhfuil éifeacht bhreise tugtha ag an Acht um Chosaint Sonraí 2018 (Acht 2018);
- an Treoir um Fhorghníomhú an Dlí (LED), atá trasuíthe i ndlí na hÉireann le Codanna 5 agus 6 d'Acht 2018;
- na hAchtanna um Chosaint Sonraí, 1988 agus 2003;
- S.I. 336/2011 – Rialacháin na gComhphobal Eorpach (Líonraí agus Seirbhísí Cumarsáide Leictreonaí) (Príobháideacht agus Cumarsáid Leictreonaí), 2011.

Tugann Airteagal 57(1)(f) den GDPR sainordú don CCS gearáin a láimhseáil 'a mhéid is cuí' ag brath ar 'ábhar an ghearáin'. Faoi alt 109(1) d'Acht 2018, "scrúdóidh an Coimisiún an gearán agus déanfaidh sé, de réir an ailt seo, cibé beart ina leith is cuí leis an gCoimisiún, ag féachaint don chineál agus don imthosca."

Dá réir sin, a luaithe a dhéantar measúnú ar ábhar imní mar ghearán agus a théann sé ar aghaidh chuig aonad láimhseála gearán, déantar an scrúdú de réir na gceanglas reachtaíochta.

RÉITEACH CAIRDIÚIL

Gné bhunúsach d'oibleagáidí láimhseála gearán an Choimisiúin is ea seasamh le cearta na n-ábhar sonraí. Tá sé feicthe ag an gCoimisiún go dtí seo go mbíonn an chuid is mó de dhaoine aonair sásta nuair a thugtar aghaidh ar iompraíocht an rialaitheora sonraí a ndearnadh gearán faoi. Is féidir é sin a bhaint amach tríd an bpróiseas réitigh chairdiúil.

Faoin Acht um Chosaint Sonraí, 2018 (Acht 2018), féadfaidh an Coimisiún bearta a dhéanamh de réir mar is cuí leis chun réiteach cairdiúil ar ghearán a shocrú nó a éascú i gcás go measann sé go bhfuil dóchúlacht réasúnach ann go dtiocfaidh na páirtithe i ngearán ar réiteach cairdiúil laistigh de thréimhse ama réasúnach.

Tá á lán bealaí ann ina bhféadfaí gearán a réiteach go cairdiúil. I roinnt cásanna, mar shampla, d'fhéadfaí sásamh a dhéanamh ar cheart an ábhair sonraí go bhféadfaidh gur fhéach an gearánach le hathrú i gcleachtais phróiseála a fheidhmiú nó d'fhéadfaí gearán a réiteach trí shaincheist a shoiléiriú chun sástacht an dá pháirtí.

Tá sé feicthe ag an gCoimisiún go dtí seo gur féidir céatadán ard de na gearáin a láimhseálann sé a réiteach go cairdiúil ar bhealach tráthúil.

Maidir leis na gearáin ba choitianta a cuireadh i gcrích trí réiteach cairdiúil, baineann siad le rialaitheoirí sonraí gan a bheith ag tabhairt freagra ar iarrataí rochtana nó mainneachtain a n-oibleagáidí faoi RGCS a chomhlíonadh go leordhóthanach i ndáil le custaiméirí.

GEARÁIN MAIDIR LE CEARTA ROCHTANA

Foráiltear in Airteagal 15 den GDPR go bhféadfaidh duine aonair deimhniú a fháil ón rialaitheoir á rá an bhfuil sonraí pearsanta a bhaineann leis nó léi á bpróiseáil nó nach bhfuil, agus, i gcás inarb amhlaidh an cás, rochtain a fháil ar chóip dá gcuid faisnéise. Is ceart tábhachtach atá i gceist leis seo agus ceart a bhíonn mar chúis le líon mór gearáin chuig an CCS ar bhonn bliantúil. Tá an ceart rochtana ar cheann de na cearta bunúsacha a thugtar do dhaoine aonair faoin GDPR.

Faoi dheireadh na bliana 2023, bhí **1,014** gearán nua maidir le rochtain faighte ag an CCS agus tugadh **1,120** acu chun críche.

TORTHAÍ AS GEARÁN

De réir alt 109 d'Acht 2018, déanfaidh an CCS cibé bearta a mheasann sé a bheith cuí maidir le gearán, is iad sin, gearán a dhiúltú nó a dhíbhe, fógra forghníomhaithe a eisiúint, tús le fiosrúchán bunaithe ar ghearán. nó aon ghníomh eile is cuí leis an CCS. In 2023 cuireadh leis an alt seo de na hAchtanna um Chosaint Sonraí a cheadaigh don CCS iomardú a eisiúint lasmuigh den phróiseas fiosrúcháin.

In 2023, thug na haonaid láimhseála gearán **3,218** cás chun críche tríd an bpróiseas réitigh cairdiúil nó trí úsáid a bhaint as na gníomhartha atá sonraithe in alt 109 d'Acht 2018.

FORFHEIDHMIÚ

De réir mar is gá, úsáideann an CCS a chumhachtaí forghníomhaithe i gcoinne eagraíochta nuair a thagann sé chun solais go bhfuil ag teip uirthi ina oibleagáidí faoin reachtaíocht um chosaint sonraí. Is é an sampla is coitianta ná nuair nach mbíonn baint ag rialaitheoir sonraí leis an duine aonair nó leis an CCS, rud a chuireann bac ar cheart an duine a gcearta cosanta sonraí a fheidhmiú, agus ar oibleagáid dhlíthiúil an CCS líomhaintí sárúithe den sórt sin a scrúdú.

In 2023, d'eisigh an CCS trí fhógra forfheidhmithe chuig Liachleachtóir Ginearálta agus chuig eagraíochtaí a bhfuil baint acu le hóstán siopa, i gcomhréir le halt 109(5)(d)(i), as neamhchomhlíonadh Airteagal 15 (iarratas rochtana ábhair) agus thug sé an i ndáil le fógra breise a eisíodh i R4 de 2022. Sa chás nach gcomhlíonann eagraíocht ordú forghníomhaithe, cuirfidh an CCS iad seo i bhfeidhm a mhéid is féidir chun comhlíonadh na reachtaíochta um chosaint sonraí a chinntiú.

Tá na cás-staidéir faoi teagmhálacha, fiosrúcháin agus ghearáin le fáil ar "Aguisín 4" den turascáil seo.



Jenny Dolan, Coimisinéir Cúnta, agus Niamh Hodnett, aoichainteoir agus Coimisinéir Sábháilteachta ar Líne, Coimisiún na Meán. Lá foirne an Choimisiúin, Deireadh Fómhair 2023.

GEARÁIN MAIDIR LE MARGAÍOCHT DHÍREACH LEICTREONACH

Imscrúdaíonn agus ionchúisíonn an CCS go gníomhach cionta a bhaineann le margaíocht dhíreach leictreonach faoi I.R. 336/2011 - Rialachán na gComhphobal Eorpach (Líonraí agus Seirbhísí Cumarsáide Leictreonaí) (Príobháideachas agus Cumarsáid Leictreonach) 2011 ('na Rialachán Ríomhphríobháideachais'). Cuireann na Rialachán Ríomhphríobháideachais an Treoir 2002/58/CE ('an Treoir Ríomhphríobháideachais) i bhfeidhm in Éirinn.

Fuair an CCS **230** gearán nua maidir le margaíocht dhíreach leictreonach sa bhliain 2023.

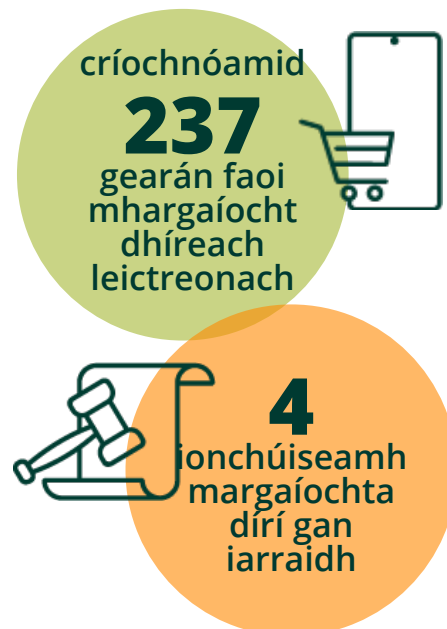
Tugadh **237** fiosrúchán maidir le margaíocht dhíreach leictreonach chun críche sa bhliain 2023.

Tá an figiúr seo déanta suas den mhéid seo a leanas:

- 1 ghearán ón mbliain 2021;
- 47 ghearán ón mbliain 2022;
- 189 gearán ón mbliain 2023.

In 2023, rinne an CCS **ceithre chuideachta** a ionchúiseamh as cumarsáidí margaíochta gan iarraidh a sheoladh gan toiliú (Rialachán 13 d'Ionstraim Reachtúil 336 de 2011) chuig daoine aonair. Chuir an Chúirt ciontuíthe ar ais ar gach cúiseamh agus ghearr sí fíneálacha de €2,000 san iomlán.

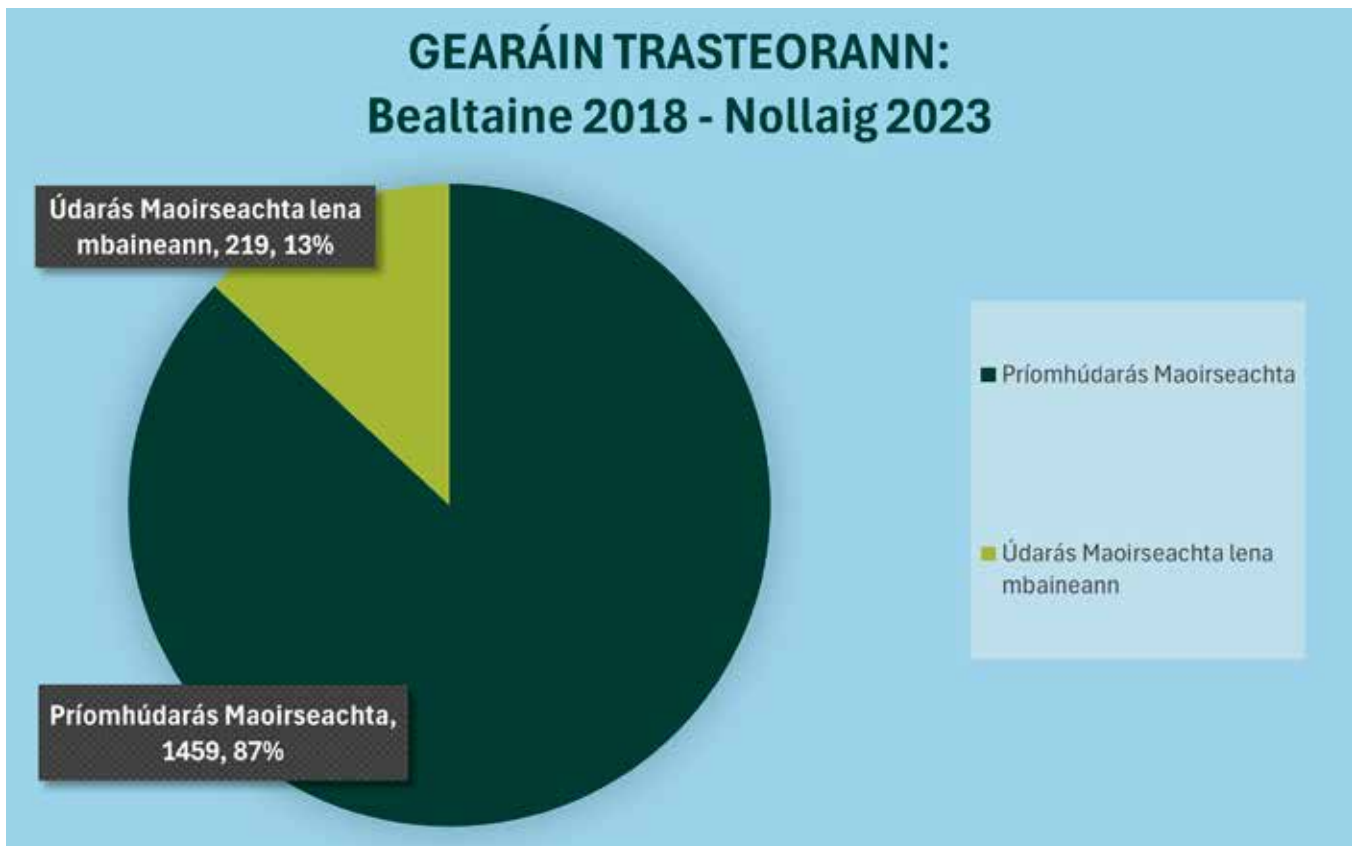
Tá na cás-staidéir faoi teagmhálacha, fiosrúcháin agus ghearáin le fáil ar "Aguisín 4" den turascáil seo.



GEARÁIN A BHAINNEANN LEIS AN SÁSRA MAIDIR LE HLONAIID ILFHREASTAIL

Bunaíodh an sásra maidir le hlonaid Ilfhreastail faoi RGCS. Is é an cuspóir atá leis cuíchóiriú a dhéanamh ar an dóigh a ndéanann eagraíochtaí a dhéanann gnó i níos mó ná Ballstát amháin den Aontas Eorpach caidreamh le húdarais cosanta sonraí (ar a dtugtar ‘údarais mhaoirseachta’ faoi RGCS). Leis an Sásra maidir le hlonaid Ilfhreastail, cumasaítear na heagraíochtaí sin a bheith faoi réir formhaoirseacht dhíreach ag príomhúdarás maoirseachta aonair, i gcás go bhfuil “príomhbhunaíocht” acu, in ionad iad a bheith faoi réir rialáil leithleach ag na húdarais cosanta sonraí de chuid gach ballstáit. De ghnáth, is é áit a riaracháin láir agus/nó a cinnteoireachta san Aontas Eorpach/sa Limistéar Eorpach Eacnamaíoch an príomhbhunaíocht de chuid eagraíochta.

Féadfaidh duine aonair i stát den Aontas Eorpach/den Limistéar Eorpach Eacnamaíoch gearán a thaisceadh go díreach leis an údarás maoirseachta arb é an príomhúdarás maoirseachta é nó féadfaidh sé/sí é a thaisceadh lena (h)údarás áitiúil/náisiúnta, a tharchuirfidh é chuig an bpríomhúdarás maoirseachta. Sna cásanna deireanacha sin, tugtar údarás maoirseachta lena mbaineann ar an údarás náisiúnta.



Ó chur chun feidhme RGCS i leith, fuair an Coimisiún **1,678 ngearán trasteorann** san iomlán, a bhfuil an Coimisiún bunaithe mar Phríomhúdarás Maoirseachta i leith **1,459 gcinn (87%)** díobh.

Cuireadh i gcrích **82.5%** de na 1,459 ngearán trasteorann bhailí, a bhfuil an Coimisiún ar an bPríomhúdarás Maoirseachta ina leith.

Ó mhí na Bealtaine 2018 i leith, b’amhlaidh, maidir le **61%** de ghearáin trasteorann, a bhfuil an Coimisiún ar an bPríomhúdarás Maoirseachta ina leith, a thaisc gearánaigh iad le húdarás maoirseachta eile de chuid an Aontais Eorpaigh/an Limistéir Eorpaigh Eacnamaíoch agus a aistríodh iad chuig an gCoimisiún ansin tríd an Sásra maidir le hlonaid Ilfhreastail. Taisceadh 39% de ghearáin trasteorann leis an gCoimisiún go díreach.

Sa bhliain 2023, fuair an Coimisiún **156** ghearán trasteorann bhailí, a bhain le cuideachtaí a bhfuil an Coimisiún ar an bPríomhúdarás Maoirseachta ina leith⁸. Faoi dheireadh na bliana, chuir an Coimisiún **279 ngearán trasteorann** i gcrích. Le linn na tréimhse sin, taisceadh **13** ghearán eile leis an gCoimisiún i gcás gur sainaithníodh gurbh é an tÚdarás Maoirseachta an Príomhúdarás Maoirseachta.

I 2023 chuir an CCS **229** fógra isteach trí shásra comhair Airteagal 60 den GDPR 229 faoi chásanna inar baineadh amach réiteach cairdiúil. Is féidir sonraí na gcásanna seo a fháil foilsithe ar shuíomh Gréasáin an EDPB.

Tá na cás-staidéir faoi teagmhálacha, fiosrúcháin agus ghearáin le fáil ar “Aguisín 4” den turascáil seo.

GEARÁIN MAIDIR LEIS AN TREOIR UM FHORFHEIDHMIÚ AN DLÍ

Baineann an Treoir um Fhorfheidhmiú an Dlí (AE 2016/680) (‘LED’) mar a aistríodh go dlí na hÉireann an 25 Bealtaine 2018 san Acht um Chosaint Sonraí 2018 leis an gcás ina mbítear ag tabhairt faoi phríoséail sonraí pearsanta chun críocha cosc, imscrúdaithe, brath nó ionchúiseamh cionta coiriúla, nó pionóis choiriúla a fhorghníomhú. Ar mhaithe leis an ‘LED’ a bheith infheidhme, ní mór gur “údarás inniúil” a bheidh sa rialaitheoir sonraí freisin, mar a leagtar amach in Alt 69 den Acht um Chosaint Sonraí 2018.

In 2023, fuair an CCS **32 gearán LED agus chuir sé 37 gearán LED** i gcrích (lena n-áirítear gearáin a fuarthas roimh 2023) agus bhain a bhformhór leis an nGarda Síochána mar an rialtóir sonraí ach áiríodh freisin eagraíochtaí ar nós an Stiúrthóir Ionchúiseamh Poiblí, an Roinn Sóisialta. Cosaint agus Seirbhís Phríosúin na hÉireann.



82.5%
trasteorann
gearáin i gcrích
ó shin 2018

⁸) Maidir leis na gearáin sin, fuair an Coimisiún iad go díreach agus thar chuir Údarás Maoirseachta eile de chuid an Aontais Eorpaigh/an Limistéir Eorpaigh Eacnamaíoch iad chuig an gCoimisiún.

IDIRGHABHÁIL DHÍREACH

Tugann an Coimisiún tús áite do shaincheisteanna is cúis le hábhair imní láithreacha cosanta sonraí do ghrúpaí móra daoine agus déanann sé idirghabháil dhíreach iontu chun freagairt thráthúil a chinntiú i gcás nithe a bhféadfadh iarmhairtí fairsinge a bheith acu. Téann an CCS i ngleic leis na saincheisteanna seo ar bhealaí éagsúla chun a chinntiú go gcomhlíontar an phróiseáil le hoibleagáidí GDPR.

Áiríodh na nithe seo a leanas le roinnt de na nithe ar tugadh tús áite dóibh le haghaidh idirghabháil dhíreach sa bhliain 2023:

- TCI i leithris scoile, i dtithe tábhairne, i gclubanna oíche agus i saoráidí iompair phoiblí;
- Próiseáil bhithmhéadrach sonraí pearsanta san áit oibre;
- Postáil íomhánna de leanaí ar líne;
- Nochtadh sonraí pearsanta íogaire i suíomhanna poiblí;

Le linn dó nithe áirithe a roghnú le haghaidh idirghabháil dhíreach, tugann an Coimisiún aird ar leith ar an Straitéis Rialála 2022-2027 uaidh, ina luaitear leanaí agus aosaigh shoghonta a bheith mar dhaoine a dteastaíonn tacaí ar leith uathu chun a chinntiú go seasfar lena gcearta cosanta sonraí.



GEARÁIN FAOI NA hACHTANNA UM CHOSAINT SONRAÍ, 1988 AGUS 2003

Faoin Acht um Chosaint Sonraí, 2018, agus faoi na hAchtanna um Chosaint Sonraí, 1988 agus 2003. Sa bhliain 2023, d'eisigh an Coimisinéir **11** chinneadh fhoirmiúla faoi na hAchtanna um Chosaint Sonraí, 1988 agus 2003, ar sheas **6** cinn díobh go hiomlán leis an ngearán, ar sheas **4** cinn díobh go páirteach leis an ngearán agus ar dhiúltaigh ceann **amháin** díobh don ngearán.



Caroline Spillane CDir, Príomhoifigeach Feidhmiúcháin Institiúid na Stiúrthóirí in Éirinn, i gcomhluadar Helen Dixon, Coimisinéir an Choimisiúin um Chosaint Sonraí, Aibreán 2023.



Sáruihte

Faoin GDPR, aithnítear Oifigigh Cosanta Sonraí mar idirghabhálaithe idir na húdaráis um Chosaint Sonraí (cosúil leis an CCS), daoine aonair agus aonaid ghnó eagraíochta. Aithnítear i Straitéis Rialála 2022-27 an CCS an ról tábhachtach a imríonn OCSanna maidir le cosaint sonraí a chur chun cinn ina n-eagraíochtaí. Tá dualgas ar eagraíochtaí sáruihte sonraí a chur in iúl don CCS. Is gnách go dtagann fógraí den sórt sin trína n-OCD ar féidir leo mionsáruihte a idirdhealú ó sháruihte móra. Oibríonn an CCS go dlúth le OCS chun sáruihte sonraí a mhaolú nuair a tharlaíonn siad. Féadfaidh freagairtí luatha a bheith fíor-luachmhar chun aghaidh a thabhairt ar rioscaí airgeadais, dlíthiúla agus clú d'eagraíochtaí agus chun cearta na ndaoine is ábhar do na sonraí a chosaint.

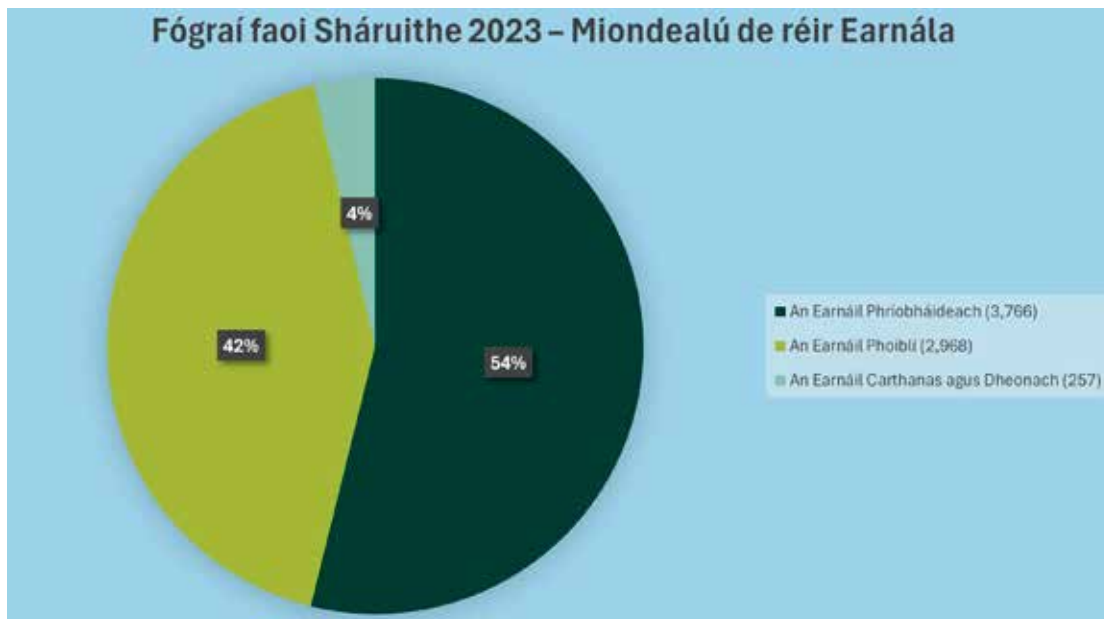
Sa bhliain 2023, fuair an Coimisiún 6,994 fhógra faoi shárú sonraí pearsanta, ar taifeadadh **6,991 sárú sonraí bailí faoi RGCS** díobh. B'ionann é sin agus **méadú 20%** (1,077 sárú sonraí) i gcomparáid leis an líon sáruihte sonraí faoi RGCS a tuairiscíodh sa bhliain 2022.

Ó thabhairt isteach RGCS i leith – agus ar aon dul le blianta roimhe – bhain an chatagóir is airde de sháruihte sonraí ar tugadh fógra fúthu don Choimisiún sa bhliain 2023 le nochtáí neamhúdraithe, i gcásanna ina ndearnadh difear do dhuine aonair amháin nó do líon beag daoine aonair. B'ionann iad sin agus **52%** de na fógraí iomlána.

Den líon iomlán fógraí faoi sháruihte a fuair an Coimisiún sa bhliain 2023, arbh ionann é agus 6,991 fhógra, b'amhlaidh, ó thaobh miondealaithe de, a bhain 3,766 cinn leis an earnáil phríobháideach, a bhain 2,968 gcinn leis an earnáil phoiblí agus a fuarthas 257 gcinn ón earnáil dheonach agus carthanas. De na sáruihte sonraí sin a fuarthas sa bhliain 2023, cuireadh **92%** díobh i gcrích faoi dheireadh na bliana.

Mar a bhí amhlaidh i mblianta roimhe, tá comhlachtaí earnála poiblí agus bainc i measc “na ndeich n-eagraíocht is mó” i ndáil leis an líon is airde fógraí faoi sháruihte a taifeadadh ina n-aghaidh, agus cuideachtaí árachais agus teileachumarsáide le fáil go coitianta i measc an fhiche eagraíocht is mó. Rud sonrach, is le feiceáil go soiléir atá cásanna inar eisíodh comhfhreagras chuig faighteoirí míchearta mar gheall ar dhroch-chleachtais oibriúcháin agus ar earráid dhaonna – mar shampla doiciméad mícheart a bheith á chur isteach in imchlúdach atá dírithe chuig tríú páirtí neamhghaolmhar.

Rinne an Coimisiún caidreamh le roinnt eagraíochtaí trína fheidhm maoirseachta chun eagraíochtaí a chur ar an eolas faoina n-oibleagáidí agus chun treoir a thairiscint. Déanann an Coimisiún faireachán leanúnach ar na fógraí faoi sháruihte a fhaightear chun treochtaí a shainaithint agus chun bonn eolais a chur faoi fhiosrúcháin fhéideartha.



Fógraí faoi Sháruihte: Cineál an tSáraithe le haghaidh cásanna a fuarthas, 2023

Cineál an tSáraithe	Iomlán	Céatadán
Nochtadh neamhúdaraíthe – Ábhar Poist chuig an bhfaighteoir mícheart	2255	33.69%
Nochtadh neamhúdaraíthe – Faighteoir ríomhphoist mícheart	1203	17.97%
Ionracas – athrú neamhbheartaithe (Nochtadh sonraí pearsanta)	602	8.99%
Nochtadh neamhúdaraíthe – Eile	571	8.53%
Rochtain Neamhúdaraíthe – Comhaid pháipéir/Doiciméid/Taifid	415	6.20%
Infhaighteacht – (Cailleadh/scriosadh sonraí pearsanta) de thaisme	396	5.92%

SÁRUITHE AR R-PRÍOBHÁIDEACHAS

Fuair an CCS **146** fógra bailí um shárú sonraí (méadú 42% ar an bhfigiúr 105 do 2022) faoi na Rialacháin r-Phríobháideachais. Is ionann an figiúr de 146 agus díreach os cionn **2%** de na cásanna sáraithe bailí iomlána a fógraíodh don bhliain.

SÁRUITHE AR AN TREOIR UM FHORFHEIDHMIÚ AN DLI

Fuair an CCS **59** fógra sáraithe bailí freisin maidir leis an LED, (Treoir (AE) 2016/680), a trasúíodh i ndlí na hÉireann, le hAcht 2018.

GEARÁIN MAIDIR LE SÁRÚ SONRAÍ

In 2023, dhéileáil an CCS le 43 gearán a bhain le sárúithe líomhnaithe sonraí nár cuireadh in iúl don oifig seo i gcomhréir le hAirteagal 33.

Tá Cás-Staidéir ar Shárú le fáil in “Aguisín 4” den tuarascáil seo.





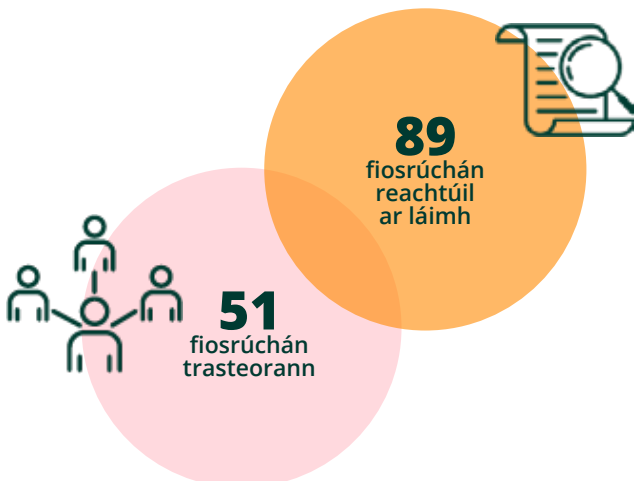
Fiosrúcháin

FIOSRÚCHÁIN REACTÚLA AG AN CCS

Faoin Acht um Chosaint Sonraí 2018, féadfaidh an CCS dhá chineál éagsúla fiosrúchán reachtúil a dhéanamh faoi Alt 110 chun a fháil amach gur tharla sárú ar an GDPR nó ar Acht 2018:

- fiosrúchán bunaithe ar ghearán; nó
- fiosrú faoi “féin” an CCS.

An 31 Nollaig 2023, rinneadh **89** fiosrúchán reachtúil ar láimh ag an CCS, lena n-áirítear **51** fiosrúchán trasteorann.



DEIMHNIÚ FÍNEÁLACHA RIARACHÁIN

I mí na Samhna 2023, deimhníodh i gCúirt Chuarda Bhaile Átha Cliath na cinntí a rinne an Coimisiún um Chosaint Sonraí chun fíneálacha riaracháin a fhorchur ar chúig eagraíocht dhifriúla. Bhí na fíneálacha sin sa raon idir €15,000 agus €750,000. Ar bhailiú, fíneálacha aistrítear chuig an státchiste lárnach in Éirinn.

- VIEC, ag trádáil mar Virtue Eldercare – (€100,000)
- A&G Couriers, ag trádáil mar Fastway Couriers – (€15,000)
- Comhairle Contae Chill Dara – (€50,000)
- Centric Health – (€460,000)
- Banc na hÉireann – (€750,000)

FIOSRÚCHÁIN AGUS GNÍOMH FORFHEIDHMITHE GAOLMHAR A TUGADH CHUN CRÍCHE IN 2023

In 2023 chuir an CCS na fiosrúcháin seo a leanas i gcrích faoin GDPR agus faoin Acht um Chosaint Sonraí, 2018.

Eagraíochtaí	An Cinneadh a Eisíodh	An Fhíneáil a Forchuireadh	An Beart Ceartaitheach a Forchuireadh
WhatsApp Ireland Ltd	Eanáir 2023	€5.5 milliún	Ordú faoi bhun: Airteagail 5(1)(a) agus 6(1) RGCS.
Comhairle Contae Chill Dara	Eanáir 2023	€50,000	Toirmeasc sealadach ar cheamaraí TCI ag láithreacha éagsúla. Ordú faoi bhun: Airteagail 5(1)(a), 6(1), 13 agus 32(1) RGCS. Ailt 71, 72, 76, 78 agus 82 den Acht um Chosaint Sonraí, 2018.
Airbnb Ireland UC	Eanáir 2023	N/B	Cinneadh nach ndearnadh aon sárú.
Centric Health	Feabhra 2023	€460,000	Iomardú faoi bhun: Airteagail 5(1)(f), 5(2) agus 32(1) RGCS.
Banc na hÉireann	Feabhra 2023	€750,000	Iomardú faoi bhun: Airteagail 5(1)(f) agus 32(1) RGCS. Ordú faoi bhun: Airteagail 5(1)(f) agus 32(1) RGCS.
Ard-Easpag Bhaile Átha Cliath	Feabhra 2023	N/B	Ordú faoi bhun: Airteagal 5(1)(a) RGCS.
Meta (Facebook)	Bealtaine 2023	€1.2 billiún	Sreabha sonraí a fhionraí faoi bhun: Airteagal 46 RGCS. Ordú faoi bhun: Airteagal 46 RGCS.
An Roinn Sláinte	Meitheamh 2023	€22,500	Toirmeasc faoi bhun: Airteagail 5(1)(c), 6(1), 6(4) agus 9(1) RGCS. Iomardú faoi bhun: Airteagail 5(1)(c), 5(1)(f), 6(1), 6(4) agus 32(1) RGCS.
Airbnb Ireland UC	Meitheamh 2023	N/B	Cinneadh nach ndearnadh aon sárú.
Airbnb Ireland UC	Meitheamh 2023	N/B	Iomardú faoi bhun: Airteagail 5(1)(c) agus 5(1)(e). Ordú faoi bhun: Airteagail 5(1)(c) agus 5(1)(e).
Airbnb Ireland UC	Iúil 2023	N/B	Iomardú faoi bhun: Airteagail 5(1)(c), 6(1)(f), 15(1), 12(1) agus 12(3). Ordú faoi bhun: Airteagal 12(1).

Eagraíochtaí	An Cinneadh a Eisíodh	An Fhíneáil a Forchuireadh	An Beart Ceartaitheach a Forchuireadh
Comhairle Contae na Gaillimhe	Lúnasa 2023	N/B	<p>Toirmeasc sealadach ar cheamaraí TCI agus ar uathaithe uimhirphlátaí ag láithreacha éagsúla.</p> <p>Toirmeasc sealadach ar cheamaraí coirp a úsáid.</p> <p>Ordú faoi bhun: Airteagal 35 RGCS agus Ailt 71, 72, 76, 78, 82 agus 90(1) den Acht um Chosaint Sonraí, 2018.</p> <p>Iomardú faoi bhun: Airteagal 24 RGCS.</p>
TikTok	Meán Fómhair 2023	€345 mhilliún	<p>Iomardú faoi bhun: Airteagail 5(1)(a), 5(1)(c), 12(1), 13(1)(e), 24(1), 25(1) agus 25(2) RGCS.</p> <p>Ordú faoi bhun: Airteagail 5(1)(a), 5(1)(c), 12(1), 13(1)(e), 24(1), 25(1) agus 25(2) RGCS.</p>
Airbnb Ireland UC	Meán Fómhair 2023	N/B	Iomardú faoi bhun: Airteagal 12(4).
Airbnb Ireland UC	Meán Fómhair 2023	N/B	<p>Iomardú faoi bhun: Airteagail 6(1)(f), 5(1)(c) agus 5(1)(e).</p> <p>Orduithe faoi bhun: Airteagail 5(1)(c) agus 5(1)(e).</p>
Airbnb Ireland UC	Meán Fómhair 2023	N/B	<p>Iomardú faoi bhun: Airteagail 6(1)(f) agus 5(1)(c).</p> <p>Ordú faoi bhun: Airteagail 6(1)(f) agus 5(1)(c).</p>
Apple Distribution International Limited	Samhain 2023	N/B	Cinneadh nach ndearnadh aon sárú.
Microsoft Operations Ireland Limited	Samhain 2023	N/B	<p>Iomardú faoi bhun: Airteagail 12(4) agus 17.</p> <p>Ordú faoi bhun: Airteagail 12(4) agus 17.</p>
Meta (Facebook and Instagram)	Samhain 2023	N/B	Toirmeasc ar shonraí pearsanta a phróiseáil chun críocha fógraíochta iompraíochta ar bhonn Airteagal 6(1)(b) nó (f) RGCS.

FIOSRÚCHÁIN INTÍRE 2023

Fiosrúcháin a cuireadh i gcrích sa bhliain 2023

Centric Health

D'éisigh an Coimisiún um Chosaint Sonraí an cinneadh críochnaitheach uaidh san fhiosrúchán seo an Eanáir 2023. Tosaíodh an fiosrúchán tar éis ionsaí bogearraí éirice, rud a rinne difear do na sonraí othar a shealbhaítear ar an gcóras riaracháin othar atá i bhfeidhm ag Centric. Rinneadh difear do bhreis agus 70,000 othar toisc gur cailleadh rochtain ar a sonraí pearsanta agus a sonraí catagóire speisialta, toisc go ndearnadh athrú neamhúdaraíthe ar na sonraí sin agus toisc gur cailleadh infhaighteacht na sonraí sin. Rinneadh difear buan do thart ar 2,500 othar toisc gur scríosadh a sonraí gan aon chóip chúltaca a bheith ar fáil. Leis an gcinneadh, tugadh iomardú do Centric agus forchuireadh fineálacha dar luach iomlán €460,000 i leith an tsáraithe a rinne Centric ar Airteagal 5(1)(f) RGCS, ar Airteagal 5(2) RGCS agus ar Airteagal 32(1) RGCS.

Comhairle Contae Chill Dara

D'éisigh an Coimisiún um Chosaint Sonraí an cinneadh críochnaitheach uaidh san fhiosrúchán seo an Eanáir 2023. Tháinig an cinneadh sna sála ar iniúchadh inar scrúdaíodh raon saincheisteanna éagsúla, lena áiríodh córais TCI, teicneolaíocht uathaitheanta uimhirphlátaí, agus ceamaraí coirp. Cinneadh gur sháraigh an Chomhairle Airteagail 5(1)(a), 13 agus 32(1) RGCS agus ailt 71(1)(c), 71(1)(f), 71(10), 72(1), 76(2), 78 agus 82(2) den Acht um Chosaint Sonraí, 2018. Áiríodh leis na bearta ceartaitheacha ar fheidhmigh an Coimisiún iad toirmeasc sealadach ar shonraí pearsanta a phróiseáil trí cheamaraí TCI, toirmeasc sealadach ar shonraí pearsanta a phróiseáil trí cheamaraí TCI chun críochnaíocht tráchta, agus fineáil riaracháin dar luach €50,000.

Taifid Sláinte Ard-Easpag Bhaile Átha Cliath

D'éisigh an Coimisiún um Chosaint Sonraí an cinneadh críochnaitheach uaidh san fhiosrúchán seo an Feabhra 2023. B'ionann an fiosrúchán seo agus fiosrúchán de dheoin an Choimisiúin féin ar an gceart go ndéanfaí ceartúcháin agus go ndéanfaí léirscríosadh i gcás ábhair sonraí a roghnaigh an Eaglais Chaitliceach a fhágáil. Bhí an fiosrúchán seo dírithe ar iontrálacha ar Chlár na mBaistí agus ar mhéid chearta na n-ábhar sonraí de bhun Airteagail 16 agus 17 RGCS. Feidhmíodh cumhachtaí ceartaitheacha chun a ordú don Ard-Easpag athruithe a dhéanamh ar an mBeartas Príobháideachta don Ard-Deoise. Cuireadh na hathruithe sin chun feidhme, de réir an ordaithe.

Banc na hÉireann – Banking365

An Feabhra 2023, d'éisigh an Coimisiún um Chosaint Sonraí cinneadh críochnaitheach chuig Banc na hÉireann mar chuid den fhiosrúchán ar shraith sárúithe sonraí ar aip 365 Bhanc na hÉireann. Imscrúdaíodh san fhiosrúchán deich sárú sonraí a bhain le nochtadh neamhúdaraíthe sonraí pearsanta, lena áiríodh sonraí airgeadais, ar aip 365. Cinneadh gur sháraigh Banc na hÉireann Airteagail 5(1)(f) agus 32(1) RGCS. Áiríodh leis na cumhachtaí ceartaitheacha a feidhmíodh iomardú, fineáil €750,000, agus ordú chun próiseáil a chur i gcomhréir le hAirteagail 5(1)(f) agus 32 RGCS.

Fiosrúcháin inar eisíodh dréachtchinnadh sa bhliain 2023

An Roinn Sláinte

D'eisigh an Coimisiún um Chosaint Sonraí an cinneadh críochnaitheach uaidh chuig an Roinn Sláinte an Meitheamh 2023. Tháinig an cinneadh sna sála ar fhiosrúchán a rinneadh ar an dóigh ar phróiseáil an Roinn sonraí pearsanta i 29 gcomhad dlíthíochta a bhain le héilimh ó ábhair sonraí a bhfuil riachtanais speisialta oideachais acu. Cinneadh go ndearnadh sárú ar Airteagal 5(1) (c) (íoslaghdú sonraí), ar Airteagail 6(1), 6(4) agus 9(2) (bunús dleathach agus coinníollacha le haghaidh sonraí catagóire speisialta a phróiseáil), ar Airteagal 14 (trédhearcacht), agus ar Airteagail 5(1)(f) agus 32(1) RGCS (slándáil próiseála sonraí). Áirítear leis na bearta ceartaitheacha toirmeasc ar phróiseáil, fineáil €22,500, agus iomardú. Tá sonraí an fhiosrúcháin seo le fáil ar leathanach 36.

Comhairle Contae na Gaillimhe

The CCS issued its Final Decision in this inquiry in August 2023. The Decision followed an audit, which examined a range of issues including CCTV systems, ANPR technology, and body worn cameras. The Decision found infringements in relation to sections 70, 71, 72, 75 78, 82 and 84 of the Data Protection Act 2018 and Articles 5(1) (a), 24(1) and 35(1) GDPR. The CCS ordered the Council to bring its processing into compliance by ceasing unlawful processing via CCTV, erecting properly worded signage and implementing appropriate technical and organisational measures to bring processing into compliance.

Mediahuis ('MIG') (Irish News and Media plc roimhe sin)

Is ionann é seo agus fiosrúchán gearánbhunaithe ina ndéantar meastóireacht ar an gcothromaíocht idir na cearta sonraí pearsanta atá ag an ngearánach agus na cearta atá ag eagraíocht meán chun sairse tuairimíochta, in imthosca an cháis. D'eisigh an Coimisiún um Chosaint Sonraí an Dréachtchinnadh uaidh chuig an rialaitheoir sonraí agus chuig an ngearánach an Márta 2023. Fuair an Coimisiún aighneachtaí ar an Dréachtchinnadh sin. Tá an Cinneadh Críochnaitheach uaidh á ullmhú ag an gCoimisiún faoi láthair.

Comhairle Contae Shligigh

D'eisigh an Coimisiún um Chosaint Sonraí an dréachtchinnadh uaidh san fhiosrúchán seo i mí Mheán Fómhair 2023, agus tá an cinneadh críochnaitheach uaidh á dhréachtú aige faoi láthair. Thosaigh an Coimisiún an fiosrúchán seo agus rinne sé iniúchadh cosanta sonraí chun féachaint ar an dóigh a bpróiseálann an Chomhairle sonraí pearsanta, nó a bpróiseáiltear iad thar a ceann, trí úsáid a bhaint as córais TCI agus córais Uathaitheanta Uimhirphlátaí agus as aon teicneolaíochtaí eile is féidir a úsáid chun faireachán a dhéanamh ar dhaoine aonair.

An Roinn Coimirce Sóisialaí maidir le Léarscáiliú Aghaidhe SAFE/PSC

Táthar ag déanamh scrúdú san fhiosrúchán seo ar a dhleathaí atá an phróiseáil sonraí pearsanta atá i gceist leis an léarscáiliú aghaidhe a dhéantar mar chuid den phróiseas trína gcláraíonn saoránach do Chárta Seirbhísí Poiblí (PSC) nó trína n-athnuann saoránach cárta den sórt sin. Sholáthair an Coimisiún um Chosaint Sonraí Dréachtchinnadh don Roinn Coimirce Sóisialaí sa bhliain 2023.

Fiosrúcháin a shroich príomhchéim imscrúdaithe in 2023

Comhairle Contae Átha Cliath Theas

Thosaigh an Coimisiún um Chosaint Sonraí an fiosrúchán seo chun féachaint ar an dóigh a bpróiseáiltear sonraí pearsanta trí úsáid a bhaint as teicneolaíochtaí amhail TCI, ceamaraí coirp, córais uathaitheanta uimhirphlátaí, ladraínn agus teicneolaíochtaí eile. Rinne an Coimisiún seacht gcigireacht ar an láithreán le linn an fhiosrúcháin seo. Thosaigh an Coimisiún céim na cinnteoireachta sa bhliain 2023, agus tá dréachtchinneadh á ullmhú aige faoi láthair.

An Roinn Coimirce Sóisialaí maidir le Sochar Linbh

Breithnítear san fhiosrúchán seo an amhlaidh nó nach amhlaidh, maidir le próiseáil áirithe sonraí pearsanta ag an Roinn i gcomhthéacs measúnuithe/seiceálacha leanúnacha incháilitheachta le haghaidh sochar linbh, atá sí ag comhlíonadh RGCS agus an Achta um Chosaint Sonraí, 2018. D'éisigh an CCS Ráiteas Saincheisteanna in 2023 agus rinne an Roinn aighneachtaí mar fhreagairt i mí an Mheithimh 2023. Bhí an fiosrúchán ar siúl ag deireadh na bliana.

An Post GeoDirectory

Thosaigh an Coimisiún um Chosaint Sonraí an fiosrúchán seo an 6 Iúil 2023. Táthar ag déanamh scrúdú san fhiosrúchán ar chineál na faisnéise a phróiseálann An Post GeoDirectory le linn seirbhísí agus táirgí a sholáthar do chuideachtaí is custaiméirí, ar faisnéis í ar cosúil go n-áirítear léi ábhar a mheastar a bheith ina shonraí pearsanta. D'oscail an Coimisiún fiosrúchán chun a mheasúnú cé acu atá nó nach bhfuil GeoDirectory ag gníomhú mar rialaitheoir agus/nó cé acu a chomhlíon nó nár chomhlíon sé na hoibleagáidí atá air mar rialaitheoir faoi RGCS agus/nó faoin Acht um Chosaint Sonraí, 2018.

Banc Ceannais na hÉireann

D'oscail an Coimisiún um Chosaint Sonraí fiosrúchán dá dheoin féin ar Bhanc Ceannais na hÉireann i mí Dheireadh Fómhair 2023. Táthar ag déanamh scrúdú san fhiosrúchán ar shárú sonraí ar tugadh fógra faoi maidir

leis an bPríomh-Chlár Creidmheasa agus ar phróiseáil ghaolmhar ag Banc Ceannais na hÉireann. Luadh san fhógra faoin sárú gur coinníodh faisnéis áirithe iasachtaithe ar an bPríomh-Chlár Creidmheasa ar feadh suas le trí mhí tar éis na tréimhse ama a cheadaítear le reacht í a choinneáil agus go raibh an fhaisnéis sin ar fáil lena cur ar áireamh i dtuarascálacha creidmheasa idir an 1 Meitheamh agus an 7 Lúnasa 2023. Scrúdófar san fhiosrúchán na bearta eagraíochtúla agus teicniúla a cuireadh chun feidhme chun slándáil agus cruinneas sonraí pearsanta a chinntiú, go háirithe i ndáil le nósanna imeachta a bhaineann leis na nithe seo a leanas: coinneáil sonraí; cartlannú; earráidí a thuairisciú; cruinneas sonraí pearsanta a chinntiú; a chinntiú go ndéanann an rialaitheoir rialú agus maoirseacht ar phróiseálaithe; agus a chinntiú go gcuirtear sárúithe sonraí pearsanta in iúl d'ábhair sonraí.

An Roinn Caiteachais Phoiblí, Seachadta ar an bPlean Forbartha Náisiúnta, agus Athchóirithe maidir le hAmharc Custaiméara Aonair agus MyGovID

Baineann an fiosrúchán seo le gearán a rinneadh leis an gCoimisiún um Chosaint Sonraí á líomhain gur cuireadh an bunachar sonraí lena mbuntacaítear leis an gCárta Seirbhísí Poiblí ('PSC') ar fáil go neamhdhleathach don Roinn Caiteachais Phoiblí, Seachadta ar an bPlean Forbartha Náisiúnta, agus Athchóirithe, nó gur aistríodh é go neamhdhleathach chuici, agus gur bhain an Roinn úsáid as ar bhealach nach bhfuil ag teacht leis na cearta cosanta sonraí atá ag ábhair sonraí. Líomhnaíodh go háirithe sa ghearán nach raibh aon bhunús dleathach ná aon chríoch dhleathach ag an Roinn le sonraí pearsanta ná sonraí pearsanta catagóire speisialta na n-ábhar sonraí a phróiseáil agus gurbh amhlaidh a bhí an Roinn ag próiseáil a sonraí pearsanta agus a sonraí pearsanta catagóire speisialta gan aon bhunús dlí agus gan aon trédhearcacht i ndáil leis na gníomhaíochtaí próiseála a bhí ar siúl. Tá Ráiteas maidir le Saincheisteanna á ullmhú ag an gCoimisiún faoi láthair.

Achoimre ar Chinneadh an CCS maidir leis an Roinn Sláinte Fiosrúchán

Chuir an Coimisiún um Chosaint Sonraí clabhsúr le fiosrúchán ar ghnéithe áirithe den dóigh ar phróiseáil an Roinn Sláinte sonraí pearsanta i 29 gcomhad dlíthíochta. Tosaíodh an fiosrúchán tar éis líomhaintí poiblí a fháil sa bhliain 2021 á rá go ndearna an Roinn bailiú agus próiseáil neamhdhleathach ar shonraí pearsanta faoi ghearánaithe agus faoina dteaghlach i ndlíthíocht a bhain le riachtanais speisialta oideachais.

Sna comhaid a scrúdaíodh, tháinig an Coimisiún ar fhianaise á léiriú gur lorg an Roinn faisnéis ó Fheidhmeannacht na Seirbhíse Sláinte (FSS) faoi sheirbhísí a soláthraíodh do ghearánaithe agus dá dteaghlach. Chuir an Roinn ceisteanna leathana ar áireamh freisin, agus í ag iarraidh ar FSS 'aon saincheisteanna eile ar fiú, dar le FSS, trácht a dhéanamh orthu' a chomhroinnt léi. Ba é an toradh a bhí ar an gceist leathan sin ná gur soláthraíodh faisnéis phríobháideach faoi shaol gearánaithe agus faoi shaol a dteaghlach.

D'inis an Roinn don Choimisiún gur phróiseáil sí na sonraí pearsanta sin chun a chinneadh cé acu ba cheart nó nár cheart dul i dteagmháil leis an ngearánaí chun féachaint leis an gcás a shocrú. Bhreithnigh an Coimisiún cé acu a chomhlíon nó nár chomhlíon an Roinn an dlí cosanta sonraí nuair a phróiseáil sí sonraí pearsanta ar an gcúis sin. Faoi ailt 41 agus 47 den Acht um Chosaint Sonraí, 2018, féadfaidh rialaitheoirí sonraí pearsanta a phróiseáil i gcás go mbeidh gá leis an bpróiseáil chun comhairle dlí a sholáthar nó a fháil nó i gcomhthéacs imeachtaí dlí. Chun a chinneadh cé acu a rinne nó nach ndearna an Roinn próiseáil dhleathach ar shonraí pearsanta faoin bhforáil sin, chuir an Coimisiún prionsabail an riachtanais agus na comhréireachta faoi dhlí an Aontais Eorpaigh i bhfeidhm.

D'eisigh an CCS a Chinneadh Deiridh chuig an Roinn Sláinte i mí an Mheithimh 2023. Chinn an Coimisiún nár sháraigh an Roinn an dlí cosanta sonraí nuair a lorg sí faisnéis faoi na seirbhísí a bhí á soláthar do ghearánaithe i ndáil le cásanna ina raibh dlíthíocht oscailte. Mar sin féin, chinn an Coimisiún gurbh amhlaidh a sháraigh an Roinn an dlí cosanta sonraí nuair a chuir sí ceisteanna leathana arbh é an toradh a bhí orthu gur soláthraíodh faisnéis íogair faoi shaol príobháideach gearánaithe agus faoi shaol príobháideach a dteaghlach. Áiríodh leis an bhfaisnéis sin mionsonraí faoi phoist agus imthosca maireachtála an ghearánaí, faisnéis faoi dheacrachtaí pósta an ghearánaí agus, i gcás amháin, faisnéis a fuarthas go díreach ó dhochtúir faoi na seirbhísí a bhí á soláthar don ghearánaí.

Maidir leis an bpróiseáil a rinneadh ar fhaisnéis a fuarthas de bhun na gceisteanna leathana scoipe a seoladh chuig FSS chun féachaint le cás a shocrú, chinn an Coimisiún go raibh sí iomarcach agus díréireach maidir leis na haidhmeanna a bhí á saothrú ag an Roinn agus nach raibh sí riachtanach chun críocha na dlíthíochta. Dá bhrí sin, chinn an Coimisiún nach raibh aon bhunús dleathach ann leis an bpróiseáil sin sna comhaid a scrúdaíodh agus gur sháraigh an Roinn prionsabal an íoslaghdaíthe sonraí trí na sonraí pearsanta sin a phróiseáil.

Le linn an fhiosrúcháin, fuair an Coimisiún amach gur choinnigh an Roinn faisnéis eile a bhailigh sí ó FSS agus a fuair sí ó ranna eile rialtais ar a comhaid. Níor tháinig an Coimisiún ar aon fhianaise sna 29 gcomhad dlíthíochta a scrúdaíodh á léiriú gur lorg an Roinn faisnéis go réamhghníomhach ó ranna eile rialtais. Níor tháinig an Coimisiún ach oiread ar aon sárú ar an dlí cosanta sonraí a tháinig as an bhfíoras gur stóráil an Roinn an fhaisnéis sin chun dlíthíocht a chosaint. Baineann na comhaid le dlíthíocht ghníomhach agus d'aithin an Coimisiún gurb ann do roinnt oibleagáidí lena gceanglaítear ar chosantóirí doiciméid a bhaineann le dlíthíocht oscailte a choinneáil.

Tháinig an Coimisiún ar shárúithe ar na hoibleagáidí trédhearcachta faoi RGCS freisin. Fuarthas amach san fhiosrúchán nár chuir an Roinn aon mhionsonraí faoina cleachtais ar áireamh san fhógra príobháideachta uaithe. Go háirithe, níor léiríodh san fhógra príobháideachta an méid comhroinnte faisnéise a bhí ar siúl idir an Roinn agus FSS. Chinn an Coimisiún nach bhféadfadh an Roinn brath ar aon díolúintí faoin Acht um Chosaint Sonraí, 2018, chun gan aon fhaisnéis achomair a sholáthar faoi na cleachtais sin sa bheartas príobháideachta uaithe.

Chinn an Coimisiún freisin gur sháraigh an Roinn na ceanglais atá ann sonraí pearsanta a phróiseáil ar bhealach slán. Cinneadh san fhiosrúchán gur cheart don Roinn a chinntiú go mbeadh srianta rochtana inmheánacha níos fearr i bhfeidhm i ndáil leis na comhaid.

Agus aird á tabhairt ar na tosca ábhartha faoi RGCS agus ar an uasteorainn fíneála ar údaráis phoiblí faoin Acht um Chosaint Sonraí, 2018, chinn an Coimisiún fíneáil €22,500 a fhorchur i leith na sárúithe sin. Chomh maith leis sin, chuir an Coimisiún cosc ar phróiseáil bhreise a dhéanamh ar na sonraí íogaire sna comhaid a scrúdaíodh chun am cuí a chinneadh chun cás a shocrú. Mar aon leis an bhfíneáil agus leis an gcosc ar phróiseáil atá leagtha amach thuas, eisíodh iomardú i leith na sárúithe uile.



FIOSRÚCHÁIN TRASTEORANN

I gcás ina mbaineann fiosrúchán ar leith le scrúdú a dhéanamh ar phróiseáil trasteorann, ceanglaítear leis an GDPR ar an CCS, i gcás ina ngníomhaíonn sé mar an Príomh-Udarás Maoirseachta ('LSA'), a chinneadh a thabhairt i gcrích i gcomhréir leis an sásra comhair a leagtar amach in Airteagal 60 GDPR. Leagtar amach i meicníocht Airteagal 60 nós imeachta a ceapadh chun éascú a dhéanamh ar chinntí a thabhairt i gcrích ar bhonn comhthoil idir an LSA agus an tÚdarás Maoirseachta lena mbaineann ('CSAanna'). Tríd an meicníocht seo, cuirtear ar chumas na CSAanna a dtuairimí ar an ábhar a roinnt leis an LSA. I gcás ina mbeidh na tuairimí sin i bhfoirm agóide ábhartha agus réasúnaithe, arna malartú mar fhreagra ar dhréachtchinneadh an LSA, ní mór don LSA na hagóidí sin a chur san áireamh trína dhréachtchinneadh a leasú, agus dá éagmais sin ní mór dó na hagóidí a tharchur chuig an mBord Eorpach um Chosaint Sonraí le haghaidh cinneadh de bhun an phróisis Réitigh Díospóide atá leagtha amach in Airteagal 65 den GDPR.

Fiosrúcháin a tugadh chun críche in 2023

WhatsApp Ireland Limited ('WhatsApp'): an bunús dlí do shonraí pearsanta a phróiseáil chun críocha feabhsuithe seirbhíse agus slándála

D'eisigh an Coimisiún um Chosaint Sonraí an cinneadh críochnaitheach uaidh san fhiosrúchán seo an Eanáir 2023. Scrúdaíodh san fhiosrúchán an bunús dlí a mbraitheann WhatsApp air chun sonraí pearsanta úsáideoirí WhatsApp a phróiseáil. Cinneadh nach bhfuil WhatsApp i dteideal brath ar an mbunús dlí "conartha" chun críche feabhsú seirbhíse ná chun críche slándála i gcomhthéacs Théarmaí Seirbhíse WhatsApp agus gur sárú ar Airteagal 6 RGCS í an phróiseáil a rinne sé ar sonraí úsáideoirí go dtí seo, de bhua a spleáchais airbheartaithe ar an mbunús dlí "conartha".

Cinneadh freisin gur sháraigh Meta Airteagal 5(1)(a) RGCS. Leis an gcinneadh, ordaíodh do Meta a oibríochtaí próiseála a chur i gcomhréir le RGCS laistigh de thréimhse sé mhí agus forchuireadh fíneáil riaracháin €5.5 milliún. Tá achomharc á dhéanamh ar an gCinneadh Deiridh. Is féidir sonraí an fhiosrúcháin seo a fháil ar leathanach 40.

Meta Platforms Ireland Limited (Meta): fiosrúchán de dheoin an Choimisiúin féin maidir lena dhleathaí atá aistriithe sonraí Facebook chuig na Stáit Aontaithe

An Bealtaine 2023, rinne an Coimisiún um Chosaint Sonraí an cinneadh críochnaitheach uaidh san fhiosrúchán seo, á chinneadh gur sháraigh Meta Airteagal 46(1) RGCS trí shonraí pearsanta a aistriú ón Aontas Eorpach/ón Limistéar Eorpach Eacnamaíoch chuig na Stáit Aontaithe i ndáil le seirbhís Facebook.

Leis an gcinneadh, ordaíodh do Meta aon aistriú sonraí pearsanta chuig na Stáit Aontaithe amach anseo a fhionraí go dtí go mbeadh bearta ar fáil chun na hAistrithe Sonraí a dhéanamh comhlíontach, forchuireadh fíneáil riaracháin €1.2 billiún ar Meta, agus ordaíodh do Meta a oibríochtaí próiseála a chur i gcomhréir le Caibidil V RGCS, trí scor den phróiseáil neamhdhleathach, lena n-áirítear stóráil, sna Stáit Aontaithe a bhí á déanamh ar sonraí pearsanta úsáideoirí Aontais Eorpaigh/Limistéir Eorpaigh Eacnamaíoch a aistríodh de shárú ar RGCS. Tá achomharc á dhéanamh ar an gCinneadh Deiridh. Tá sonraí an fhiosrúcháin seo le fáil ar leathanach 41.

TikTok Technology Limited (TikTok): bearta i ndáil le húsáideoirí faoi bhun 18 mbliana d'aois

D'eisigh an Coimisiún um Chosaint Sonraí an cinneadh críochnaitheach uaidh san fhiosrúchán seo an Meán Fómhair 2023. Scrúdaíodh san fhiosrúchán seo an dóigh a raibh sonraí pearsanta a bhaineann le leanaí á bpróiseáil ag TikTok. Díríodh ann ar shocruithe 'poiblí mar réamhshocrú', ar shocruithe a bhaineann leis an ngné 'Péireáil Teaghlaigh', ar an bhfaisnéis trédhearcachta a sholáthraítear d'úsáideoirí is leanaí, agus ar fhíorú aoise. Chinn an Coimisiún go ndearnadh sárúithe ar Airteagail 5(1)(c), 5(1)(f), 24(1), 25(1), 25(2), 12(1), 13(1)(e) agus 5(1)(a) RGCS. Feidhmíodh cumhachtaí ceartaitheacha leis an gcinneadh, trí iomardú a thabhairt do TikTok, trína ordú do TikTok a phróiseáil a chur i gcomhréir leis an reachtaíocht agus trí fhíneálacha riaracháin dar luach iomlán €345 mhilliún a fhorchur ar TikTok. Tá achomharc á dhéanamh ar an gCinneadh Deiridh. Tá sonraí an fhiosrúcháin seo le fáil ar leathanach 42.



Helen Dixon, an Coimisinéir, i mbun aitheasc a thabhairt d'fhoireann an Choimisiúin, Feabhra 2023.

Achoimre ar Chinneadh ón gCoimisiún maidir le WhatsApp Ireland Limited ('WhatsApp'): an bunús dleathach do shonraí pearsanta a phróiseáil chun críocha feabhsuithe seirbhíse agus slándála

I mí Eanáir 2023, ghlac an Coimisiún an Cinneadh Críochnaitheach uaidh, á chinneadh gur sháraigh WhatsApp Airteagail 5(1)(a), 6(1), 12 agus 13(1)(c) RGCS. Bhain an fiosrúchán leis an mbunús dleathach don phróiseáil a dhéanann WhatsApp ar shonraí pearsanta chun críocha feabhsuithe seirbhíse agus slándála.

Sheol an Coimisiún Dréachtchinneadh chuig a chomhrialálaithe san Aontas Eorpach/sa Limistéar Eorpach Eacnamaíoch i mí Aibreáin 2022 de réir Airteagal 60 RGCS. Tar éis agóidí ábhartha réasúnaithe a fháil ó Údaráis Mhaoirseachta eile, agus toisc nach raibh sé in ann teacht ar chomhdhearcaidh leis na hÚdaráis Mhaoirseachta lena mBaineann ar ábhar na n-agóidí, tharchuir an Coimisiún na hagóidí chuig EDPB lena gcinneadh tríd an sásra réitigh díospóide faoi Airteagal 65 RGCS. Ghlac EDPB cinneadh ceangailteach ar ábhar na n-agóidí ó chomh-Údaráis Mhaoirseachta an 5 Nollaig 2022, agus d'eisigh an Coimisiún an Cinneadh Críochnaitheach uaidh an 12 Eanáir 2023.

Áirítear leis an gCinneadh Críochnaitheach fionnachtana nach bhfuil WhatsApp Ireland i dteideal brath ar an mbunús dlí conartha i ndáil leis an soláthar feabhsúcháin seirbhíse agus slándála (cé is moite de ní a dtugann EDPB 'slándáil TF' air) le haghaidh sheirbhís WhatsApp, agus gur sárú ar Airteagal 6(1) RGCS í an phróiseáil a rinne sé ar na sonraí sin go dtí seo, de bhua a spleáchais airbheartaithe ar an mbunús dlí conartha.

Ar aon dul leis an Dréachtchinneadh ón gCoimisiún, cinneadh sa Chinneadh Críochnaitheach go ndearna WhatsApp sárú ar a oibleagáidí i ndáil le trédhearcaidh. Maidir leis an gcinneadh sin go ndearnadh sárú, bhí sé bunaithe ar an bhfóras nár leagadh amach go soiléir d'úsáideoirí an fhaisnéis maidir leis an mbunús dlí a raibh WhatsApp Ireland ag brath air agus, mar thoradh air sin, ní raibh go leor soiléire ag úsáideoirí maidir le cé na hoibríochtaí próiseála a bhí á ndéanamh ar a sonraí pearsanta, maidir le cén chríoch/cé na críocha a raibh na hoibríochtaí próiseála á ndéanamh ina leith agus maidir leis an mbunús dleathach a raibh na hoibríochtaí próiseála á ndéanamh faoina threoir.

D'fhorchuir an Coimisiún fíneáil riaracháin €5.5 milliún ar WhatsApp Ireland i leith a sháraithe ar Airteagal 6(1) RGCS (agus an sárú ar phrionsabal cothroime Airteagal 5(1)(a) á chur san áireamh), agus thug sé ordú nach mór do WhatsApp Ireland a oibríochtaí próiseála a chur i gcomhréir le RGCS. Bhí fíneáil an-substaintiúil €225 mhilliún forchurtha ag an gCoimisiún ar WhatsApp Ireland cheana féin as sárúithe ar a oibleagáidí trédhearcaidh thar an tréimhse chéanna ama, agus níor mhol sé aon fhíneáil bhreise ná aon bhearta ceartaitheacha breise a fhorchur an babhta seo.

Thionscain WhatsApp trí agóid chuirte in aghaidh an Choimisiúin/EDPB: achomharc reachtúil os comhair Ard-Chúirt na hÉireann; imeachtaí Athbhreithnithe Bhreithiúnaigh os comhair na hArd-Chúirte; agus imeachtaí neamhnithe in aghaidh EDPB os comhair na Cúirte Breithiúnais.

Achoimre ar Chinneadh ón gCoimisiún maidir le Meta Platforms Ireland Limited ('Meta'): fiosrúchán de dheoin an Choimisiúin féin maidir lena dhleathaí atá aistrithe sonraí Facebook chuig na Stáit Aontaithe

I mí na Bealtaine 2023, rinne an Coimisiún an Cinneadh Críochnaitheach uaidh san fiosrúchán seo, á chinneadh gur sháraigh Meta Airteagal 46(1) RGCS trí shonraí pearsanta a aistriú ón Aontas Eorpach/ón Limistéar Eorpach Eacnamaíoch chuig na Stáit Aontaithe. Cé go ndearna Meta na haistrithe sin ar bhonn na gClásal Conarthach Caighdeánach ('SCCanna') nuashonraithe ar ghlac an Coimisiún Eorpach iad sa bhliain 2021 i gcomhar le bearta forlíontacha breise, chinn an Coimisiún nár tugadh aghaidh leis na socruithe sin ar na rioscaí do chearta bunúsacha agus saoirsí bunúsacha ábhar sonraí ar shainaithin Cúirt Bhreithiúnais an Aontais Eorpaigh iad sa bhreithiúnas uaithi sa chás An Coimisinéir Cosanta Sonraí v Facebook Ireland Limited agus Maximillian Schrems.

Cuireadh na fionnachtana beartaithe ón gCoimisiún, mar a bhí sa Dréachtchinneadh uaidh, faoi bhráid a chomhrialálaithe san Aontas Eorpach/sa Limistéar Eorpach Eacnamaíoch i mí Iúil 2022 de réir an phróisis atá leagtha amach in Airteagal 60 RGCS. D'fhormhuinigh na comh-Údaráis Mhaoirseachta san Aontas Eorpach/sa Limistéar Eorpach Eacnamaíoch an moladh ón gCoimisiún go ndéanfaí ordú chun na haistrithe sonraí a fhionraí. Mar sin féin, fuarthas agóidí ábhartha réasúnaithe ó cheithre Údarás Maoirseachta á rá gur cheart Meta a bheith faoi réir fíneáil riaracháin as an sárú a cinneadh a bheith déanta. D'iarr dhá cheann de na hÚdaráis Mhaoirseachta lena mBaineann freisin go bhforchuirfí ordú breise a bheadh deartha chun aghaidh a thabhairt ar aistrithe sonraí roimhe. Ní raibh an Coimisiún in ann na hagóidí sin a réiteach. Tharchuir an Coimisiún na hagóidí chuig an mBord Eorpach um Chosaint Sonraí (EDPB) ansin lena gcinneadh de bhun shásra réitigh díospóide Airteagal 65.

Ghlac EDPB an Cinneadh uaidh an 13 Aibreán 2023, agus ghlac an Coimisiún an Cinneadh Críochnaitheach uaidh an 12 Bealtaine 2023. Leis an gCinneadh, ordaíodh do Meta aon aistriú sonraí pearsanta chuig na Stáit Aontaithe amach anseo a fhionraí go dtí go mbeadh bearta ar fáil chun na hAistrithe Sonraí a dhéanamh comhlíontach, **forchuireadh fíneáil riaracháin €1.2 billiún ar Meta**, agus ordaíodh do Meta a oibríochtaí próiseála a chur i gcomhréir le Caibidil V RGCS, trí scor den phróiseáil neamhdhleathach, lena n-áirítear stóráil, sna Stáit Aontaithe a bhí á déanamh ar shonraí pearsanta úsáideoirí Aontais Eorpaigh/Limistéir Eorpaigh Eacnamaíoch a aistríodh de shárú ar RGCS.

Thionscain Meta trí agóid chúirte in aghaidh an Choimisiúin/EDPB: achomharc reachtúil os comhair Ard-Chúirt na hÉireann; imeachtaí Athbhreithnithe Bhreithiúnaigh os comhair na hArd-Chúirte; agus imeachtaí neamhnithe in aghaidh EDPB os comhair na Cúirte Breithiúnais.

Ghlac an Coimisiún Eorpach an Cinneadh Leordhóthanachta uaidh don Chreat Príobháideachta Sonraí idir an tAontas Eorpach agus na Stáit Aontaithe an 10 Iúil 2023, rud inar aithníodh coimircí ceangailteacha nua chun aghaidh a thabhairt ar na hábhair imní a tharraing Cúirt Bhreithiúnais an Aontais Eorpaigh anuas agus inar thángthas ar an gconclúid go gcinntíonn na Stáit Aontaithe leibhéal leordhóthanach cosanta le haghaidh sonraí pearsanta a aistrítear ó chuideachtaí san Aontas Eorpach chuig cuideachtaí sna Stáit Aontaithe faoin gcreat nua.

Achoimre ar Chinneadh ón gCoimisiún maidir le TikTok Technology Limited (TikTok): bearta i ndáil le húsáideoirí faoi bhun 18 mbliana d'aois

Thosaigh an Coimisiún fiosrúchán dá dheoin féin i mí Mheán Fómhair 2021 maidir leis an dóigh a ndearna TikTok próiseáil ar shonraí pearsanta leanaí maidir leis na nithe seo a leanas:

1. Próiseáil a bhain leis na socruithe ardáin d'Úsáideoirí is Leanaí, lenar áiríodh an dóigh ar socraíodh cuntais leanaí chun a bheith 'poiblí mar réamhshocrú' agus an ghné 'Péireáil Teaghlaigh'.
2. Próiseáil maidir le fíorú aoise do leanaí faoi bhun 13 bliana d'aois.
3. Trédhearcacht na próiseála d'Úsáideoirí is Leanaí.

Chuir an Coimisiún an Dréachtchinneadh uaidh faoi bhráid a chomhrialálaithe san Aontas Eorpach/sa Limistéar Eorpach Eacnamaíoch i mí Mheán Fómhair 2022 de réir Airteagal 60 RGCS. Fuarthas agóidí ábhartha réasúnaithe ó dhá Údarás Maoirseachta lena mBaineann, áfach. Ní raibh an Coimisiún in ann teacht ar chomhdhearcadh leis na hÚdaráis Mhaoirseachta lena mBaineann, agus chinn sé na hagóidí a tharchur chuig EDPB lena gcinneadh tríd an sásra réitigh díospóide faoi Airteagal 65 RGCS. Ghlac EDPB cinneadh ceangailteach ar ábhar na n-agóidí ó chomh-Údaráis Mhaoirseachta an 2 Lúnasa 2023, agus d'eisigh an Coimisiún an Cinneadh Críochnaitheach uaidh an 1 Meán Fómhair 2023. Taifeadtar sa Chinneadh Críochnaitheach go ndearnadh sárú ar Airteagail 5(1)(c), 5(1)(f), 24(1), 25(1), 25(2), 12(1), 13(1)(e) agus 5(1)(a) RGCS. Leis an gCinneadh, tugadh iomardú do TikTok i leith na sárúithe, **forchuireadh fíneálacha riaracháin dar luach iomlán €345 mhilliún** ar TikTok, agus ordaíodh do TikTok a phróiseáil a chur i gcomhréir leis an reachtaíocht.

Sa Chinneadh Críochnaitheach, cinneadh gur sháraigh TikTok Airteagail 25(1), 25(2) agus 5(1)(c) RGCS trí mhainneachtain bearta iomchuí teicniúla agus eagraíochtúla a chur chun feidhme chun a chinntiú, mar réamhshocrú, nach bpróiseálfaí ach sonraí pearsanta a bhí riachtanach do na críocho próiseála a bhí ag TikTok agus trí mhainneachtain a chinntiú, mar réamhshocrú, nach gcuirfí an t-inneachar meán sóisialta de chuid Úsáideoirí is Leanaí ar fáil do líon éiginnte daoine gan idirghabháil ón úsáideoir. Cinneadh freisin gur sháraigh TikTok Airteagal 24(1) RGCS trí mhainneachtain bearta iomchuí teicniúla agus eagraíochtúla a chur chun feidhme chun a chinntiú, agus chun a bheith in ann a thaispeáint, go ndéantar próiseáil de réir RGCS i leith an riosca a bhaineann leis an dóigh ar socraíodh cuntais leanaí chun a bheith poiblí mar réamhshocrú agus i leith an riosca a bhaineann leis an ardán a bheith á rochtain ag leanaí faoi bhun 13 bliana d'aois.

Chomh maith leis sin, cinneadh gur sháraigh TikTok Airteagal 13(1)(e) RGCS trí mhainneachtain faisnéis a sholáthar d'Úsáideoirí is Leanaí faoi na catagóirí d'fhaighteoirí sonraí pearsanta. Cinneadh freisin gur sháraigh TikTok Airteagal 12(1) trí mhainneachtain faisnéis a sholáthar d'Úsáideoirí is Leanaí faoi raon feidhme agus iarmhairtí na próiseála a bhí 'poiblí mar réamhshocrú' ar bhealach beacht, trédhearcach agus intuigthe agus ar bhealach so-rochtana.

Ina theannta sin, cinneadh gur sháraigh TikTok Airteagail 5(1)(f) agus 25(1) RGCS i leith a shocraithe 'Péireáil Teaghlaigh', trí chur ar chumas Tuismitheora/Caomhnóra bheartaithe teachtaireachtaí díreacha a chumasú d'Úsáideoir is Leanbh i gcás nár chumasaigh an tÚsáideoir is Leanbh teachtaireachtaí den sórt sin roimhe sin. Tharla sé sin in imthosca nár fóraíodh an Tuismitheoir/an Caomhnóir beartaithe leis an ardán iontu. An fóras go bhféadfadh an Tuismitheoir/an Caomhnóir an socrú ábhartha a mhaolú, cinneadh é a bheith ina shárú ar RGCS. Níor cinneadh an rogha 'Péireáil Teaghlaigh', ná an cumas atá ag an Tuismitheoir/ag an gCaomhnóir beartaithe na socrúithe príobháideachta a dhéanamh níos déine, a bheith fadhbach.

Leis an gCinneadh, tugadh iomardú do TikTok i leith na sárúithe, forchuireadh fíneálacha riaracháin dar luach iomlán €345 mhilliún ar TikTok, agus ordáíodh do TikTok a phróiseáil a chur i gcomhréir leis an reachtaíocht, mar a luadh cheana. Thionscain TikTok trí agóid chúirte in aghaidh an Choimisiúin/EDPB: achomharc reachtúil os comhair Ard-Chúirt na hÉireann; imeachtaí Athbhreithnithe Bhreithiúnaigh os comhair na hArd-Chúirte; agus imeachtaí neamhnithe in aghaidh EDPB os comhair na Cúirte Breithiúnais. Chuaigh an Coimisiún i dteagmháil le TikTok ina dhiaidh sin ar na bearta cuí comhlíonta atá ag teastáil chun an Cinneadh a chomhlíonadh. Mar thoradh ar an gCinneadh agus ar an bpróiseas sin, chuir TikTok athruithe chun feidhme idir mí Mheán Fómhair 2023 agus deireadh na bliana ar an dóigh a bpróiseálann sé sonraí pearsanta leanaí. Tá athruithe eile le déanamh sa bhliain 2024. Áiríodh na nithe seo a leanas leis an ngníomhaíocht a bhí le déanamh ag TikTok chun an Cinneadh a chomhlíonadh: scor de phróiseáil áirithe maidir le próiseáil atá poiblí mar réamhshocrú a dhéanamh ar shonraí leanaí; faisnéis a sholáthar d'úsáideoirí; agus deireadh a chur le patrúin chealgacha dearaidh a luadh sa Chinneadh.



Fiosrúcháin inar cuireadh tús le próiseas comhair Dréacht-Chinneadh GDPR Airteagal 60 agus ina raibh sé fós ar siúl in 2023

Google Ireland Limited (Google): Fiosrúchán maidir le sonraí suímh

Baineann an fiosrúchán seo lena dhleathaí atá an phróiseáil a dhéanann Google ar sonraí suímh agus le cé acu a chomhlíonann nó nach gcomhlíonann Google na hoibleagáidí atá air mar rialaitheoir sonraí i ndáil le trédhearcacht. An Lúnasa 2023, chuir an Coimisiún um Chosaint Sonraí an Dréachtchinneadh uaidh faoi bhráid a chomhrialálaithe san Aontas Eorpach/sa Limistéar Eorpach Eacnamaíoch de réir an phróisis atá leagtha amach in Airteagal 60 RGCS. Tá an próiseas sin fós ar siúl.

Yahoo! EMEA Limited (Yahoo): Trédhearcacht na próiseála

Scrúdaítear san fhiosrúchán seo an dóigh a gcomhlíonann Yahoo na ceanglais atá air faisnéis thrédhearcach a sholáthar d'ábhair sonraí faoi fhorálacha RGCS. An Deireadh Fómhair 2022, chuir an Coimisiún um Chosaint Sonraí an Dréachtchinneadh uaidh faoi bhráid a chomhrialálaithe san Aontas Eorpach/sa Limistéar Eorpach Eacnamaíoch de réir an phróisis atá leagtha amach in Airteagal 60 RGCS. Tá an próiseas sin fós ar siúl.

Meta Platforms Ireland Limited: fiosrúchán gearánbhunaithe (gearánach: Max Schrems) maidir lena dhleathaí atá aistrithe sonraí Facebook chuig na Stáit Aontaithe

Baineann an fiosrúchán seo le gearán a rinne an tUas. Max Schrems in aghaidh Meta Platforms Ireland Limited maidir le haistriú sonraí pearsanta an Ghearánaigh chuig na Stáit Aontaithe, ar sonraí iad a próiseáladh trí sheirbhís Facebook. An Aibreán 2023, chuir an Coimisiún um Chosaint Sonraí an Dréachtchinneadh uaidh faoi bhráid a chomhrialálaithe san Aontas Eorpach/sa Limistéar Eorpach Eacnamaíoch de réir an phróisis atá leagtha amach in Airteagal 60 RGCS. Tá an próiseas sin fós ar siúl.

Twitter International Unlimited Company (Twitter): gearán maidir le hinneachar úsáideoirghinte ar ardán Twitter

Thosaigh an Coimisiún um Chosaint Sonraí ceithre fhiosrúchán ar ghearáin maidir le hinneachar úsáideoirghinte a postáladh ar sheirbhís Twitter, arbh inneachar é nár baineadh den ardán tar éis d'ábhair sonraí iarraidh ar Twitter déanamh amhlaidh. D'éisigh an Coimisiún Réamh-Dhréachtchinntí agus thug sé deis do Twitter aighneachtaí a dhéanamh sula ndéanadh na húdaráis mhaoirseachta lena mbaineann ar fud an Aontais Eorpaigh breithniú ar an ní faoi phróiseas Airteagal 60. Ar aon dul le hAirteagal 60 RGCS, d'éisigh an Coimisiún Dréachtchinntí sna fiosrúcháin chuig na húdaráis mhaoirseachta lena mbaineann ina dhiaidh sin. Tá an próiseas sin fós ar siúl.



Fiosrúcháin inar iarradh aighneachtaí ar Réamhdhréachtchinneadh, Ráiteas Saincheisteanna, nó Tuarascáil Fiosrúcháin ó na páirtithe ábhartha le linn 2023

TikTok Technology Limited (TikTok): aistrithe sonraí ón Aontas Eorpach chuig an tSín

Baineann an fiosrúchán seo leis an dóigh a n-aistríonn TikTok sonraí pearsanta úsáideoirí a ardáin ón Aontas Eorpach chuig an tSín agus le cé acu a chomhlíonann nó nach gcomhlíonann TikTok ceanglais faoi Chuid V RGCS i ndáil le haistrithe idirnáisiúnta sonraí pearsanta chuig tríú tíortha. Táthar ag déanamh scrúdú san fhiosrúchán freisin ar cé acu a chomhlíonann nó nach gcomhlíonann TikTok na hoibleagáidí trédhearcachta atá air i leith úsáideoirí, a mhéid a bhaineann le haistrithe sonraí den sórt sin.

An Bealtaine 2023, d'eisigh an Coimisiún um Chosaint Sonraí Réamh-Dhréachtchinneadh chuig TikTok chun cur ar chumas TikTok éisteacht a fháil maidir leis na cinntí sealadacha ón gCoimisiún. Déanfaidh an Coimisiún breithniú ar na haighneachtaí ó TikTok sula gcuirfidh sé an Dréachtchinneadh uaidh faoi bhráid a chomhrialálaithe san Aontas Eorpach/sa Limistéar Eorpach Eacnamaíoch de réir an phróisis atá leagtha amach in Airteagal 60 RGCS. Ag deireadh na bliana, bhí an CCS ag breithniú aighneachtaí TikTok.

Google Ireland Limited (Google): tairiscint fíor-ama (córas teicneolaíochta fógraíochta)

Baineann an fiosrúchán seo leis an bpróiseáil a dhéanann Google agus é ag oibriú a chórais fógraíochta um thairiscint fíor-ama ar a dtugtar "Authorised Buyers". Táthar ag déanamh scrúdú ann ar a mhéid a chomhlíonann Google na hoibleagáidí atá air mar rialaitheoir, lena n-áirítear i ndáil leis an mbunús dlí ar a mbraitheann Google don phróiseáil a dhéanann sé, do na sonraí pearsanta a bhailíonn agus a choinníonn

sé, agus don fhaisnéis trédhearcachta a sholáthraítear d'ábhair sonraí. D'eisigh an Coimisiún um Chosaint Sonraí Réamh-Dhréachtchinneadh chuig Google, rud inar leagadh amach na tuairimí sealadacha uaidh. Rinne Google aighneachtaí air sin i mí an Mhárta 2023. Déanfaidh an Coimisiún breithniú ar na haighneachtaí sin sula gcuirfidh sé an Dréachtchinneadh uaidh faoi bhráid a chomhrialálaithe san Aontas Eorpach/sa Limistéar Eorpach Eacnamaíoch de réir an phróisis atá leagtha amach in Airteagal 60 RGCS.

LinkedIn Ireland Unlimited Company ('LinkedIn'): gearán ó La Quadrature du Net

Baineann an fiosrúchán seo le gearán i ndáil lena dhleathaí atá an dóigh a bpróiseálann LinkedIn sonraí pearsanta úsáideoirí sheirbhís LinkedIn le haghaidh anailís iompraíochta agus fógraíocht spriocdhírthe. Rinne La Quadrature du Net, ar eagraíocht Fhrancach tathanta digití é, an gearán atá i gceist a thaisceadh trí Airteagal 80 RGCS, ar faoina bhun a fhéadfaidh ábhar sonraí sainordú a thabhairt do chomhlacht seachbhrabúsach gearán a thaisceadh agus gníomhú thar a cheann. Sholáthair an Coimisiún um Chosaint Sonraí réamh-dhréachtchinneadh do LinkedIn i mí Aibreáin 2023 chun deis dheireanach a thabhairt dó aighneachtaí a dhéanamh. Déanfaidh an Coimisiún breithniú ar na haighneachtaí ó LinkedIn sula gcuirfidh sé an Dréachtchinneadh uaidh faoi bhráid a chomhrialálaithe san Aontas Eorpach/sa Limistéar Eorpach Eacnamaíoch de réir an phróisis atá leagtha amach in Airteagal 60 RGCS.

Meta Platforms Ireland Limited (Meta): iarrataí rochtana agus iniomparthachta ar fhaisnéis theicniúil áirithe

Baineann an fiosrúchán seo le gearán a rinne ábhar sonraí leis an gCoimisiún um Chosaint Sonraí i ndáil leis an dóigh ar láimhseáil Meta iarraidh rochtana agus iarraidh iniomparthachta sonraí uaidh. Baineann an iarraidh ón ábhar sonraí le sonraí atá á sealbhú ag Meta i mbunachar sonraí teicniúil sonrath. Táthar ag déanamh scrúdú san fhiosrúchán ar cé acu a chomhlíon nó nár chomhlíon Meta na hoibleagáidí atá air i leith na gceart atá ag ábhair sonraí chun rochtain a fháil ar shonraí agus chun iniomparthacht sonraí faoi RGCS, ag féachaint d'Airteagal 12 RGCS, lena n-áirítear a mhéid a fhéadfaidh rialaitheoir sonraí diúltú do ghníomhú de bhun iarraidh ó ábhar sonraí in imthosca ina gcreideann an rialaitheoir go bhfuil an iarraidh “gan bhunús nó iomarcach”, dá dtagraítear in Airteagal 12 RGCS. Chuir an Coimisiún an tuarascáil fiosrúcháin deiridh uaidh i gcrích i mí Lúnasa 2023. Tosaíodh céim na cinnteoireachta, agus tá réamh-dhréachtchinneadh á ullmhú ag an gCoimisiún faoi láthair.

Meta Platforms Ireland Limited (Meta): gearán ó La Quadrature du Net

Baineann an fiosrúchán seo le gearán i ndáil lena dhleathaí atá an dóigh a bpróiseáiltear sonraí pearsanta úsáideoirí sheirbhís Facebook le haghaidh anailís iompraíochta agus fógraíocht spriocdhírthe. Rinne La Quadrature du Net, ar eagraíocht Fhrancach tathanta digití é, an gearán atá i gceist a thaisceadh trí Airteagal 80 RGCS, ar faoina bhun a fhéadfaidh ábhar sonraí sainordú a thabhairt do chomhlacht seachbhrabúsach gearán a thaisceadh agus gníomhú thar a cheann. Tugadh deis do Meta aighneachtaí a sholáthar tar éis an dréacht-tuarascáil fiosrúcháin ón gCoimisiún um Chosaint Sonraí a nuashonrú i mí Mheán Fómhair 2023, agus tá an tuarascáil fiosrúcháin deiridh á hullmhú ag an gCoimisiún faoi láthair.

Google Ireland Limited (Google): toiliú a fháil le linn an phróisis chun cuntas Google a chruthú

Baineann an fiosrúchán seo leis an dóigh a bpróiseálann Google sonraí pearsanta le linn an phróisis clárúcháin chun cuntas Google a bhunú agus mar thoradh ar an toiliú a thugann úsáideoirí, faoi shocruithe éagsúla pearsantaithe, tráth a chruthaíonn siad cuntas. Tosaíodh an fiosrúchán sa bhliain 2023 de bhun sraith gearán comhordaithe a fháil ó Eagraíochtaí Eorpacha Tomhaltóirí, agus iad á gcomhordú ag an Eagraíocht Eorpach Tomhaltóirí (BEUC). Táthar ag déanamh scrúdú san fhiosrúchán ar a dhleathaí atá an toiliú a fhaigheann Google, ar chosaint sonraí trí dheardh agus mar réamhshocrú, ar chomhlíonadh oibleagáidí trédhearcachta, agus ar phrionsabal na cothroime. Chuir Google tús le himeachtaí athbhreithnithe bhreithiúnaigh an 18 Eanáir 2024 ag tabhairt aghaidh ar thosach feidhme an fhiosrúcháin agus tá éisteacht na n-imeachtaí sin sceidealta le haghaidh Iúil 2024.

Meta Platforms Ireland Limited (Meta): Sárúithe Sonraí Pearsanta a rinne difear d'Airíochtaí Úsáideora Facebook

Baineann an fiosrúchán seo le scrúdú a dhéanamh ar cé acu a chuir nó nár chuir Meta na hoibleagáidí atá air faoi RGCS i gcrích i ndáil le bearta eagraíochtúla agus teicniúla a chur chun feidhme agus i ndáil le cosaint sonraí trí dheardh agus mar réamhshocrú chun sonraí pearsanta a úsáideoirí a dhaingniú agus a chosaint i dtaca le sárú sonraí a rinneadh i mí Mheán Fómhair 2018 agus a rinne difear d'airíochtaí úsáideora Facebook. Rinne Meta aighneachtaí ar an Réamh-Dhréachtchinneadh ón gCoimisiún um Chosaint Sonraí an 7 Feabhra 2023. Déanfaidh an Coimisiún breithniú ar na haighneachtaí sin sula gcuirfidh sé an Dréachtchinneadh uaidh faoi bhráid a chomhrialálaithe san Aontas Eorpach/sa Limistéar Eorpach Eacnamaíoch de réir an phróisis atá leagtha amach in Airteagal 60 RGCS.

Meta Platforms Ireland Limited ('Meta'): saincheisteanna a bhaineann le fógra a thabhairt faoi shárú

Baineann an fiosrúchán seo lena mhéid a chomhlíon Meta na hoibleagáidí um fhógra a thabhairt faoi shárú atá air faoi Airteagal 33 RGCS i dtaca le fógra a tugadh don Choimisiún um Chosaint Sonraí faoi shárú sonraí a rinneadh i mí Mheán Fómhair 2018 agus a rinne difear d'airíochtaí úsáideora Facebook. Rinne Meta aighneachtaí ar an Réamh-Dhréachtchinneadh ón gCoimisiún um Chosaint Sonraí an 20 Feabhra 2023. Déanfaidh an Coimisiún breithniú ar na haighneachtaí sin sula gcuirfidh sé an Dréachtchinneadh uaidh faoi bhráid a chomhrialálaithe san Aontas Eorpach/sa Limistéar Eorpach Eacnamaíoch de réir an phróisis atá leagtha amach in Airteagal 60 RGCS.

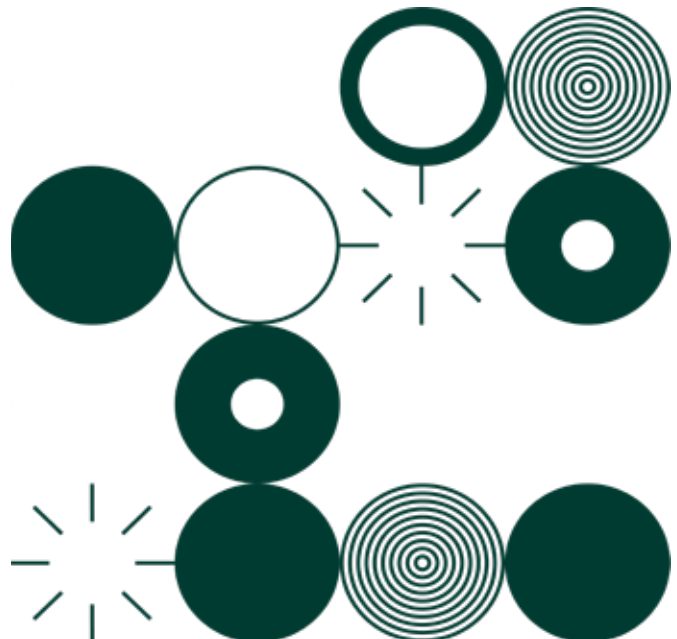
Meta Platforms Ireland Limited ('Meta'): pasfhocail a stóráladh i bhformáid gnáth-théacs

Scrúdaíodh san fhiosrúchán seo cé acu a chomhlíon nó nár chomhlíon Meta na hoibleagáidí atá air faoi RGCS, go háirithe i ndáil le slándáil na próiseála. Tosaíodh an fiosrúchán seo mar thoradh ar theagmhas slándála a tharla go luath sa bhliain 2019, áit ar stóráladh pasfhocail úsáideora gan chuimhneamh i bhformáid gnáth-théacs ar chórais inmheánacha Facebook. Rinne Meta aighneachtaí ar an Réamh-Dhréachtchinneadh ón gCoimisiún um Chosaint Sonraí an 1 Márta 2023. Déanfaidh an Coimisiún breithniú ar na haighneachtaí sin sula gcuirfidh sé an Dréachtchinneadh uaidh faoi bhráid a chomhrialálaithe san Aontas Eorpach/sa Limistéar Eorpach Eacnamaíoch de réir an phróisis atá leagtha amach in Airteagal 60 RGCS. .



MTCH Technology Services Limited (MTCH) agus seirbhís Tinder

Baineann an fiosrúchán seo de dheoin an Choimisiúin féin lena mhéid a chomhlíon MTCH na hoibleagáidí atá air faoi RGCS i ndáil le roinnt gearán a fuarthas ó ábhair sonraí atá lonnaithe in Éirinn agus ar fud an Aontais Eorpaigh. Scrúdaítear ann a mhéid a chomhlíonann MTCH an ceart atá ag ábhair sonraí chun a sonraí a rochtain faoi Airteagal 15 RGCS agus an ceart atá acu go ndéanfaí léirsciosadh faoi Airteagal 17 RGCS. Scrúdaítear go sonrath san fhiosrúchán cé acu a chomhlíonann nó nach gcomhlíonann MTCH RGCS i ndáil le faisnéis trédhearcachta agus i ndáil leis an dóigh a bpléann sé le hiarrataí ar rochtain d'ábhair sonraí agus cé acu atá nó nach bhfuil bunús dleathach bailí ag MTCH le leanúint le sonraí pearsanta úsáideoirí a phróiseáil tar éis iarrataí léirscriosta a fháil uathu. Ar 8 Eanáir 2024, d'eisigh an Coimisiún um Chosaint Sonraí Réamh-Dhréachtchinneadh chuig an rialaitheoir chun deis a thabhairt dó aighneachtaí a dhéanamh sula ndéanfadh na húdaráis mhaoirseachta lena mbaineann ar fud an Aontais Eorpaigh breithniú ar an ní faoi phróiseas Airteagal 60.



Yelp Ireland Limited ('Yelp')

Baineann an fiosrúchán seo lena mhéid a chomhlíonann Yelp Airteagail 5, 6, 7 agus 17 RGCS. Tosaíodh é tar éis don Choimisiún um Chosaint Sonraí roinnt gearán a fháil i ndáil leis an dóigh a bpróiseálann Yelp sonraí pearsanta ar a shuíomh Gréasáin. I mí Eanáir 2023, d'eisigh an Coimisiún Ráiteas maidir le Saincheisteanna ar mhaithe le haighneachtaí a lorg ó Yelp. Tá Réamh-Dhréachtchinneadh á ullmhú ag an gCoimisiún faoi láthair.

Twitter International Unlimited Company (Twitter): Camchóipeáil/Sárú

Sheol an Coimisiún um Chosaint Sonraí fiosrúchán dá dheoin féin Nollaig 2022 i ndáil le roinnt tuairiscí sna meáin idirnáisiúnta inar léiríodh gur cuireadh ceann amháin nó níos mó de thacair sonraí thiomsaithe de shonraí pearsanta úsáideoirí Twitter ar fáil ar an Idirlíon. Tuairiscíodh go raibh sna tacair sonraí sin sonraí pearsanta a bhaineann le thart ar 5.4 milliún úsáideoir Twitter ar fud an domhain. Tuairiscíodh gur léarscáillíodh leis na tacair sonraí faisnéis aitheantais Twitter le seoladh ríomhphoist agus/nó uimhir theileafóin na n-ábhar sonraí gaolmhar. Sholáthair an Coimisiún Páipéar Saincheisteanna do Twitter, agus rinne Twitter aighneachtaí ina leith i mí na Samhna 2023. Tá Réamh-Dhréachtchinneadh á ullmhú ag an gCoimisiún faoi láthair.



Cásanna a bhaineann le gearánaigh aonair arna dtabhairt chun críche ag an CCS trí nós imeachta Comhoibríthe AE in 2023

Chomh maith leis na fiosrúcháin mhórsála seo, cuireann an CCS cásanna aonair trasteorann i gcrích freisin, lena n-áirítear fógraí faoi thorthaí a baineadh amach i ngearáin a réitítear go cairdiúil, trí nós imeachta comhair an AE. In 2023, thug an CCS **279** cás den sórt sin chun críche. Is féidir sonraí na gcásanna seo a fháil foilsithe ar chlár cásanna Airteagal 60 an EDPB.

Ina theannta sin, chríochnaigh an CCS 9 bhfiosrúchán maidir le gearáin trasteorann in 2023. Bhain na Fiosrúcháin seo le gearáin a bhain le saincheistanna a bhain le cearta rochtana agus scriosta; lena n-áirítear an bunús dleathach chun aitheantas agus/ nó grianghraif a iarraidh chun céannacht a fhíorú; comhlíonadh íoslghdaithe sonraí; comhlíonadh na gcoinníollacha maidir le toiliú; & comhlíonadh oibleagáidí trédhearcachta agus faisnéise.

Eagraíochtaí	An Cinneadh a Eisíodh	An Beart Ceartaitheach a Forchuireadh
Airbnb Ireland UC	Eanáir 2023	Cinneadh nach ndearnadh aon sárú Airteagail 5, 6 and 13.
Airbnb Ireland UC	Meitheamh 2023	Cinneadh nach ndearnadh aon sárú Airteagail 5, 6, 12 and 17.
Airbnb Ireland UC	Meitheamh 2023	Iomardú faoi bhun: Airteagail 5(1)(c) agus 5(1)(e). Ordú faoi bhun: Airteagail 5(1)(c) agus 5(1)(e).
Airbnb Ireland UC	Iúil 2023	Iomardú faoi bhun: Airteagail 5(1)(c), 6(1)(f), 15(1), 12(1) agus 12(3). Ordú faoi bhun: Airteagal 12(1).
Airbnb Ireland UC	Meán Fómhair 2023	Iomardú faoi bhun: Airteagal 12(4).
Airbnb Ireland UC	Meán Fómhair 2023	Iomardú faoi bhun: Airteagail 6(1)(f), 5(1)(c) agus 5(1)(e). Orduithe faoi bhun: Airteagail 5(1)(c) agus 5(1)(e). Orders re: Articles 5(1)(c) and 5(1)(e).
Airbnb Ireland UC	Meán Fómhair 2023	Iomardú faoi bhun: Airteagail 6(1)(f) agus 5(1)(c). Ordú faoi bhun: Airteagail 6(1)(f) agus 5(1)(c).
Apple Distribution International Limited	Samhain 2023	Cinneadh nach ndearnadh aon sárú Airteagail 5, 6, 7 and 13.
Microsoft Ireland Operations Limited	Samhain 2023	Iomardú faoi bhun: Airteagail 12(4) agus 17. Ordú faoi bhun: Airteagail 12(4) agus 17.

Airbnb Ireland UC – Iarraidh ar Aitheantas agus Iarraidh Léirscriosta

Baineann an fiosrúchán seo, a tosaíodh i mí Mheán Fómhair 2022, le gearán i ndáil le próiseáil dhleathach sonraí pearsanta chun críocha fíorúcháin céannachta, mar aon le sárúithe i ndáil le prionsabal an íoslaghdaíthe sonraí.

Taisceadh gearán in aghaidh Airbnb leis an gCoimisinéir Feidearálach um Chosaint Sonraí agus Saoráil Faisnéise (BfDI) sa Ghearmáin. Aistríodh an gearán chuig an gCoimisiún ansin mar Phríomhúdarás Maoirseachta faoin sásra maidir le hIonaid Ilfhreastail. Luadh sa ghearán gur iarr Airbnb go neamhdhleathach cóip d'aitheantas an duine aonair chun a chéannacht a fhíorú. Chuir an duine aonair ábhair imní in iúl faoi ghoid chéannachta, mar gheall ar an méid sonraí pearsanta a bhí le cur isteach chun áirithint cóiríochta a chomhlánú. Ní ghlacfaidh Airbnb leis an áirithint go dtí go mbeadh céannacht fíoraithe trí chóip d'aitheantas agus grianghraf nuathógtha a thabhairt chun a chinntiú nach mbaineann an t-aitheantas ach amháin leis an duine a bhí ag déanamh na háirithinte. Sa chás seo, níor thuig Airbnb an gearán i gceart ar dtús agus cheap sé go raibh an duine ag iarraidh a chuntas le Airbnb a léirscriosadh. De bhreis ar an ngearán maidir le fíorú aitheantais, bhí an duine aonair ag iarraidh freisin go scriosfaidh Airbnb a aitheantas.

Sa Chinneadh ón gCoimisiún i mí Mheán Fómhair 2023, cinneadh go ndearna Airbnb sárúithe maidir leis an mbunús dlí le próiseáil faoi Airteagal 6(1)(f) agus go ndearna Airbnb sárúithe maidir le híoslaghdaí sonraí i ndáil leis an iarraidh ar chóip d'aitheantas fótagrafach an duine aonair faoi Airteagal 5(1)(c). Cinneadh i bhfiosrúchán an Choimisiúin freisin gur sáraíodh prionsabal an íoslaghdaíthe sonraí agus prionsabal an teorannaithe stórála faoi Airteagal 5(1) (e) nuair a leanadh le cóip d'aitheantas an duine aonair a choinneáil ar feadh shaolré a chuntais tar éis fíorú céannachta a chur i gcrích go rathúil.

Cinneadh i bhfiosrúchán an Choimisiúin nach raibh aon sárú ann maidir leis an am a thóg an rialaitheoir chun freagra a thabhairt ar an iarraidh ón duine aonair ná maidir leis an

dóigh ar láimhseáil an rialaitheoir an iarraidh léirscriosta ón duine aonair.

Tá an cás seo mar shampla den dóigh ar threisigh idirghabháil ón gCoimisiún comhréireacht shásraí an rialaitheora le haghaidh fíorú agus íoslaghdaí sonraí. I gcaidreamh roimhe, chinn an Coimisiún go raibh an rialaitheoir ag brath ar Airteagal 6(1)(f) RGCS mar bhunús dlí le haitheantas a phróiseáil, a luaithe a theip ar na hiarrachtaí eile uile a rinne sé chun céannacht a fhíorú. Sa chás seo, ní dhearna an rialaitheoir aon iarreachtaí eile ar fhíorú sular iarr sé cóip den aitheantas. Dá bhrí sin, ní fhéadfadh sé brath ar leasanna dlisteanacha don phróiseáil.



Microsoft Ireland Operations Limited – Iarraidh Léirscriosta; Trédhearcacht

Baineann an fiosrúchán seo, a tosaíodh i mí an Mheithimh 2023, le gearán i ndáil leis an dóigh ar fhreagair an rialaitheoir d'iarraí rochtana ó dhuine aonair agus don iarraidh uaidh an ceart atá aige go ndéanfaí léirsciosadh a fheidhmiú.

Taisceadh an gearán in aghaidh Microsoft Ireland Operations Limited (“Microsoft”) le hOifig Stát na Baváire um Maoirseacht ar Chosaint Sonraí. Aistríodh an gearán chuig an gCoimisiún ansin lena láimhseáil aige mar Phríomhúdarás Maoirseachta. Sa chás seo, d'iarr an gearánach faoi dhó go léirsciosfadh Microsoft URLanna ar cuimsíodh a shonraí pearsanta iontu agus a tháinig i láthair i dtorthaí innill cuardaigh nuair a cuardaíodh a ainm ar inneall cuardaigh Bing.

Suíodh san fhiosrúchán gur chuir an Gearánach dhá iarraidh léirscriosta leithleacha isteach – ceann amháin i mí an Mhárta 2021 agus ceann amháin i mí Dheireadh Fómhair 2021. Maidir leis an iarraidh léirscriosta a rinneadh i mí an Mhárta 2021, léirscios Microsoft dhá cheann de na ceithre URL agus dhiúltaigh sé géilleadh don iarraidh na cinn eile a léirsciosadh. Maidir leis an iarraidh léirscriosta a rinneadh i mí Dheireadh Fómhair 2021, dhiúltaigh Microsoft ar dtús géilleadh don iarraidh trí URL a léirsciosadh. D'athraigh Microsoft a sheasamh ina dhiaidh sin. Chuir sé tús leis an bpróiseas léirscriosta ag deireadh mhí na Samhna 2021 agus chuir sé an próiseas i gcrích i mí an Mhárta 2022. Fuarthas amach san fhiosrúchán nach ndearna Microsoft gníomhaíocht i leith na hiarrata léirscriosta gan moill mhíchuí ós rud é gur cheart dó glacadh leis na URLanna a dhíliostú i mí Dheireadh Fómhair 2021. Chomh maith leis sin, gach uair a d'fhreagair sé do na hiarrataí ón nGearánach, chuir an rialaitheoir an duine aonair ar an eolas faoi na bearta a rinneadh i ndáil le gach URL agus faoin gceart atá aige gearán a thaisceadh le húdarás maoirseachta. Níor chuir sé an duine aonair ar an eolas, áfach, faoin gceart atá aige leigheas breithiúnach a iarraidh.

Sa Chinneadh uaidh a glacadh i mí na Samhna 2023, d'fheidhmigh an Coimisiún cumhachtaí ceartaitheacha trína ordú do Microsoft, de réir Airteagal 58(2)(d) RGCS, a bheartais agus a nósanna imeachta inmheánacha a athbhreithniú a mhéid a bhaineann leis an bhfaisnéis atá le soláthar d'ábhair sonraí. Eisíodh iomardú chuig Microsoft Ireland Operations Limited de bhun Airteagal 58(2)(b) RGCS freisin i bhfianaise na sárúithe a cinneadh a bheith déanta.

Tá an cás seo mar shampla de chás inar cinneadh i bhfiosrúchán an Choimisiúin gur mhainnigh rialaitheoir sonraí a oibleagáidí faoi RGCS a chomhlíonadh ina n-iomláine, beag beann ar an iarracht a rinne sé déanamh amhlaidh. Mar thoradh ar an idirghabháil ón gCoimisiún, ordaíodh don rialaitheoir, de réir Airteagal 58(2)(d) RGCS, athbhreithniú a dhéanamh ar a bheartais agus a nósanna imeachta inmheánacha a mhéid a bhaineann leis an bhfaisnéis atá le soláthar d'ábhair sonraí de bhun Airteagal 12, chun a chinntiú, i gcás go gcuirfidh sé ábhair sonraí ar an eolas de bhun iarraí a rinneadh faoi Airteagail 15 go 22 RGCS gur chinn sé gan aon ghníomh a dhéanamh i leith na hiarrata, go gcuirfear ábhair sonraí ar an eolas i ngach cás faoin gceart atá acu chun leigheas breithiúnach a iarraidh.



Forfheidhmiú Cumhachtaí Ceartaitheacha arna bhfeidhmiú ag an CCS

Le linn 2023, rinne an CCS beart chun comhlíonadh raon cumhachtaí ceartaitheacha a cuireadh i bhfeidhm a chinntiú, lena n-áirítear orduithe chun phróiseáil a thabhairt i gcomhlíonadh agus toirmisc ar phróiseáil. Imlíonann an chuid seo roinnt samplaí den ghníomh forfheidhmithe seo.

Meta Platforms Ireland Limited ('Meta'): Fógraíocht Iompraíochta ar sheirbhísí Instagram agus Facebook

Le linn na bliana 2023, tá an Coimisiún um Chosaint Sonraí ag déanamh maoirseacht ar an dóigh a bhfuil Meta ag comhlíonadh dhá ordú comhlíonta a rinne an Coimisiún an 31 Nollaig 2022 maidir le seirbhísí Facebook agus Instagram. Baineann na horduithe sin le cinntiú a rinne an Coimisiún á rá nach bhféadfadh Meta brath ar Airteagal 6(1)(b) RGCS chun sonraí pearsanta a phróiseáil chun críocha fógraíochta iompraíochta. Leis na horduithe sin, ceanglaíodh ar Meta stad de bheith ag brath ar Airteagal 6(1)(b) faoi mhí Aibreáin 2023.

I mí Aibreáin 2023, d'fhéach MPIL le brath ar an mbunús 'leasanna dlisteanacha' don phróiseáil, mar atá leagtha amach in Airteagal 6(1)(f) RGCS. An 4 Iúil 2023, thug Cúirt Bhreithiúnais an Aontais Eorpaigh an breithiúnas uaithi i gcás Bundeskartellamt, rud a bhain leis an dóigh a raibh sonraí pearsanta á bpróiseáil ag Meta ar bhonn Airteagal 6(1)(f) RGCS, i measc nithe eile.

An 18 Lúnasa 2023, tar éis dul i gcomhairle agus obair i gcomhar le húdaráis mhaoirseachta eile ar fud na hEorpa, tháinig an Coimisiún ar an gconclúid nár thaispeáin Meta go raibh sé ag comhlíonadh an bhunús 'leasanna dlisteanacha' don phróiseáil atá leagtha amach in Airteagal 6(1)(f) RGCS chun sonraí pearsanta úsáideoirí Facebook agus Instagram a phróiseáil chun críocha fógraíochta iompraíochta.

Chinn Meta ansin toiliú a lorg ó ábhair sonraí faoi Airteagal 6(1)(a) RGCS chun sonraí pearsanta a phróiseáil chun críocha fógraíochta iompraíochta. Chuir an Coimisiún in iúl do Meta go mbeadh air a shamhail thoiliúbhunaithe a chur chun feidhme, agus toiliú bailí a fháil ó ábhair sonraí, faoin 24 Samhain 2023 ar a dhéanaí. Leag an Coimisiún an spriocdháta sin síos chun a chinntiú go bhforbrófaí go cuí sreabha úsáideora Meta agus an tsamhail thoiliúbhunaithe atá beartaithe aige agus go ndéanfadh na húdaráis Chosanta Sonraí mionscrúdú ar an tsamhail sula gcuirfí i láthair an phobail í.

Idir an dá linn, áfach, d'iarr Údarás Cosanta Sonraí na hIorua ar an mBord Eorpach um Chosaint Sonraí cinneadh ceangailteach práinneach a ghlacadh lena n-ordófaí don Choimisiún toirmeasc a chur ar spleáchas Meta ar Airteagal 6(1)(b) agus 6(1)(f) RGCS laistigh de dhá sheachtain. Ghlac an Bord Eorpach um Chosaint Sonraí cinneadh ceangailteach an 27 Deireadh Fómhair 2023. D'eisigh an Coimisiún fógra forfheidhmiúcháin chuig MPIL ansin chun toirmeasc a chur air sonraí pearsanta a phróiseáil chun críocha fógraíochta iompraíochta ar bhonn Airteagal 6(1)(b) agus 6(1)(f) RGCS.

Sheol Meta samhail toilithe nua an 10 Samhain 2023. Faoi dheireadh na bliana, bhí an CCS i gceannas go cúlghabhálach ar athbhreithniú ar an tsamhail toilithe sin i gcomhar le húdaráis mhaoirseachta Eorpacha. Ag an am céanna, tá trí agóid dhlíthiúla á thabhairt ag Meta do Chinneadh mhí na Nollag 2022 os comhair Chúirteanna na hÉireann agus an CJEU. Thug Meta agóidí dlíthiúla faoi bhráid an fhógra forfheidhmithe a d'eisigh an CCS.

Facebook Ireland Limited (Facebook) (ar a dtugtar Meta Platforms Ireland Limited anois): próiseáil sonraí leanaí trí sheirbhís Instagram a n-oibríonn Facebook í

An Meán Fómhair 2022, ghlac an Coimisiún um Chosaint Sonraí Cinneadh maidir le próiseáil sonraí pearsanta leanaí ar sheirbhís Instagram, á rá gur sháraigh Meta Airteagail 6(1), 5(1)(a), 5(1)(c), 12(1), 24, 25(1), 25(2) agus 35(1) RGCS. Leis an gCinneadh, forchuireadh fíneálacha riaracháin dar luach iomlán €405 mhilliún ar Meta, tugadh iomardú do Meta, agus ordaíodh do Meta a phróiseáil a chur i gcomhréir leis an reachtaíocht trí raon gníomhartha sonraithe feabhais a dhéanamh.

Thionscain Meta imeachtaí dlí chun achomharc a dhéanamh in aghaidh Chinneadh an CCS. Ag an am céanna, chuir Meta Tuarascáil Chomhlíonta ar fáil don CCS i mí na Nollag 2022, inar leagadh amach athruithe ábhartha ar a phróiseáil. Scaip an CCS an Tuarascáil Chomhlíonta seo chuig na hÚdaráis Mhaoirseachta eile lena mbaineann lena breithniú. Chuaigh an CCS i dteagmháil le Meta ina dhiaidh sin i rith 2023 ar na bearta comhlíonta cuí a theastaíonn chun an Cinneadh a chomhlíonadh. Mar thoradh ar an bpróiseas seo, chuir Meta athruithe breise i bhfeidhm i mí na Nollag 2023 a bhí á n-athbhreithniú faoi dheireadh na bliana.

Fiosrúchán Camchóipeála ar Meta

I mí na Samhna 2022, d'eisigh an Coimisiún Cinneadh Críochnaitheach san fhiosrúchán seo, rud a tosaíodh de bhun tuairiscí sna meáin á rá gur aimsíodh tacar sonraí tiomsaithe de shonraí pearsanta Meta a cuireadh ar fáil ar an Idirlíon. Cinneadh san fhiosrúchán go ndearnadh sárúithe ar RGCS i ndáil leis an modh ina raibh ábhair sonraí inchuadaithe laistigh de roinnt gnéithe d'fheidhmchláir Facebook agus Instagram, agus ordaíodh do Meta a phróiseáil a chur i gcomhréir le RGCS. Thionscain Meta imeachtaí dlí chun achomharc a dhéanamh in aghaidh an Chinnidh ón gCoimisiún.

I gcomhthreo leis sin, sholáthair Meta tuarascáil maidir le comhlíonadh i mí Feabhra 2023. Rinne an Coimisiún anailís ar an tuarascáil sin ar bhonn dlíthiúil agus teicniúil.

Scaip an Coimisiún na tuairimí uaidh ar na hÚdaráis Mhaoirseachta eile lena mbaineann ansin chun ionchur a fháil uathu maidir le comhlíonadh. De bhun an chaidrimh ón gCoimisiún, d'aontaigh Meta athruithe áirithe a dhéanamh agus sraith aighneachtaí a sholáthar maidir leis an dóigh ar cuireadh na hathruithe sin i bhfeidhm ina chuid córas. Rinne Meta nuashonruithe ar a chórais freisin chun athrú a dhéanamh ar an bhfaisnéis a bhí ar fáil d'ábhair sonraí chun a chinntiú go mbeadh na hathruithe córas trédhearcach dá úsáideoirí.

Airbnb

Sa bhliain 2023, chuir an Coimisiún gníomhaíocht forfheidhmiúcháin leantach i gcrích a bhain le dhá chinneadh maidir le Airbnb a d'eisigh sé an Meán Fómhair 2022 agus an Meitheamh 2023 faoi seach. Sa dá chinneadh, d'fheidhmigh an Coimisiún cumhachtaí ceartaitheacha i riocht orduithe a rinneadh de bhun Airteagal 58(2)(d) RGCS agus shocraigh sé spriocdhátaí faoina mbeadh ceanglas ar Airbnb fógra a thabhairt don Choimisiún faoi na gníomhartha a rinneadh chun na horduithe a chomhlíonadh.

Chuir Airbnb tuarascálacha comhlíonta maidir leis an dá chás isteach chuig an gCoimisiún ina dhiaidh sin. Ós rud é gur bhain na cinntí le gearáin trasteorann, chuaigh an Coimisiún i gcomhairle le gach ceann de na húdaráis mhaoirseachta um chosaint sonraí san Aontas Eorpach/sa Limistéar Eorpach Eacnamaíoch nuair a bhí sé ag déanamh measúnú ar an méid a chomhlíon Airbnb na horduithe sna cinntí ón gCoimisiún. Níor shainithin ceann ar bith de na húdaráis mhaoirseachta eile aon saincheistanna imní maidir le tuarascálacha comhlíonta Airbnb. Chuir an Coimisiún an próiseas measúnachta do na cásanna sin i gcrích agus chuir sé in iúl do Airbnb an Lúnasa 2023 agus an Samhain 2023 faoi seach gur dheimhin leis gur chomhlíon Airbnb na horduithe sna cinntí.

Ag deireadh na bliana, bhí gníomhaíocht forfheidhmiúcháin leantach ar siúl maidir le trí chinneadh eile a bhain le Airbnb agus a d'eisigh sé an 20 Iúil 2023 agus an 28 Meán Fómhair 2023 (dhá cheann).

Comhairle Contae Chill Dara: imscaradh teicneolaíochtaí faireachais ag Údaráis Áitiúla

Le linn imscrúduithe agus ghníomhartha forfheidhmiúcháin an Choimisiúin i ndáil le himscaradh teicneolaíochtaí faireachais ag Údaráis Áitiúla, thángthas ar chásanna ar leith ina raibh ceamaraí TCI in úsáid gan aon bhunús dleathach lena gcomhlíontar caighdeáin an bheachtais, na soiléire agus na hintuarthachta a cheanglaítear faoi dhlí an Aontais Eorpaigh.

Sa bhliain 2023, rinne an Coimisiún roinnt gníomhartha chun a chinntiú go n-imscarann Údaráis Áitiúla ceamaraí TCI ar bhealach atá i gcomhréir leis an dlí cosanta sonraí. Áiríodh leis na gníomhartha sin cigireachtaí ar an láithreán a dhéanamh chun a dheimhniú gur cuireadh chun feidhme na bearta ceartaitheacha a leagadh amach de bhun Cinntí ón gCoimisiún. Áiríodh leo freisin comhairliúchán a dhéanamh ar chóid chleachtais maidir le teicneolaíochtaí faireachais a úsáid i gcomhthéacs forfheidhmiú dramhaíola agus truailliú ó bhruscar.

Agus gach ceann de na gníomhartha sin á ndéanamh aige, tá sé mar aidhm leis an gCoimisiún a chinntiú gurb amhlaidh, nuair a úsáideann Údaráis Áitiúla réitigh theicneolaíocha chun leas an phobail chun dul i ngleic le saincheisteanna amhail iompraíocht fhrithshóisialta agus dumpáil neamhdhleathach, a dhéanann siad amhlaidh ar mhodh a chloíonn leis na prionsabail um chosaint sonraí agus ar mhodh a dhéanann difear comhréireach do na cearta agus na saoirsí bunúsacha atá ag daoine aonair.

Trí bhíthin gníomh leantach forfheidhmiúcháin a bhain leis an gCinneadh ón gCoimisiún maidir le Comhairle Contae Chill Dara, fuair an Coimisiún tuarascáil ó Chomhairle Contae Chill Dara ar na gníomhartha a bhí déanta aici chun na bearta ceartaitheacha a chomhlíonadh. Dheimhnik an Coimisiún na gníomhartha sin trí chigireacht ar an láithreán a dhéanamh ag Comhairle Contae Chill Dara i mí Mheán Fómhair 2023.

Go háirithe, deimhníodh sa chigireacht sin

gur chuir an Chomhairle as ceamaraí áirithe TCI a bhí in úsáid gan aon bhunús dleathach bailí. Ag an am sin, ní raibh aon reachtaíocht ann lenar tugadh soiléire, beachtas ná intuarthacht maidir leis na himthosca ina bhféadfadh Údaráis Áitiúla ceamaraí TCI a imscaradh chun bruscar agus dramhaíl a chosc. Níor cheadaigh Coimisinéir an Gharda Síochána na ceamaraí ábhartha TCI de réir alt 38 d'Acht an Gharda Síochána, 2005, ach oiread.

Is féidir le TCI agus le teicneolaíochtaí eile a n-imscarann an Stát iad chun críocha faireachais cur isteach ar na cearta bunúsacha chun príobháideachta agus chun cosaint sonraí. Sna himthosca sin, tá sé ríthábhachtach, maidir le haon reachtaíocht lena gceadaítear teicneolaíochtaí den sórt sin a úsáid chun críocha faireachais, go dtabharfaí léi cosaint dhleathach leordhóthanach ar threallachas agus go soláthrófaí léi soiléire maidir le raon feidhme aon lánrogha a thugtar d'údaráis phoiblí chun faireachas a dhéanamh. Go háirithe, ní mór a shonrú sa reachtaíocht cé na himthosca ina bhféadfar TCI a imscaradh, agus cé na coinníollacha faoina bhféadfar déanamh amhlaidh, á chinntiú go mbeidh aon chur isteach ar chearta bunúsacha teoranta dá bhfuil fíor-riachtanach.

Fáiltíonn an Coimisiún roimh an Acht um an nGeilleagar Ciorclach agus Forálacha Ilghnéitheacha, 2022, ina leagtar amach forálacha le haghaidh scéimeanna TCI a mholadh agus a cheadú i leith cionta bruscair agus dramhaíola, ina n-údaráítear measúnuithe tionchair ar chosaint sonraí mar chuid den phróiseas sin, agus ina ndéantar socrú do chóid chleachtais, a ndearna an Coimisiún grinnschrúdú gníomhach orthu cheana féin. Leanfaidh an Coimisiún lena chinntiú go gcomhlíonann aon fhaireachas a dhéanann Údaráis Áitiúla, lena n-áirítear TCI a imscaradh de bhun na bhforálacha sin, an dlí cosanta sonraí agus go bhfuil sé comhréireach leis na críocha atá á saothrú.

Is féidir tuilleadh faisnéise faoi rannpháirtíocht an Choimisiúin i leith an Achta um an nGeilleagar Ciorclach agus Forálacha Ilghnéitheacha a fháil ar leathanach 65 den tuarascáil seo.

An Garda Síochána – Sárú sonraí ag Stáisiún Gardaí Chill Mhaighneann (An Treoir maidir le Cosaint Sonraí i réimse Fhorfheidhmiú an Dlí).

I mí na Nollag 2022, d'eisigh an Coimisiún Cinneadh Críochnaitheach san fhiosrúchán seo de bhun na Treorach maidir le Cosaint Sonraí i réimse Fhorfheidhmiú an Dlí, mar a trasúidh leis an Acht um Chosaint Sonraí, 2018. Cinneadh san fhiosrúchán go ndearnadh sárúithe ar shlándáil na sonraí pearsanta a taispeánadh ar Chláir Feasachán Faisnéise i Stáisiúin an Gharda Síochána. Leis an gCinneadh Críochnaitheach, ceanglaíodh ar an nGarda Síochána a phríoiseáil a chur i gcomhréir leis na forálacha iomchuí den Acht um Chosaint Sonraí, 2018, trí bhearta cuí teicniúla agus eagrúcháin a chur chun feidhme i leith shlándáil na gClár Feasachán Faisnéise ar fud a líonra stáisiún in Éirinn.

Le linn na bliana 2023, rinne an Garda Síochána sraith aighneachtaí maidir leis an dul chun cinn a bhí á dhéanamh ar an ordú sin a chur chun feidhme ar fud an Stáit. Mar thoradh ar na gníomhartha a rinne an Garda Síochána, scoir formhór mór a gcuid Stáisiún de Chláir fhisiciúla Feasachán Faisnéise a úsáid, agus rinneadh bearta breise chun méadú a dhéanamh ar shlándáil sonraí pearsanta i ndáil le cuairteoirí agus conraitheoirí a oibríonn i Stáisiúin ar fud na tíre. Leanann an Coimisiún le hathbhreithniú a dhéanamh ar na bearta a cuireadh chun feidhme sa chás seo.



Anu Bradford, Ollamh Henry L. Moses le Dlí agus Eagrú Idirnáisiúnta, Scoil Dlí Ollscoil Columbia, Helen Dixon, an Coimisinéir Cosanta Sonraí, agus Chad Thomas, Bloomberg, ag ócáid Bloomberg New Economy Gateway Europe 2023, Aibreán 2023.



Dlí

Breithiúnais a Tugadh agus Orduithe Deiridh a Rinneadh sa bhliain 2023

Uimh	Uimh. Thaidid	Teideal	Cineál caingne agus ionad	Dáta an Bhreithiúnais/an Ordaithe
1.	2020/03165	John Healy v An Coimisinéir Cosanta Sonraí	Tugadh an breithiúnas ón mBreitheamh Onórach O'Connor an 29 Márta 2023	Tugadh an breithiúnas ón mBreitheamh Onórach O'Connor an 29 Márta 2023
Toradh				Stádas Reatha
<p>Bhain an t-achomharc seo le cinneadh a rinneadh ar ghearán ón Achomharcóir, a mhéid a nocht a iarfhostóirí faisnéis faoina phinsean Éireannach d'iontaobhaithe i bhFéimheacht sa Ríocht Aontaithe nuair a dearbhaíodh an tAchomharcóir ina fhéimheach sa Ríocht Aontaithe.</p> <p>Ba é an cheist a bhreithnigh an Chúirt ná cé acu a bhí nó nach raibh an nochtadh faoi dhíospóid ina shárú ar na hAchtanna um Chosaint Sonraí, 1988-2003.</p> <p>Breithníodh dhá shaincheist sa chinneadh ón gCoimisiún an 7 Bealtaine 2020, ba iad sin: (i) toiliú; agus (ii) an leas dlisteanach a tháinig chun cinn faoi alt 2A(1)(d) de na hAchtanna. Chinn an Coimisiún i bhfabhar an Achomharcóra ar an gcéad phonc, á rá nach raibh an toiliú ar braitheadh air sách sonrach ná sách eolach. Chinn an Coimisiún go raibh na hlontaobhaithe i bhFéimheacht i dteideal brath ar alt 2A(1)(d), áfach, toisc gur shainithin siad leas dleathach agus dlisteanach a bhí á shaothrú ag tríú páirtí, ba é sin eastát an Achomharcóra a riar.</p> <p>I mbreithiúnas i scríbhinn a tugadh an 29 Márta 2023, dhiúltaigh an Chúirt Chuarda don achomharc. Ghlac an Chúirt leis an seasamh ón gCoimisiún, agus thug sí faoi deara nár cuireadh leis an gcásdlí de chuid na Ríochta Aontaithe agus Chúirt Bhreithiúnais an Aontais Eorpaigh ar thagair an tAchomharcóir dó aon dearbhthoirmeasc ar nochtadh na sonraí pearsanta a bhí i gceist leis an gcás.</p> <p>Tabhair faoi deara gur leis na rialacha/leis an reachtaíocht cosanta sonraí, mar a bhí roimh theacht i bhfeidhm RGCS, a bhain an t-achomharc.</p>				Proceedings concluded.

Uimh	Uimh. Thaifid	Teideal	Cineál caingne agus ionad	Dáta an Bhreithiúnais/an Ordaithe
2.	2019/8493P	Patrick Cahill v Coyle & Ors Patrick Cahill v Éire, an tArd-Aighne agus Daoine Eile	Imeachtaí Iomlánacha An Ard-Chúirt	Tugadh an breithiúnas ón mBreitheamh Onórach Cregan an 16 Bealtaine 2023
Toradh				Stádas Reatha
<p>Bhain an Breithiúnas seo le dhá thacar nasctha imeachtaí, a éisteadh le chéile os comhair an Bhreithimh Onóraigh Cregan. Níor ainmníodh an Coimisiún ach amháin sa dara tacar imeachtaí.</p> <p>Bhain an dara tacar imeachtaí leis an iarratas a rinne an Gearánaí ar urghaire lena gcuirfí srian leis na Cosantóirí a ladar a chur isteach i réadmhaoine infheistíochta. Bhain siad freisin leis na hiarratais a rinne na Cosantóirí ar an éileamh ón nGearánaí a scriosadh amach mar mhí-úsáid próise. D'áitigh an Coimisiún nach raibh aon bhaint aige leis an mbundíospóid idir an gearánaí agus an chéad chosantóir agus nach raibh aon bhunús ann leis an gCoimisiún a ainmniú mar chosantóir sna himeachtaí.</p> <p>D'éirigh leis an iarratas ón gCoimisiún chuig an gCúirt ar na himeachtaí a scriosadh amach ar an mbonn nár shuigh an Gearánaí aon chúis réasúnach chaingne. D'éirigh leis an maíomh ón gCoimisiún freisin go raibh na himeachtaí suaibhreasach agus/nó cráiteach.</p> <p>Ina dhiaidh sin, thionscain an Gearánaí rún chun scor den dá thacar imeachtaí ina n-iomláine, lena áiríodh na téarmaí maidir le costais. Thug an Breitheamh Onórach Cregan ordú lena scriosadh amach na himeachtaí in aghaidh an Choimisiúin. Thug sé ordú le haghaidh costas i bhfabhar an Choimisiúin in aghaidh an Ghearánaí freisin.</p>				Scoireadh de na himeachtaí.



Uimh	Uimh. Thaidid	Teideal	Cineál caingne agus ionad	Dáta an Bhreithiúnais/an Ordaithe
3.	2020/02457	Patrick Cahill v An Coimisiún um Chosaint Sonraí	Achomharc Reachtúil Cúirt Chuarda Bhaile Átha Cliath	Ordú dar dáta an 25 Bealtaine 2023 ón mBreitheamh Onórach John O'Connor
Toradh				Stádas Reatha
<p>Bhain an t-achomharc reachtúil seo le dhá chinneadh dar dáta an 7 Aibreán 2020 ón gCoimisiún mar fhreagra ar ghearán a fuarthas ón Achomharcóir á líomhain go ndearnadh a shonraí pearsanta a fháil, a úsáid agus a nochtadh go neamhdhleathach. Níor sheas an Coimisiún leis na gearáin.</p> <p>Sular éisteadh an t-achomharc, chuir an tAchomharcóir in iúl do na páirtithe gur mhian leis scor den achomharc. Dá réir sin, thug an Breitheamh Onórach O'Connor ordú scoir an 25 Bealtaine 2023. Thug sé ordú le haghaidh costas i bhfabhar an Choimisiúin in aghaidh an Achomharcóra freisin.</p>				Scoireadh de na himeachtaí.



Uimh	Uimh. Thaidid	Teideal	Cineál caingne agus ionad	Dáta an Bhreithiúnais/an Ordaithe
4.	2022/191 JR	Johnny Ryan – v – An Coimisiún um Chosaint Sonraí agus Google Ireland Ltd (mar Fhógrapháirtí)	Athbheithniú Breithiúnach An Ard-Chúirt	28 Lúnasa 2023
Toradh				Stádas Reatha
<p>D'eisigh an tIarratasóir na himeachtaí seo, agus é ag iarraidh dearbhú á rá gur mhainnigh an Coimisiún imscrúdú a dhéanamh ar an ngearán uaidh de réir Airteagal 57 den Rialachán Ginearálta maidir le Cosaint Sonraí agus/nó de réir an Achta um Chosaint Sonraí, 2018. D'iarr an tIarratasóir freisin ordú lena gcuirfí iallach ar an gCoimisiún imscrúdú a dhéanamh ar na gnéithe sin den ghearán uaidh i leith oibríochtaí áirithe próiseála sonraí a bhí ar bun ag Google Ireland Ltd agus nár cuireadh ar áireamh san fhiosrúchán (ar leith) de dheoin an Choimisiúin féin i leith oibríochtaí próiseála a bhí ar bun ag Google Ireland Ltd.</p> <p>Ós rud é go raibh forluí soiléir ann idir na saincheisteanna a tarraingíodh anuas sa ghearán ón Iarratasóir agus na saincheisteanna a bhí á mbreithniú ag an gCoimisiún i gcomhthéacs an fhiosrúcháin dá dheoin féin, d'áitigh an Coimisiún go raibh sé i dteideal an fiosrúcháin dá dheoin féin a chur ar aghaidh sula dtosódh sé ag déanamh breithniú ar an ngearán ón Iarratasóir an athuair.</p> <p>Sa Bhreithiúnas i scríbhinn dar dáta an 28 Lúnasa 2023 uaidh, dhíbh an Breitheamh Onórach Simons an t-Iarratas ar athbheithniú breithiúnach. D'aithin an Chúirt an lánrogha a thugtar d'údaráis mhaoirseachta le foclaíocht RGCS i ndáil le himscrúduithe agus fiosrúcháin a sheicheamhú. Chinn an Chúirt freisin gur go comhréireach go hiomlán a bhí an cinneadh ón gCoimisiún an fiosrúchán dá dheoin féin a chur i gcrích ar dtús sula gcuirfeadh sé an t-imscrúdú uaidh ar an ngearán ón Iarratasóir i gcrích.</p> <p>Tá achomharc déanta ar an ábhar anois chuig an gCúirt Achomhairc.</p>				Cuireadh na himeachtaí i gcrích.



Uimh	Uimh. Thaifid	Teideal	Cineál caingne agus ionad	Dáta an Bhreithiúnais/an Ordaithe
5.	2022 80 CA [2023] IEHC 529	David Fox v An Coimisiún um Chosaint Sonraí	Achomharc ar Phonc Dlí An Ard-Chúirt	25 Meán Fómhair 2023
Toradh				Stádas Reatha
<p>Trí bhreithiúnas i scríbhinn a tugadh an 25 Meán Fómhair 2023, dhíbh an Ard-Chúirt an t-achomharc a rinne an tUas. Fox ar phonc dlí in aghaidh cinneadh ón gCúirt Chuarda, go príomha ar an mbonn gur mhainnigh an tUas. Fox aon phonc dlí a shainaithe. Dá réir sin, ní raibh aon dlínse ag an Ard-Chúirt ina leith.</p> <p>Tá cúlra an achomhairc seo mar a leanas:</p> <p>An 14 Samhain 2019, thug an Coimisiún um Chosaint Sonraí cinneadh i ndáil le gearán a rinne an tUas. Fox in aghaidh Ghailearaí Náisiúnta na hÉireann. De na seacht bponc a chuir an tUas. Fox in iúl sa ghearán uaidh, sheas an Coimisiún le ceithre cinn agus dhiúltaigh sé do thrí cinn.</p> <p>Rinne an tUas. Fox achomharc ansin in aghaidh an chinnidh ón gCoimisiún diúltú do thrí cinn de na poncanna a bhí leagtha amach sa ghearán uaidh, ba iad sin: (a) cé acu a bhí nó nach raibh údar ag Gailearaí Náisiúnta na hÉireann le trealamh TCI a shuiteáil sa Ghailearaí, bunaithe ar leasanna áirithe ar shainaithe an Gailearaí iad; (b) cé acu a bhí nó nach raibh sé dleathach bearta áirithe eile slándála TF a úsáid; agus (c) cé acu a chomhlíon nó nár chomhlíon an Gailearaí iarraidh rochtana a fuarthas ón Uas. Fox.</p> <p>I mbreithiúnas i scríbhinn a tugadh an 25 Aibreán 2022, dhiúltaigh an Chúirt Chuarda don achomharc. Chinn sí, bunaithe ar an bpróiseas breithniúcháin ina iomláine, go ndearna an Coimisiún breithniú cóir iomlán ar na heilimintí uile den ghearán agus gur tháinig sé ar chinneadh a bhí loighciúil agus iomchuí, agus aird á tabhairt ar an dlí sa réimse seo.</p> <p>Rinne an tUas. Fox achomharc chuig an Ard-Chúirt ar phonc dlí in aghaidh na breithe ón gCúirt Chuarda. Sa bhreithiúnas uaithi an 25 Meán Fómhair 2023, dhíbh an Ard-Chúirt an t-achomharc ón Uas. Fox ar an bhforas gur mhainnigh an tUas. Fox aon phonc dlí a shainaithe. Dá réir sin, ní raibh aon dlínse ag an Ard-Chúirt ina leith. Chinn an Ard-Chúirt freisin go raibh na poncanna a raibh an tUas. Fox ag iarraidh iad a tharraingt anuas comhdhéanta de mheascán díobh seo a leanas: (i) iarracht chun an próiseas a seoladh os comhair an Choimisiúin a sheoladh arís; agus (ii) iarraidh ar an gcúirt breith eile a thabhairt bunaithe ar dhearbhuithé loma nach raibh aon fhianaise ag gabháil leo i leith saincheistean ná tarraingíodh anuas os comhair an Choimisiúin ná na Cúirte Cuarda. Ba é an réamhthuarim ón gCúirt ná costais a dhámhachtain don Choimisiún.</p>				<p>Cuireadh an éisteacht i gcrích. D'iarr an Chúirt ar na páirtithe foirm an ordaithe (costais san áireamh) atá le tabhairt ag an gCúirt a phlé.</p>

Uimh	Uimh. Thaifid	Teideal	Cineál caingne agus ionad	Dáta an Bhreithiúnais/an Ordaithe
6.	2022/003208	Peter Nowak v An Coimisiún um Chosaint Sonraí	Achomharc Reachtúil Baile Átha Cliath An Chúirt Chuarda	Tugadh an breithiúnas ón mBreitheamh Onórach John O'Connor an 9 Deireadh Fómhair 2023
Toradh				Stádas Reatha
<p>Tháinig an t-achomharc reachtúil seo chun cinn i gcomhthéacs roinnt achomharc roimhe ar thionscain an tAchomharcóir iad in aghaidh cinntí ón gCoimisiún um Chosaint Sonraí, ag tosú le gearán a rinneadh in aghaidh Institiúid na gCuntasóirí Cairte in Éirinn sa bhliain 2010. D'éisigh an Chúirt Chuarda, an Ard-Chúirt agus an Chúirt Achomhairc uile Breithiúnais lenar díbheadh na hachomhairc éagsúla ón Achomharcóir.</p> <p>Tar éis Breithiúnas ón gCúirt Achomhairc i mí Iúil 2020, shainaithin an tAchomharcóir cúig shaincheist ar mhaígh sé gur cheart don Choimisiún déileáil leo faoin am sin ach nár déileáladh leo dáiríre. I bhfianaise an éilimh sin, d'éisigh an Coimisiún cinneadh úr lenar déileáladh leis na cúig shaincheist sin an 21 Aibreán 2022.</p> <p>Agus achomharc á dhéanamh aige in aghaidh an chinnidh sin, d'áitigh an tAchomharcóir go ndearna an Coimisiún earráid thromchúiseach shuntasach nó sraith earráidí tromchúiseacha suntasacha lena dtugtar bonn cirt leis an gcinneadh a chur ar ceal. Leagadh na hearráidí sin amach faoi dhá cheanteideal – ar an gcéad dul síos, mainneachtain an gearán a imscrúdú go cuí agus, ar an dara dul síos, go ndearna an Coimisiún earráid sa chonclúid uaidh maidir leis na saincheisteanna amuigh ar shainaithin an tAchomharcóir iad a bheith ag teacht chun cinn lena n-imscrúdú. D'áitigh an tAchomharcóir freisin gur cheart cás a shonrú don Chúirt Achomhairc, bunaithe ar an easpa muiníne a bhí aige as cumas na Cúirte Cuarda chun déileáil leis an achomharc.</p> <p>Trí bhreithiúnas i scríbhinn dar dáta an 9 Deireadh Fómhair 2023, dhíbh an Breitheamh Onórach O'Connor an t-achomharc ar an mbonn nár cuireadh an cinneadh ó bhail mar gheall ar earráid thromchúiseach shuntasach ná ar shraith earráidí tromchúiseacha suntasacha lena dtabharfaí bonn cirt leis an gcinneadh a chur ar ceal. Rialaigh an Chúirt freisin nach raibh aon bhunús le cás a shonrú don Chúirt Achomhairc toisc nár bh ann d'aon chás substainteach ináitithe. Tháinig an t-ábhar ar ais os comhair na Cúirte an 4 Nollaig 2023, chun críche déileáil le foirm Ordú na Cúirte, lena n-áirítear ceist na gcostas. Thug an Chúirt faoi deara gur éirigh leis an CCS san achomharc agus rinne sí ordú le haghaidh costas i bhfabhar an CCS. Cuireadh bac air seo ar feitheamh thoradh achomharc an Uasail Nowak chuig an Ard-Chúirt.</p>				<p>Cuireadh na himeachtaí i gcrích. Tá Orduithe Deiridh le tarraingt.</p>



Uimh	Uimh. Thaifid	Teideal	Cineál caingne agus ionad	Dáta an Bhreithiúnais/an Ordaithe
7.	2019/236	John Paul Hickey v An Coimisiún um Chosaint Sonraí	Achomharc Reachtúil (na hAchtanna um Chosaint Sonraí, 1988 agus 2003), Cúirt Chuarda Luimnigh	31 Deireadh Fómhair 2023
Toradh				Stádas Reatha
<p>Bhain an tacar imeachtaí seo le cinneadh a rinne an Coimisiún um Chosaint Sonraí an 25 Eanáir 2019. Bhain an cinneadh le Deoise Luimnigh, le hiarraidh rochtana, agus le doiciméid a foláiodh.</p> <p>Sa bhreithiúnas uaidh, a tugadh ó bhéal an 31 Deireadh Fómhair 2023, dúirt an Breitheamh Daly gur dheimhin leis go mbeadh ar an Achomharcóir a shuí go soiléir go raibh earráid thromchúiseach shuntasach, nó sraith earráidí tromchúiseacha suntasacha, ann sa Chinneadh ón gCoimisiún chun go n-éireodh leis an Achomharcóir san achomharc.</p> <p>Thug an Chúirt faoi deara go ndearna an Coimisiún caidreamh fairsing leis an bhFógrapháirtí i ndáil leis na nithe a foláiodh i ndoiciméid áirithe. Luaigh an Chúirt nár chuir an tAchomharcóir aon fhianaise ar aghaidh lenar taispeánadh go ndearna an Coimisiún earráid i ndáil leis na nithe a foláiodh. De bhreis air sin, thug an Chúirt faoi deara gur tháinig an tAchomharc chun bheith ina achomharc gan bhunús toisc go bhfuair an tAchomharcóir cóipeanna neamhfholaithe de na doiciméid a bhí i gcroílár na díospóide.</p> <p>Sa Chinneadh uaidh, chinn an Coimisiún gur sháraigh an Fógrapháirtí na hAchtanna um Chosaint Sonraí mar gheall ar an moill a bhí air na doiciméid a bhí i gceist a eisiúint. Thug an Chúirt faoi deara go raibh an tAchomharcóir ag iarraidh dearbhú breise ón gCoimisiún á rá gur mhoill “ainmheasártha” nó “iomarcach” í moill an Fhógrapháirtí. Dúirt an Chúirt, áfach, nach raibh aon bhunús dlí ag an Achomharcóir le hiarraidh ar an gCoimisiún aon dearbhú den sórt sin a chur ar áireamh sa Chinneadh uaidh.</p> <p>Rinne an Chúirt tagairt do na hiarrachtaí a rinne an Coimisiún imscrúdú a dhéanamh ar an líomhain ón Achomharcóir á rá gurbh ann do dhoiciméad eile nár soláthraíodh dó. Arís, chinn an Chúirt nár chuir an tAchomharcóir aon fhianaise ar aghaidh lenar tacaíodh leis an líomhain uaidh á rá go ndearna an Coimisiún aon earráid san imscrúdú seo.</p> <p>Ar deireadh, líomhain an tAchomharcóir gur cheart na miontuairiscí ar chruinnithe áirithe a bheith soláthartha dó. Thug an Chúirt faoi deara gur dheimhnigh an Coimisinéir Cosanta Sonraí di féin nach raibh na miontuairiscí i seilbh an Fhógrapháirtí agus, arís, nár chuir an tAchomharcóir aon fhianaise ar aghaidh lenar tacaíodh leis an líomhain á rá go ndearna an Coimisiún aon earráid ina leith sin.</p> <p>Trí bhreithiúnas ó bhéal a tugadh an 31 Deireadh Fómhair 2023, tháinig an Breitheamh Daly ar an gconclúid gur mhainnigh an tAchomharcóir aon fhianaise a chur ar aghaidh lenar suíodh go ndearna an Coimisiún aon earráid ar bith, gan trácht ar earráid thromchúiseach shuntasach. Ar an mbonn sin, dhíbh an Chúirt an tAchomharc, sheas sí leis an gCinneadh ón gCoimisiún agus rinne sí dámhachtain costas i bhfabhar an Choimisiúin</p>				Cuireadh na himeachtaí i gcrích.



Maoirseacht

Sainithnítear i Straitéis Rialála an Choimisiúin um Chosaint Sonraí (an Coimisiún) príomhspríoc straitéiseach chun tacú le heagraíochtaí agus chun comhlíonadh a bhrú chun cinn. Cuireann caidreamh maoirseachta le heagraíochtaí san earnáil phoiblí, san earnáil phríobháideach agus san earnáil dheonach ar chumas an Choimisiúin a thuiscint conas atá sonraí pearsanta á bpróiseáil agus feacht eagraíochtaí ar a n-oibleagáidí cosanta sonraí a chur chun cinn sa chomhthéacs. Cuireann sé sin ar chumas an Choimisiúin tacú le heagraíochtaí maidir le fadhbanna féideartha cosanta sonraí a shainaithint agus iad ag forbairt táirgí nua nó seirbhísí nua agus réitigh comhlíonta deachleachtais a chur chun feidhme a luaithe is féidir.

Cuireann an Coimisiún cumarsáid oscailte thráthrialta chun cinn le heagraíochtaí a phróiseálann sonraí pearsanta, le comhlachtaí ionadaíocha earnála, le líonraí oifigeach cosanta sonraí agus le reachtóirí mar phríomh-mhodh le haghaidh cuntasacht agus mórchultúr comhlíonta cosanta sonraí a bhrú chun cinn. Is é an toradh atá ar thacú le heagraíochtaí maidir lena n-oibleagáidí féin a thuiscint ná go dtugtar dóibh an tsoiléire dhlíthiúil agus an chomhsheasmhacht a

theastaíonn chun táirgí nua agus seirbhísí nua a forbairt ar bhealach comhlíontach cuntasach, mar a bhí beartaithe le RGCS. Creideann an Coimisiún freisin go dtacaíonn caidreamh réamhghníomhach le heagraíochtaí go mór leis na cearta cosanta sonraí atá ag daoine aonair a sheasamh trí shárúithe féideartha a mhaolú sula dtarlaíonn siad.

Cuid thábhachtach d'fhoireann uirlisí rialála an Choimisiúin is ea caidreamh maoirseachta le heagraíochtaí toisc gurb amhlaidh, de bhreis ar thacú le heagraíochtaí agus ar chomhlíonadh a bhrú chun cinn, is féidir leis béim a leagan ar ábhair imní cosanta sonraí agus deis a thabhairt gníomhartha feabhais a mholadh. Ina theannta sin, más rud é, le linn caidreamh leis an bhfeidhm maoirseachta, go bhfuil an chuma air gur gá don Choimisiún gníomhaíocht forfheidhmiúcháin a dhéanamh in aghaidh eagraíocht ar leith, níl aon chosc ar an gCoimisiún gníomhaíocht iomchuí a dhéanamh sna himthosca sin. Is é an toradh atá ar an gcur chuige sin ná go rannchuidítear le hiarrachtaí an Choimisiúin a chinntiú go leithdháiltear a chuid acmhainní ar na réimsí inar féidir an leas is fearr a bhaint astu agus, sa deireadh, inar féidir leo torthaí níos fearr a tháirgeadh do gach geallsealbhóir.

Bhí **751** rannpháirtíocht mhairseachta ag an CCS le linn 2023. Seo a leanas an miondealú eárnála:

Coinní Maoirseachta 2023	
LED	34
Sláinte	58
Earnáil Phoiblí	90
Carthanas/Oibrithe Deonacha	21
Leanaí/Teaghlach	25
Earnáil Phríobháideach & Airgeadais	112
Teicneolaíocht Ilnáisiúnta	391
Eile	20
Iomlán	751

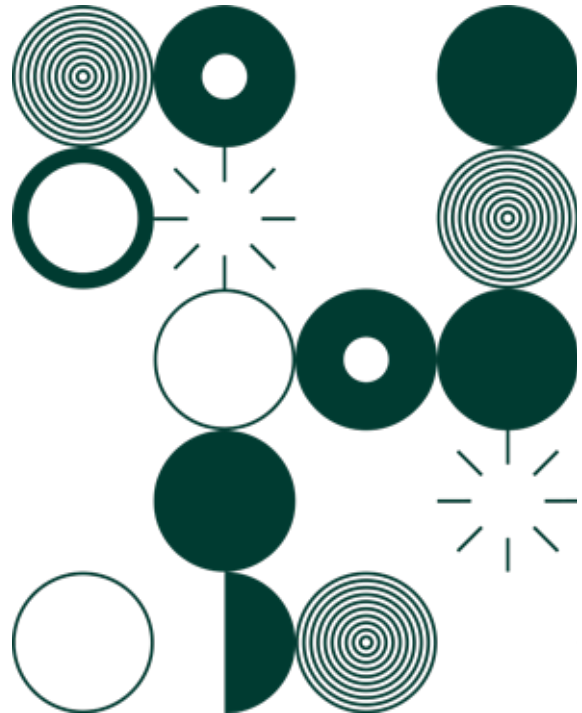
Ghlac an CCS páirt i **250** cruinniú le páirtithe leasmhara in 2023. Ina theannta sin, ar fud gach eárnála bhí an CCS i mbun 250 cruinniú maoirseachta le heagraíochtaí in 2023.

COMHAIRLIÚCHÁN REACHTÁÍOCHTA

Chuir an CCS treoir agus barúlacha ar fáil maidir le 37 beart reachtach molta in 2023. Agus é sin á dhéanamh, féachann an CCS le cosaint sonraí a chur chun cinn trí dhearadh agus seasamh le cearta cosanta sonraí laistigh den reachtáíocht a bhféadfadh próiseáil sonraí pearsanta a bheith mar thoradh air.

In 2023, ba iad seo a leanas cuid de na bearta reachtacha a ndeachaigh an CCS i mbun comhairliúcháin ina leith:

1. An Bille um Sheirbhísí Digiteacha, 2023
2. An Bille fán nGníomhaireacht um Fhoréigean Baile, Gnéasach agus Inscnebhunaithe, 2023
3. Na Rialacháin fán Acht um Chosaint Sonraí, 2018 (Alt 38(4) agus Alt 60(6)) (An Roinn Gnóthaí Eachtracha), 2023
4. An Bille Airgeadais (Uimh. 2), 2023 – leasú ar an Acht Comhdhlúite Cánacha, 1997 – Scair-roghanna
5. Bille an Gharda Síochána (Feistí Taifeadta) (Leasú)
6. An Bille um Fhaisnéis Sláinte, 2023
7. An Bille um Pleanáil agus Forbairt, 2023
8. An Bille um Thaighde agus Nuálaíocht, 2023
9. An Bille um Thionóntachtaí Cónaithe (Ceart Ceannaigh), 2023
10. I.R. Uimh: 635/2015: Na Rialacháin um Thiománaithe Míchumasaithe agus Paisinéirí Míchumasaithe (Scéim Deontais Bhreosla) (2015)



Ar fud na bliana 2023, lean an Coimisiún dá chaidreamh le hOifig Chosanta Sonraí, le geallsealbhóirí, le ranna rialtais, le gníomhaireachtaí stáit agus le grúpaí tathanta ar fud gach earnála ar raon leathan saincheisteanna, lena n-áirítear:

Cóid chleachtais faoin Acht um an nGeilleagar Ciorclach

Ó theacht i bhfeidhm RGCS agus na Treorach maidir le Cosaint Sonraí i réimse Fhorfheidhmiú an Dlí i leith, sheol an Coimisiún roinnt fiosrúchán inar cinneadh gur neamhdhleathach a bhí an úsáid a bhain údaráis áitiúla áirithe as TCI chun cionta a bhaineann le truailliú bruscair agus le bainistíocht dramhaíola a ionchúiseamh.

Sa bhliain 2022, leigheasadh an bhearna reachtach sa chomhthéacs sin leis an Acht um an nGeilleagar Ciorclach agus Forálacha Ilghnéitheacha, 2022, trí fhoráil a dhéanamh d'úsáid dhleathach a bhaint as teicneolaíocht taifeadta, lena n-áirítear TCI, le haghaidh na reachtaíochta um thruailliú bruscair agus bainistíocht dramhaíola a fhorfheidhmiú faoi réir cóid chleachtais reachtúla.

Sa bhliain 2023, chuaigh an Ghníomhaireacht Bainistíochta Rialtais Áitiúil ("GBRÁ") i gcomhairle leis an gCoimisiún i ndáil le trí dhréachtchód cleachtais ar ullmhaigh GBRÁ iad faoin Acht um an nGeilleagar Ciorclach agus Forálacha Ilghnéitheacha, 2022. Is é cuspóir na gcód sin ná bunús dlí a thabhairt d'údaráis áitiúla chun TCI agus gléasanna móibíleacha taifeadta a úsáid chun cionta áirithe a bhaineann le dramhaíl agus le truailliú bruscair a imscrúdú agus a ionchúiseamh.

D'imir an Coimisiún ról gníomhach in iniúchadh a dhéanamh ar na cóid sin mar a cheanglaítear faoin Acht agus thug sé barúlacha mionsonraithe ar na trí chód uile. Go háirithe, thug an Coimisiún na barúlacha ginearálta seo a leanas:

- Ní mór teanga atá ina ceangal dlí a úsáid sna cóid chun go mbeidh sé soiléir d'údaráis áitiúla go dtugtar oibleagáidí dlíthiúla nithiúla isteach leo agus gur mó iad ná treoir nó samplaí den dea-chleachtas a bhféadfaidh siad neamhaird a thabhairt orthu.
- Ní mór spreagadh a thabhairt d'údaráis áitiúla leis na cóid Measúnuithe Tionchair cuimsitheacha ar Chosaint Sonraí a dhéanamh ina mbreithnítear rioscaí príobháideachta do na daoine aonair lena mbaineann, idir rioscaí gearrthéarmacha agus rioscaí fadtéarmacha, a eascróidh as aon úsáid a bhaintear as TCI ar bhonn cás ar chás.
- Ní mór a chur in iúl go soiléir sna cóid nach bhféadfar TCI ná gléasanna móibíleacha taifeadta a úsáid ach amháin nuair atá sé riachtanach agus comhréireach déanamh amhlaidh agus go mbeidh an dualgas ar údaráis áitiúla an méid sin a thaispeáint i ngach cás.
- Is gá nach gcruthaítear leis na cóid cás ina mbaintear úsáid as na huirlisí sin ar an gcúis go bhfuil siad níos áisiúla ná roghanna eile nó go bhfuil níos mó tóir orthu ná mar atá ar na roghanna eile, agus ar an gcúis sin amháin, toisc nach mbeadh sé sin ina chur isteach riachtanach nó comhréireach ar na cearta príobháideachta atá ag cónaitheoirí áitiúla agus ag daoine aonair eile lena mbaineann.

Trína chaidreamh leis na cóid chleachtais sin faoi Acht 2022, tá an Coimisiún tiomanta dá chinntiú go soláthraíonn sé bunús dlí soiléir d'údaráis áitiúla chun úsáid a bhaint as TCI agus teicneolaíochtaí taifeadta eile nuair atá sé riachtanach, comhréireach agus le leas an phobail déanamh amhlaidh. Faoi dheireadh 2023, bhí na trí chód cleachtais tugtha chun críche. Ghlac údair an chóid le moltaí uile an CCS.

Cumhdach aosach agus comhroinnt sonraí

Ag teacht sna sála ar obair a tosaíodh sa bhliain 2022, lean an Coimisiún de thionscadal um chaidreamh le geallsealbhóirí ar chosaint sonraí i gcomhthéacs an chumhdaigh aosach agus i mór-chomhthéacs an tsoláthair seirbhíse d'aosaigh atá i mbaol. Tá sé sin ar aon dul leis an ngealltanais ón gCoimisiún go dtabharfar tús áite do chosaint leanaí agus do chosaint grúpaí soghonta eile.

Sa bhliain 2023, rinne an Coimisiún caidreamh le geallsealbhóirí ábhartha (lena n-áirítear grúpaí tathanta, soláthraithe seirbhíse ar fud na hearnála poiblí, na hearnála príobháidí agus na hearnála deonaí, agus comhlachtaí rialála ábhartha eile) chun sainathint a dhéanamh ar shaincheisteanna cosanta sonraí a thagann chun cinn i gcomhthéacs an chumhdaigh aosach. Is é cuspóir an chaidrimh leanúnaigh sin ná tuiscint chomhroinnte a fhorbairt ar na saincheisteanna praiticiúla a dhéanann difear do chleachtóirí sa réimse seo agus ar na cineálacha idirghabhálacha rialála is féidir leis an gCoimisiún a dhéanamh ar bhealach úsáideach.

I mí an Mheithimh 2023, d'fhoilsigh an Coimisiún postáil blog inar tugadh aghaidh ar ábhair inní maidir leis an mainneachtain ag eagraíocht faisnéis ábhartha a chomhroinnt le teach altranais faoi chiontuíthe coiriúla cónaitheora agus maidir leis an riosca a chruthaigh an duine sin do chónaitheoirí eile. Dheimhnigh an Coimisiún gurb amhlaidh sa chomhthéacs sin a fhoráiltear leis an dlí um chosaint sonraí do shonraí pearsanta a chomhroinnt, i gcás go meastar é sin a bheith riachtanach chun a chinntiú nach ndéanfar dochar tromchúiseach do dhaoine eile.

Mar chuid den mhórchaidreamh sin, sholáthair an Coimisiún dhá sheisiún ceardlainne d'oibrithe sóisialta earnála poiblí i mí Dheireadh Fómhair 2023: ceann amháin ar rochtain ar fhaisnéis agus comhroinnt sonraí; agus ceann eile ar dhea-chleachtas cosanta sonraí i gcomhdach aosach. Bhí na ceardlanna ina ndeas mhaith don Choimisiún caidreamh a dhéanamh leis na hoibrithe sóisialta ar shaincheisteanna a dtagann siad orthu gach lá ina gcuid oibre agus bhí siad

ina bhfóram táirgiúil le haghaidh réitigh phraiticiúla a phlé.

De bhreis ar an mórchaidreamh le geallsealbhóirí sa réimse sin, rinne an Coimisiún anailís ar shaincheisteanna a d'eascair as gearáin agus ceisteanna a fuair sé ó dhaoine den phobal i ndáil le cosaint sonraí agus aosaigh shoghonta. Bunaithe ar an gcur chuige trasfheidhmiúil sin, tá sé mar sprioc ag an gCoimisiún treoir chuimsitheach a fhoilsiú don earnáil sin sa bhliain 2024. Leis an treoir sin, cabhrófar le soiléire agus cinnteacht a thabhairt d'eagraíochtaí cumhdaigh aosach i ndáil leis na hoibleagáidí cosanta sonraí atá orthu, go háirithe agus iad ag plé le cora íogaire.

Rinne an Coimisiún caidreamh leis an gCoimisiún um Athchóiriú an Dlí sa bhliain 2023 freisin maidir le tuarascáil a fhorbairt ar an gcreat rialála um chumhdach aosach in Éirinn, atá le foilsiú sa bhliain 2024. D'fháiltigh an Coimisiún roimh an deis sin rannchuidiú leis an bplé ar chosaint sonraí sa chomhthéacs sin, go háirithe maidir leis an idirghníomhú idir RGCS agus córais reachtacha agus rialála eile lena rialaítear an réimse sin.

Cosaint sonraí sa spórt

Sa bhliain 2023, chuir an Coimisiún tús le scrúdú fadréimseach ar shaincheisteanna atá ag teacht chun cinn maidir le cosaint sonraí sa spórt. Tháinig an tionscadal sin chun cinn toisc gur sainathníodh roinnt ábhar inní maidir le próiseáil sonraí pearsanta ar gach leibhéal (an leibhéal gairmiúil agus an leibhéal amaitéarach araon), agus go háirithe maidir le próiseáil sonraí leanaí. Is amhlaidh go háirithe is gá d'eagraíochtaí spóirt na hoibleagáidí cosanta sonraí atá orthu a bhreithniú go cúramach mar gheall ar leathadh úsáid na teicneolaíochta sa spórt ar gach leibhéal agus mar gheall ar an méadú iarmhartach i bpróiseáil sonraí sláinte chun faireachán a dhéanamh ar fheidhmíocht agus chun críocha eile.

Mar chuid den phróiseas sin, rinne an Coimisiún caidreamh le geallsealbhóirí náisiúnta agus le geallsealbhóirí idirnáisiúnta

araon. Áiríodh leis sin rannpháirtíocht i bhFóram ar Chearta an Duine agus an Spórt faoin bPáirt-chomhaontú Méadaithe maidir le Spórt de chuid Chomhairle na hEorpa chun tuiscint iomlán a ghnóthú ar raon feidhme na próiseála sonraí a tharlaíonn sa spórt; ar na córais chasta comhroinnte sonraí ar féidir leo teacht chun cinn idir clubanna, úinéirí comórtais, comhlachtaí rialaithe, agus comhpháirtithe tráchtála; agus ar na cineálacha sásraí rialachais atá mar bhonn agus thaca ag an bpróiseáil sna comhthéacsanna sin.

I mí Mheán Fómhair 2023, agus ag teacht sna sála ar ábhair imní a d'eascair as roinnt foinsí, chuir an Coimisiún tús le próiseas um chaidreamh le heagraíochtaí ar an leibhéal áitiúil agus ar an leibhéal náisiúnta araon maidir le próiseáil sonraí leanaí sa pheil. Go háirithe, leagadh díriú sa chaidreamh sin ar theacht ar réitigh ar shaincheisteanna a bhí ag teacht chun cinn maidir le leanaí a chlárú chun páirt a ghlacadh i sraithchomórtais agus maidir le slándáil na ndoiciméad aitheantais a phróiseáiltear chun na críche sin. Sa chomhthéacs sin, glacann an Coimisiún leis go bhfuil críocha dlisteanacha ag eagraíochtaí spóirt chun sonraí a phróiseáil sa chomhthéacs sin, e.g., chun sláinte na gcomórtas a chinntiú. De réir mar a aistríonn eagraíochtaí i dtreo réitigh theicniúla agus ar líne nua a chur chun feidhme chun na sonraí sin a bhainistiú, leanfaidh an Coimisiún de thacú leo na hoibleagáidí cosanta sonraí atá orthu a chomhlíonadh, go háirithe chun slándáil agus rúndacht sonraí pearsanta leanaí a chothabháil.

Is é a bheidh sa chéad rud eile a dhéanfaidh an Coimisiún sa tionscadal seo ná ceistneoir a eisiúint chuig sampla ionadaíoch eagraíochtaí ar fud réimse an spóirt dheonaigh agus an spóirt ghairmiúil in Éirinn chun measúnú a dhéanamh ar an staid reatha maidir le comhlíonadh cosanta sonraí agus chun tuiscint níos cuimsithí a ghnóthú ar an tírdhreach cosanta sonraí maidir leis an gcaidreamh idir páirtithe. Leagfar díriú ansin ar an úsáid a bhaintear as an teicneolaíocht chun sonraí feidhmíochta imreoirí a bhailiú agus a anailísiú agus ar chríocha príomha agus tánaisteacha próiseála na sonraí sin. Tabharfar aghaidh ar an trédhearcacht leis an gceistneoir freisin agus lorgófar ann faisnéis

mhionsonraithe faoi conas a chuirtear ábhair sonraí ar an eolas faoi phróiseáil a sonraí pearsanta, agus díriú ar leith á leagan ar leanaí agus ar dhaoine óga.

De bhreis air sin, leanfaidh an Coimisiún de chaidreamh a dhéanamh le comhlachtaí ionadaíoch imreoirí i spóirt éagsúla chun tuiscint níos cuimsithí a ghnóthú ar na hábhair imní atá ag lúthchleasaithe agus chun measúnú a dhéanamh ar fheasacht agus tuiscint an phobail ar na rioscaí, na rialacha, na coimircí agus na cearta maidir le próiseáil i gcomhthéacs an spóirt, agus díriú ar leith á leagan ar leanaí ansin freisin. Is é an toradh a bheidh air sin ná go mbeidh an Coimisiún in ann idirghabhálacha cuí a dhearadh agus a chur chun feidhme, amhail treoir a fhoilsiú do chlubanna spóirt agus do chomhlachtaí eile atá ag obair sa réimse sin.

Caidreamh leis an Earnáil Dheonach

Gealltar i Sprioc 5 de Straitéis Rialála an Choimisiúin 2022-2027 go dtacófar le gach eagraíocht, beag beann ar a méid, agus go mbrúfar comhlíonadh chun cinn. Mar chuid den sprioc straitéiseach sin, d'oibrigh an Coimisiún sa bhliain 2023 chun dlús a chur leis an gcaidreamh le heagraíochtaí neamhbhrabúis (eagraíochtaí neamhrialtasacha) toisc go bhfuil acmhainní teoranta ag na comhlachtaí sin lena gcaitheamh ar chomhlíonadh cosanta sonraí agus toisc gur féidir, mar shampla, nach bhfuil rochtain acu ar oifigeach cosanta sonraí ainmnithe. Tuigeann an Coimisiún na dúshláin a bhíonn os comhair na hearnála sin in amanna, go háirithe le linn déileáil le cásanna íogaire lena mbaineann aosaigh shoghonta, leanaí agus nithe coiriúla líomhnaithe.

Mar chuid den mhórchaidreamh earnála sin, thug an Coimisiún le chéile roinnt eagraíochtaí neamhrialtasacha a bhfuil baint acu le hobair pobail áitiúil ar fud na tíre agus a bhí thíos le sárú sonraí pearsanta a tháinig chun cinn toisc gur mhainnigh próiseálaí sonraí, a bhí ag obair thar a gceann, coimircí leordhóthanacha cosanta sonraí a chur chun feidhme. Ba é príomhdhíriú an chaidrimh sin ná feasacht a chur chun cinn i measc

na n-eagraíochtaí sin ar na freagrachtaí atá orthu maidir le comhaontuithe próiseála sonraí tríú páirtí a bhainistiú. De bhreis air sin, d'éascaigh an caidreamh sin plé ar roinnt gnáthchásanna laethúla éagsúla a mbíonn na heagraíochtaí ag déileáil leo agus bhí sé ina ardán luachmhar le haghaidh teagmháil idir piaraí agus le haghaidh nithe a foghlaimíodh a chomhroinnt.

Mar thoradh air sin, bhí tuiscint níos fearr ag an gCoimisiún ar na dúshlán cosanta sonraí a mbíonn an earnáil sin ag déileáil leo agus bhí sé in ann deiseanna nua for-rochtana agus caidrimh a fhorbairt san earnáil chun cur leis an bhfeasacht atá ag na heagraíochtaí ar a gcuid oibleagáidí agus freagrachtaí. Leagtar béim ansin freisin ar an tábhacht a bhaineann le teagmháil leantach a dhéanamh le heagraíochtaí, a d'fhéadfadh a bheith thíos le sárú sonraí tríú páirtí lena mbaineann na sonraí pearsanta a phróiseálann siad, chun cabhrú leo na nithe a foghlaimíodh a chur chun feidhme agus, sa deireadh, chun torthaí níos fearr a sholáthar do dhaoine aonair.

As seo amach sa bhliain 2024, beidh an Coimisiún i mbun tuilleadh caidrimh le heagraíochtaí ar fud na hearnála carthanas agus na hearnála deonaí chun deiseanna cosúla a sholáthar trí sheisiúin faisnéise agus trí sheimineáir Ghréasáin, i measc nithe eile, chun geallsealbhoirí a chur ar an eolas faoi na freagrachtaí cosanta sonraí atá orthu.

Iníúchadh an Choimisiúin ar Chóras Faisnéise Schengen in Éirinn

Sa bhliain 2023, chríochnaigh an Coimisiún an chéad iniúchadh uaidh ar rannpháirtíocht na hÉireann sa dara glúin de Chóras Faisnéise Schengen ("SIS II"). Is é is SIS II ann ná córas comhroinnte faisnéise an Aontais Eorpaigh d'údaráis slándála agus d'údaráis bainistíochta teorann san Eoraip. Ós rud é gur nasc Éire le SIS II an 15 Márta 2021, féadfaidh údaráis Éireannacha sonraí a rochtain agus a tharchur anois trí bhunachar sonraí a chomhroinneann siad lena gcontrapháirtithe Aontais Eorpaigh chun críocha póilíneachta agus comhair bhreithiúnaigh.

Mar thoradh ar nasc na hÉireann le SIS II, leagadh freagrachtaí nua suntasacha ar an gCoimisiún, ag gníomhú dó mar údarás ainmnithe na hÉireann atá freagrach as faireachán a dhéanamh ar a dhleathaí atá an phróiseáil ghaolmhar ar shonraí pearsanta a ndéanann póilíní agus údaráis bainistíochta teorann na hÉireann í. Go háirithe, ní mór don Choimisiún iniúchadh a dhéanamh gach ceithre bliana ar an úsáid a bhaineann údaráis Éireannacha as SIS II.

Chuir an Coimisiún tús leis an gcéad iniúchadh uaidh ar SIS II go foirmiúil i mí Mheán Fómhair 2022. Sheol an Coimisiún ceistneoirí mionsonraithe deisce chuig na haonaid ábhartha laistigh den Roinn Dlí agus Cirt agus den Gharda Síochána agus sheol sé cuairteanna láithreáin agus cigireachtaí láithreáin ar cheanncheathrú an Gharda Síochána agus ar limistéir rialaithe imirce in Aerfort Bhaile Átha Cliath. Cuireadh an t-iniúchadh i gcrích i mí Iúil 2023, ar dá éis a d'eisigh an Coimisiún roinnt barúlacha agus moltaí maidir leis an bpróiseáil ar shonraí pearsanta a ndéanann póilíní agus údaráis bainistíochta teorann í chun coimirciú cuí chearta cosanta sonraí an duine aonair a chinntiú. Le linn dó an t-iniúchadh a dhéanamh, fuair an Coimisiún comhar iomlán ó na húdaráis ábhartha, a ghlac le fionnachtana an Choimisiúin ina n-iomláine.

D'éirigh leis an gCoimisiún an chéad iniúchadh uaidh ar SIS II a chríochnú dhá bhliain roimh an sprioc. Tá an chéad iniúchadh eile le déanamh faoi lár na bliana 2027.

Comhairliúchán ar an mBille um Pleanáil agus Forbairt

I lár na bliana 2023, chuaigh an Coimisiún i mbun caidrimh leis an Roinn Tithíochta, Rialtais Áitiúil agus Oidhreacht (an Roinn), de bhun iarraidh comhairliúcháin réamhreachtaigh faoi Airteagal 36(4) RGCS maidir leis an mBille beartaithe um Pleanáil agus Forbairt, 2022.

Príomhghné den Bille sin ba ea an oibleagáid a d'fhorchuirfí leis ar údaráis phleanála faisnéis a bhaineann le hiarratais

phleanála a gcuimseofaí sonraí pearsanta iontu a fhoilsiú nó a chur ar fáil lena hiniúchadh. Thiocfadh na sonraí sin as aighneachtaí a gheobhadh na hÚdaráis Phleanála i gcomhthéacsanna éagsúla, e.g., iarratais phleanála, agóidí, aighneachtaí maidir le pleananna forbartha, etc.

Cé go n-aithníonn an Coimisiún a thábhachtaí atá sé go gcinnteofaí trédhearcacht sa phróiseas pleanála, tá sé chomh tábhachtach céanna a chinntiú nach bhfoilseodh údaráis phleanála ach faisnéis a bhfuil géarghá léi chun an cuspóir sin a sheachaint agus go seachnófaí cás ina bhfoilseofaí méideanna sonraí pearsanta a d'fhéadfadh a bheith ollmhór ar shuíomhanna Gréasáin údarás pleanála de thaisme.

Mhol an Coimisiún go gcuirfí in iúl d'údaráis phleanála ar bhealach níos soiléire sa Bhille cé na sonraí pearsanta ba cheart a fhoilsiú. D'fhéadfaí an tsoiléire mhéadaithe sin a sholáthar freisin trí bhíthin Rialachán agus trí fhorbairt a dhéanamh ar bheartas comhordaithe, nó ar Chód Cleachtais coiteann, a bheadh le leanúint ag gach ceann de na hÚdaráis Phleanála.

Maidir leis an gcuspoir leasa phoiblí atá i gceist le próiseas pleanála atá soiléir agus trédhearcach a chinntiú, tuigean an Coimisiún é agus tacaíonn sé leis. Ina theannta sin, cabhróidh na haighneachtaí uainn ar an mBille leis an Roinn an sprioc sin a bhaint amach, agus cearta príobháideachta gach ábhair sonraí á n-urramú agus á seasamh ag an am céanna.

Údarás Eitlíochta na hÉireann

Sa bhliain 2023, chuaigh an Coimisiún i mbun caidrimh le hÚdarás Eitlíochta na hÉireann (IAA), ag teacht sna sála ar ábhair inní a tharraing duine aonair príobháideach anuas. Ceanglaíodh ar an duine aonair sin a aerárthach a chlárú le IAA, agus bhí inní air faoin méid faisnéise a cuimsíodh i gclár úinéirí aerárthaigh IAA, rud a gcuireann IAA é ar fáil don phobal ar a shuíomh Gréasáin.

Ceanglaítear ar IAA clár de gach úinéir aerárthaigh in Éirinn a chothabháil agus a

chur ar fáil lena iniúchadh, agus ceanglaítear ar úinéirí aerárthaigh a n-ainm agus a seoladh a thabhairt nuair atá siad ag clárú lena aghaidh. Cé gur chuir an Coimisiún in iúl nár cheistigh sé an gá leis na sonraí pearsanta i gceist a bhailiú, chuir sé in iúl gurbh é a bhí san ábhar inní ná go raibh an chuma air go ndeachaigh foilsiú an chlár, gan aon teorainneacha, ar shuíomh Gréasáin IAA thar an méid a ceanglaíodh go sonrath leis an reachtaíocht. Thug an Coimisiún faoi deara freisin gurbh é an toradh a bhí ar an bpróiseáil sin ná go raibh an pobal in ann ainm agus seoladh úinéirí príobháideacha aerárthaigh a chuardach ar innill chuardaigh, rud ba shárú suntasach ar a bpríobháideacht. Mhol an Coimisiún do IAA athbhreithniú a dhéanamh ar riachtanas agus comhréireacht fhoilsiú an chlár ar an mbealach sin, agus aird ar leith á tabhairt ar na rioscaí féideartha a bheadh ann d'ábhair sonraí.

Ag teacht sna sála ar idirghabháil an Choimisiúin, d'aontaigh IAA leis an gclár a leasú chun ainm agus seoladh cónaithe daoine aonair príobháideacha a cheilt. Ba dheimhin leis an gCoimisiún gur mar gheall ar an athrú sin a seasadh leis na cearta príobháideachta atá ag ábhair sonraí ar bhealach níos cuí, agus IAA á chumasú a fheidhmeanna reachtúla a chomhlíonadh ag an am céanna. Leagtar béim sa chaidreamh sin ar a thábhachtaí atá sé go gcothromódh comhlachtaí poiblí leas dlísteanaigh an phobail i dtrédhearcacht sa soláthar seirbhíse poiblí, amhail ceadúnú nó clárú, agus na cearta atá ag daoine aonair maidir lena sonraí pearsanta. Léirítear ann freisin gur féidir toradh dearfach do dhaoine aonair a bhaint amach trí chaidreamh maoirseachta tráthúil idir an Coimisiún agus eagraíocht agus trí bhearta a chur chun feidhme ina dhiaidh sin chun feabhas a chur ar chomhlíonadh na n-oibleagáidí cosanta sonraí.

TCl

Tháinig méadú suntasach in 2023 ar líon na bhfiosrúchán a fuarthas maidir le húsáid TCl i gceantair ina bhfuil ionchas níos airde maidir le príobháideacht. Mar thoradh air sin, d'fhoilsigh an CCS nuashonrú mionsonraithe ar a threoir TCl chun aghaidh a thabhairt ar na saincheisteanna seo agus ar ár n-ionchais maidir le húsáid TCl sna réimsí sin. Ina theannta sin, i mí na Nollag, scríobh an CCS chuig roinnt comhlachtaí ionadaíocha earnála chun iad a chur ar an eolas faoi na forbairtí seo agus chun iarraidh orthu an treoir a scaipeadh ar a gcuid ball. [Is féidir cóip den Treoir maidir le TClanna do Rialaitheoirí Sonraí a fháil ar shuíomh Gréasáin an CCS, agus áirítear ann rannán ar leith ar 'Úsáid TCl i réimsí ina bhfuiltear ag súil le príobháideacht níos mó'.](#)



CÁS-STADÉAR: ÚSÁID TCI I SEOMRA SCÍTHE BIALAINNE

Úsáid a bhaint as TCI i leithreas bialainne.

Chuaigh an CCS i dteagmháil le (Aarval Limited, rialaitheoir sonraí a fheidhmíonn dhá shaincheadúnas McDonald's i Luimneach) tar éis imní a d'ardaigh custaiméirí faoi úsáid TCI ina seomraí scíthe. Ba spéis leis an CCS go háirithe an bunús dleathach a bhain le próiseáil na sonraí pearsanta a fháil amach agus go ndearnadh an phróiseáil go dleathach, go cothrom agus go trédhearcach. Chuaigh an CCS i dteagmháil freisin leis an máistir-saincheadúnaí, McDonald's Ireland Limited, a d'fhéadfadh, cé nach é an rialtóir sonraí é, treoir agus cúnamh a thairiscint do shaincheadaithe sa réimse seo trí ghníomhú mar idirchaidreamh idir an CCS agus rialtóirí sonraí.

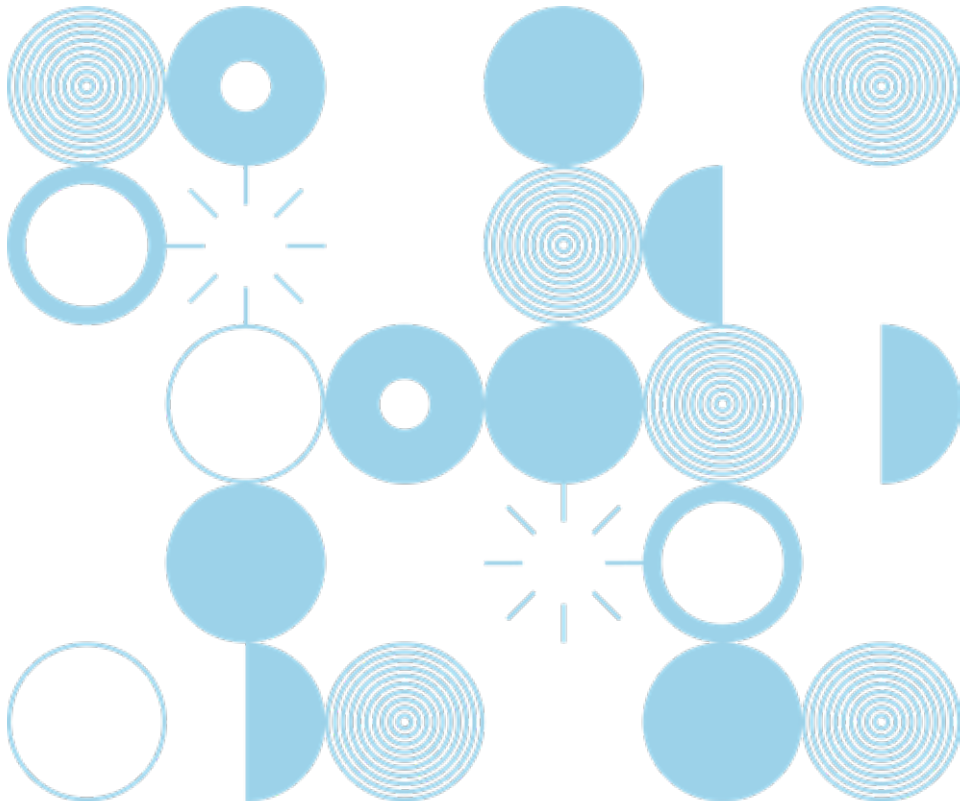
Faoi Airteagal 6 RGCS, ní mór do rialaitheoir sonraí bunús dleathach a bheith aige le sonraí pearsanta a phróiseáil. Ceann de na bunúis dhleathacha a bhféadfaidh rialaitheoir sonraí brath orthu is ea go bhfuil an phróiseáil riachtanach chun críocha na leasanna dlisteanacha atá á saothrú ag an rialaitheoir sonraí (arbh é an bunús dleathach a d'fhéach an rialaitheoir/an bhialann le brath air sa chás seo é). Mhaígh an bhialann go raibh sí ag brath ar leas dlisteanach gnó in iompraíocht fhrithshóisialta a chosc agus sa riosca go sciortfadh daoine, go dtuisleodh siad nó go dtitfeadh siad a laghdú. D'fhéadfadh leasanna dlisteanacha den sórt sin a bheith ina mbunús dleathach le sonraí pearsanta a phróiseáil, ar choinníoll go gcothromaítear leasanna an rialaitheora sonraí le leasanna na ndaoine aonair a bhfuil a sonraí pearsanta á bpróiseáil agus nach bhfuil sáraíocht ag leasanna na ndaoine aonair sin ar leasanna an rialaitheora sonraí. I gcás go mbeidh sé ag brath ar leasanna dlisteanacha mar bhunús dleathach le húsáid a bhaint as TCI, ba cheart don rialaitheoir sonraí a bheith in ann a thaispeáint go bhfuil sé lena leas dáiríre déanamh amhlaidh, go bhfuil sé riachtanach chun a chríoch(a) sainaitheanta a bhaint amach, agus nach mbeidh tionchar díréireach aige ar na daoine aonair a bpróiseálfar a sonraí pearsanta. Baineann tábhacht ar leith leis sin i limistéir amhail leithris, áit a bhfuil ionchas níos airde ag daoine aonair go n-urramófaí a bpríobháideacht ann. Measann an Coimisiún gur ar an leibhéal is airde is féidir a bheidh an tairseach atá le sroicheadh in aon mheasúnú den sórt sin lena mbaineann úsáid a bhaint as TCI i leithris.

Sa chás seo, d'iarr an Coimisiún cóip de na measúnuithe a rinne an bhialann lenar bunaíodh an riachtanas agus an chomhréireacht a bhain le TCI a chur i leithreas poiblí. Chomh maith leis sin, d'iarr an Coimisiún fianaise dhoiciméadach ar iompraíocht fhrithshóisialta mhinic i riocht teagmhas a tuairiscíodh don Gharda Síochána. Ní raibh an bhialann in ann measúnuithe cuimsitheacha ná fianaise ar iompraíocht fhrithshóisialta a sholáthar. Níor dheimhin leis an gCoimisiún gur chúí a bhí suíomh na gceamaraí sa limistéar ach oiread. Ar an iomlán, chinn an Coimisiún nár chuir an rialaitheoir sonraí bearta leordhóthanacha ná coimircí leordhóthanacha chun feidhme chun gníomhú in aghaidh an riosca a bhaineann le próiseáil a dhéanamh i limistéar chomh príobháideach sin agus nár thaispeáin an bhialann go leordhóthanach go raibh an phróiseáil riachtanach nó go raibh sáraíocht ag a leas in iompraíocht fhrithshóisialta fhéideartha a chosc agus/nó sa riosca go sciortfadh daoine, go dtuisleodh siad nó go dtitfeadh siad a laghdú ar leasanna na bpátrún a bhain úsáid as na saoráidí.

Ag teacht sna sála ar an gCoimisiún a bheith i mbun caidrimh leis an mbialann agus le foireann príobháideachta an mháistir-shaincheadúnóra, **tugadh ordú don bhialann na ceamaraí a chur as agus na píosaí scannáin ar fad a bhí stóráilte a scriosadh go slán go dtí go mbeadh measúnú cuimsitheach (ina dtaispeánfaí údar leis an TCI) curtha i gcrích.** Dheimhnigh an McDonald's freisin gur iarr sé ar na saincheadúnaithe uile scor láithreach bonn d'úsáid a bhaint as TCI sna limistéir sin agus aon sonraí pearsanta a fuarthas ón TCI a scriosadh go dtí go mbeadh siad in ann **údar a thabhairt le húsáid a bhaint as TCI i limistéir leithris.** Fáiltíonn an CCS roimh an rannpháirtíocht dhearfach a léirigh McDonald's a ghlac páirt iomlán sa cheist agus a thug aghaidh ar imní príobháideachta a chuid custaiméirí.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Molann an CCS go láidir do gach rialaitheoir sonraí eolas a chur ar ár dtreoir ar TCI: Treoir maidir le TCIanna do Rialaitheoirí Sonraí trí mhír shonrach a chur san áireamh ar 'Úsáid TCI i réimsí ina bhfuiltear ag súil le príobháideachas.



Custaiméirí Soghonta

Gealltar i Straitéis Rialála an Choimisiúin 2022-2027 go dtabharfar tús áite do chosaint leanaí agus do chosaint grúpaí soghonta eile. Mar chuid den sprioc straitéiseach sin, bhí an Coimisiún i mbun caidrimh le roinnt foras airgeadais agus comhlachtaí ionadaíoch ar fud na bliana 2023 maidir leis an ábhar imní go bhfuil RGCS agus an dlí cosanta sonraí á n-úsáid mar bhacainn le seirbhísí a rochtain. D'fhreastail an Coimisiún ar chruinniú comhchéime i mí Dheireadh Fómhair 2023 ar ar fhreastail ionadaithe ó Fheidhmeannacht na Seirbhíse Sláinte (FSS), ón mBanc Ceannais, ó Chónaidhm Baincéireachta agus Íocaíochtaí Éireann (BPI), ón gCoimisiún um Iomaíocht agus Cosaint Tomhaltóirí (CCPC) agus ó eagraíochtaí tathanta, mar aon le saineolaithe ábhair ar ábhair imní den sórt sin.

Ábhar imní coitianta a cuireadh in iúl don Choimisiún is ea na deacrachtaí a bhíonn ag daoine den phobal bodhair nó faoi allaíre agus iad ag lorg cabhair ó ateangaire tríú páirtí chun teagmháil a dhéanamh le soláthraí seirbhíse i gcás go bhfuil cosaint sonraí á húsáid mar bhacainn le húsáid den sórt sin. D'fhoilsigh an Coimisiún treoir sa réimse seo roimhe seo á rá gurb amhlaidh de ghnáth nach gcuirtear aon chosc ar eagraíochtaí leis an dlí cosanta sonraí déileáil le duine éigin atá ag déanamh ionadaíocht don sealbhóir cuntais a luaithe atá bearta réasúnacha comhréireacha déanta acu chun a chinntiú go bhfuil siad ag cloí lena n-oibleagáidí slándála agus rúndachta.

Leanfaidh an Coimisiún de thús áite a thabhairt don obair sin ar fud na bliana 2024 agus glacfaidh sé páirt i meitheal traschomhlachta atá bunaithe ag FSS ar réimsí imní den sórt sin.

Google Bard - Intleacht Shaorga

Ag deireadh mhí na Bealtaine 2023, chuir Google in iúl don Choimisiún go mbeadh sé ag eisiúint Google Bard (an tseirbhís thurgnamhach chomhráiteach Éirime Saorga uaidh) san Aontas Eorpach faoi lár mhí an Mheithimh. Tar éis dó an doiciméadacht a soláthraíodh a athbhreithniú, chuir an Coimisiún in iúl go raibh roinnt barúlacha aige maidir le fairsinge na meastóireachtaí a sheol Google agus maidir leis an easpa faisnéise a bhí ann sa doiciméadacht a soláthraíodh.

Ag teacht sna sála ar dhul i gcomhairle leis an gCoimisiún, mhoilligh Google an scaoileadh chun an t-aiseolas tosaigh agus na moltaí tosaigh ón gCoimisiún a chur chun feidhme. Le linn dó déanamh amhlaidh, rinne Google roinnt athruithe maidir le trédhearcacht d'úsáideoirí roimh an seoladh. Áiríodh leo sin:

- Nochtaí comhthéacsúla laistigh den táirge;
- Nuashonruithe ar Fhógra Príobháideachta Google Bard ar a leathanach Gréasáin;
- Fógra rabhaidh níos feiceálaí; agus
- Tuilleadh inneachair oideachasúil maidir le Google Bard agus leis an teicneolaíocht.

Ghabh Google air féin freisin tuilleadh athbhreithnithe a dhéanamh ar mheasúnuithe riosca, doiciméadacht nuashonraithe a sholáthar, agus an Coimisiún a choinneáil ar an eolas faoin dul chun cinn atá á dhéanamh maidir le comhlíonadh RGCS a chinntiú i ndáil le Google Bard.

Mar thoradh air sin, mhol an Coimisiún roinnt athruithe eile ar Google Bard maidir leis an bhfaisnéis a thugtar d'úsáideoirí agus maidir le tréimhsí coinneála le haghaidh faisnéis phearsanta. I bhfianaise úrnuacht na teicneolaíochta sin, tá sé faoi Google a chinntiú gurb inrochtana, soiléir agus sothuigthe a bheidh an fhaisnéis maidir le sonraí pearsanta úsáideoirí. Tá an Coimisiún ag leanúint de mheasúnú mionsonraithe a dhéanamh ar an doiciméadacht chuimsitheach éabhlóideach ar Google Bard agus, mar atá amhlaidh i gcás feidhmchláir eile Éirime Saorga, déanfaidh sé dlúthfhaireachán ar fhorbairtí sa bhliain 2024. De bhreis air sin, tá an Coimisiún ag baint leas as fóraim atá ann cheana agus a n-óstálann EDPB iad (amhail an Tascfhórsa um ChatGPT, agus an Foghrúpa Saineolaithe Teicneolaíochta) chun faisnéis a mhalartú agus chun bonn eolais a chur faoin bplé ar phróiseáil Éirime Saorga agus Éirime Saorga Giniúnaí d'fhonn comhdhearcadh a bhunú i measc a bhall maidir le comhlíonadh agus leis an dea-chleachtas faoi RGCS. Leanfaidh an Coimisiún d'obair i ndlúthchomhar lenár gcomhghleacaithe Aontais Eorpaigh isteach sa bhliain 2024 chun na cuspóirí sin a bhaint amach.

Clibeáil Instagram

I mí na Samhna 2022, chuaigh an Coimisiún i mbun caidrimh le Meta maidir le clibeáil ar Instagram. Is é is clibeáil ann ná an próiseas trína dtugann úsáideoir Instagram amháin arb é cruthaitheoir bunaidh aon phostála nó aon ríle é fógra d'úsáideoir eile i dtaobh an inneachair shonraigh atá cruthaithe aige. I mí Feabhra 2023, scríobh an Coimisiún chuig Meta maidir lena bheartas clibeála agus leag sé béim ar roinnt réimsí ar cheart tuilleadh breithnithe a dhéanamh orthu.

Bhain réimse amháin den sórt sin leis an bhfógra a taispeánadh i gcás go raibh úsáideoirí a bhí faoi bhun 18 mbliana d'aois agus a raibh a gcuntais socraithe mar chuntais phríobháideacha de réir réamhshocraithe ag iarraidh cuntas poiblí nach leanann siad a chlibeáil. Sonraíodh an méid seo a leanas san fhógra sin: "Account couldn't be tagged. Make your account public to tag others who don't follow you". Cuimsíodh san fhógra sin freisin cnaipe "Go to settings" lenar tugadh an t-úsáideoir chuig roghchlár óna raibh siad in ann a gcuntas a athrú óna chuntas príobháideach ina chuntas poiblí. Thug an Coimisiún faoi deara go raibh an chuma air nár tugadh leis an bhfógra sin aon rabhadh d'úsáideoirí a bhí faoi bhun 18 mbliana d'aois faoi na hiarmhairtí a d'fhéadfadh a bheith ann dá ndéanfaí an t-athrú sin agus nár atreoraíodh na húsáideoirí sin chuig aon alt Ceisteanna Coitianta nó aon alt ón Ionad Cabhrach leis ach oiread.

I mí Mheán Fómhair 2023, dheimhnigh Meta don Choimisiún gur ghlac sé leis an aiseolas ón gCoimisiún agus go raibh sé ag déanamh athruithe ar fhógraí d'úsáideoirí. Nuashonraíodh an fógra mar a leanas: "Account couldn't be tagged. Your account is private, so you can tag only your followers. You can manage your privacy in Settings". Ina theannta sin, cuireadh cnaipe "Learn more" in ionad an chnaipe "Go to settings". Leis an gcnaipe nua, tugtar úsáideoirí chuig alt ón Ionad Cabhrach mar ar féidir leo tuilleadh faisnéise a fháil fúthu seo a leanas: (1) conas is féidir le húsáideoirí a gcuntas úsáideora a dhéanamh ina chuntas príobháideach am ar bith; (2) na difríochtaí idir cuntais phríobháideacha agus cuntais phoiblí; (3) conas is féidir le húsáideoirí príobháideacht

a bhainistiú ar Instagram; agus (4) faisnéis do thuismitheoirí faoi 'cé a fhéadfaidh postálacha mo dhéagóra ar Instagram a fheiceáil'.

Microsoft 10 (Windows)

I mí Lúnasa 2023, chuir an Coimisiún athbhreithniú ardleibhéil ar Ráiteas Príobháideachta Microsoft Windows 10 i gcrích. Rinneadh an t-athbhreithniú sin chun tuiscint a ghnóthú ar mhéid na faisnéise príobháideachta atá á cur i láthair do dhaoine aonair san Aontas Eorpach/sa Limistéar Eorpach Eacnamaíoch. Rinne an Coimisiún cleachtadh fairsing mapála inar leagadh béim ar lear ciseal agus nasc laistigh den Ráiteas Príobháideachta nár bhain leis an bpríobháideacht i ngach cás agus, i gcásanna áirithe, a bhí ina naisc chiorclacha lenar tugadh an duine aonair ar ais chuig príomh-Ráiteas Príobháideachta Microsoft.

Rinne an Coimisiún caidreamh le Microsoft, agus aiseolas agus a bharúlacha á dtabhairt ar aon dul le hoibleagáidí trédhearcachta faoin Rialachán Ginearálta maidir le Cosaint Sonraí (RGCS).

I mí na Samhna 2023, chuir Microsoft in iúl don Choimisiún go bhfuil sé beartaithe aige athbhreithniú críochnúil a dhéanamh ar a Ráiteas Príobháideachta agus go bhfuil sé tiomanta d'aon athruithe riachtanacha a dhéanamh chun go mbeidh sé ag teacht lena spriocanna trédhearcachta agus soiléire. Leanfar den chaidreamh sin le Microsoft isteach sa bhliain 2024.



Catherine Pierse, an Stiúrthóir Ionchúiseamh Poiblí, i mbun aitheasc a thabhairt d'fhoireann an Choimisiúin. Feabhra 2023.

Spéaclaí Cliste RayBan Meta

Sa bhliain 2021, bhí an Coimisiún i mbun caidrimh le Meta maidir lena tháirge Spéaclaí Cliste a táirgeadh i gcomhar le RayBan. Leis na Spéaclaí Cliste, bheifí in ann íomhánna agus físeáin a ghabháil, glaonna a thaifeadh agus cúntóir gutha a úsáid. Ag teacht sna sála ar chaidreamh fairsing, ar lena linn a sholáthair an Coimisiún aiseolas, d'fhógair Meta leagan nua de na Spéaclaí Cliste sa bhliain 2023. Ag teacht sna sála ar ábhair imní ar tharraing an Coimisiún anuas iad, rinne Meta athruithe ar an dearadh chun bearta deartha príobháideachta a mhéadú agus chun oibríocht na Spéaclaí Cliste a dhéanamh níos soiléire ó thaobh a cineáil de. Ina measc sin:

- Méadaíodh (faoi níos mó ná a dhá hoiread) méid fhisiciúil an LED príobháideachta amach
- cuireadh patrún caochta leis
- tugadh rialuithe breise isteach chun a chinntiú nach dtosófaí taifeadtaí de thaisme
- tugadh bearta príobháideachta breise isteach chun cur isteach nó úsáid ag daoine neamhúdaraithe a chosc

Rinneadh na hathruithe sin chun modh níos éifeachtaí a chinntiú le haghaidh fógra a thabhairt do dhaoine aonair agus chun an riosca go ngabhfaí meáin ar bhealach neamhfheiceálach a íoslghdú chun aghaidh a thabhairt ar ábhair imní ar tharraing an Coimisiún anuas iad.

Na beartais agus na nósanna imeachta atá i bhfeidhm ag cuideachtaí teicneolaíochta maidir le caidreamh le hÚdaráis Forfheidhmithe Dlí

Faoi Airteagal 57 RGCS, tá dualgas ar an gCoimisiún faireachán agus forfheidhmiú a dhéanamh ar chur i bhfeidhm RGCS agus an fheasacht atá ag rialaitheoirí sonraí agus ag próiseálaithe ar na hoibleagáidí atá orthu faoi RGCS a chur chun cinn. Sa chomhthéacs sin, rinne an Coimisiún teagmháil le roinnt eagraíochtaí teicneolaíochta maidir le conas a chomhroinneann siad sonraí pearsanta le húdaráis forfheidhmithe dlí agus d'iarr sé mionsonraí faoi na próisis agus na beartais atá i bhfeidhm acu le linn dóibh déanamh amhlaidh.

Scrúdaigh an Coimisiún saincheisteanna amhail an próiseas a mbaineann rialaitheoirí úsáid as chun iarrataí ó údaráis forfheidhmithe dlí ar shonraí úsáideoirí a fhíordheimhniú, chun bailíocht na n-iarrataí éigeandála ar shonraí úsáideoirí a chinneadh agus chun prionsabal an íoslghdaithe sonraí a urramú le linn dóibh freagairt d'iarrataí ar shonraí úsáideoirí, mar aon leis an treoir inmheánach agus/nó na sreafaí oibre inmheánacha atá ar fáil do bhaill foirne a phróiseálann iarrataí den sórt sin.

Ag teacht sna sála ar an athbhreithniú sin, scríobh an Coimisiún chuig gach rialaitheoir chun aiseolas a thabhairt. Cé go raibh beartais agus nósanna imeachta a bhí láidir agus meáite i bhfeidhm ag a lán rialaitheoirí, bhí roinnt rialaitheoirí in ann feabhsú ina thaobh sin. I gcás na rialaitheoirí sin nár measadh a mbeartais a bheith sách forbartha, tugadh moltaí faoi thuilleadh gníomhaíochta a d'fhéadfadh siad a dhéanamh ina leith sin. Áiríodh leo sin mionsonraí faoi chleachtais úsáideacha a chabhródh le deireadh a chur le haon bhearnaí ó thaobh cosaint sonraí de.

I gcás na n-eagraíochtaí sin, inar shainaithe an CCS go bhfuil gá le feabhsú, beifear ag súil go bhfillfidh siad ar an CCS le linn 2024 le haiseolas mionsonraithe ar an gcaoi ar thug siad aghaidh ar na moltaí.



Ceartha Cosanta Sonraí Leanaí

FOIREANN UIRLISÍ COSANTA SONRAÍ DO SCOILEANNA

Le linn a ghníomhaíochtaí maoirseachta agus caidrimh sa bhliain 2023, shainaithin an Coimisiún roinnt réimsí a raibh an chuma air go raibh scoileanna, mar earnáil, ag streachailt leo ó thaobh comhlíonadh cosanta sonraí de. Gealltar i Straitéis Rialála an Choimisiúin 2022-2027 go dtabharfar tús áite do chosaint leanaí agus do chosaint grúpaí soghonta eile. Mar chuid den sprioc straitéiseach sin, chuir an Coimisiún tús sa bhliain 2023 le próiseas um chaidreamh le geallsealbhóirí chun na hábhair imní cosanta sonraí a thagann chun cinn i gcomhthéacs scoileanna a phlé. Bhuail an Coimisiún le roinnt comhlachtaí agus eagraíochtaí san earnáil oideachais chun léargas soiléir a ghnóthú ar na réimsí sonracha a measann an earnáil gur cheart aird ar leith a thabhairt orthu ó thaobh treorach de. I measc na gcomhlachtaí agus na n-eagraíochtaí sin bhí an Comhbhord Bainistíochta (JMB), an tSeirbhís um Fhorbairt Ghairmiúil do Mhúinteoirí (SFGM) agus Bord Oideachais agus Oiliúna Luimnigh agus an Chláir (LCETB).

I measc na dtopaicí imní ar tharraing geallsealbhóirí iad anuas bhí saincheisteanna amhail iarrataí ar rochtain d'ábhair sonraí a bhainistiú, feidhmiú na gceart atá ag leanaí agus ról na dtuismitheoirí, agus comhroinnt sonraí le comhlachtaí eile.

De bhun an chaidrimh sin, chuir an Coimisiún tús le hacmhainn nua "Foireann Uirlisí Cosanta Sonraí do Scoileanna" a dhréachtú. Áirítear léi doiciméad treorach mionsonraithe, teimpléad samplach le haghaidh Measúnú Tionchair ar Chosaint Sonraí, seicliosta le haghaidh freagra a thabhairt ar iarrataí ar rochtain d'ábhair sonraí, leideanna ar na nithe ba cheart a chur ar áireamh i mbeartas príobháideachta, agus rannán "Ceisteanna Coitianta", a bhfuil gach ceann díobh saincheaptha do riachtanais na scoileanna mar rialaitheoirí sonraí. Tá sé beartaithe ag an gCoimisiún an acmhainn sin a fhoilsiú sna míonna tosaigh den bhliain 2024 agus tá súil aige go mbeidh sí ina cabhair bhreise do scoileanna agus don mhórearnáil oideachais agus iad ag iarraidh a n-oibleagáidí cosanta sonraí a chomhlíonadh.

Cás-Staidéar Sonraí Leanaí:

CÁS-STAIÉAR: EAGRAÍOCHT SPÓIRT AGUS POSTÁIL ÍOMHÁNNA DE LEANAÍ

Rinne tuismitheoir le leanbh óg teagmháil leis an gCoimisiún um Chosaint Sonraí toisc go raibh imní air go bpostálfadh eagraíocht spóirt grianghraif dá leanbh ar na meáin shóisialta. Ar a leanbh a rollú leis an eagraíocht dó, cuireadh in iúl don duine aonair go raibh sé ag comhaontú le cead a thabhairt don eagraíocht grianghraif nó físeáin de ghníomhaíochtaí, a bhféadfadh go mbeadh a leanbh le feiceáil iontu, a úsáid in ábhar cur chun cinn ar a suíomh Gréasáin nó ar ardáin meán sóisialta a úsáideann an eagraíocht chun críocha cur chun cinn.

Ar leithligh uaidh sin, rinne an eagraíocht chéanna teagmháil leis an gCoimisiún um Chosaint Sonraí chun ceist a chur faoin ní céanna. Mhínigh an eagraíocht nach raibh i bhfeidhm aici na bearta teicniúla cuí chun sásra um rogha gan a bheith páirteach a bhainistiú do na daoine sin nár mhaith leo go bhfoilseofaí grianghraif dá leanbh.

Ós rud é gur bhain na saincheistanna a tarraingíodh anuas le postáil phoiblí íomhánna de leanaí, mheas an Coimisiún um Chosaint Sonraí go raibh an ní sin chomh tromchúiseach sin gurbh fhiú dá Aonad Idirghabhála Dírí scrúdú a dhéanamh air.

Rinne an Coimisiún um Chosaint Sonraí teagmháil leis an eagraíocht spóirt agus chuir sé lear ceistanna uirthi, amhail ceist faoin mbunús dleathach le próiseáil den sórt sin atá aici faoi Airteagal 6 den Rialachán Ginearálta maidir le Cosaint Sonraí. Chomh maith leis sin, sholáthair sé tuilleadh faisnéise faoi na coinníollacha toilithe faoi Airteagal 7. Rinne an eagraíocht spóirt caidreamh leis an gCoimisiún um Chosaint Sonraí ar bhealach gníomhach toilteanach, d'admhaigh sí gur leis an ngearán a leagadh béim ar na heasnamh atá ann ina próisis cosanta sonraí agus ghabh sí uirthi féin a cuid cleachtas agus nósanna imeachta a nuashonrú. Chomh maith leis sin, bhain an eagraíocht na híomhánna uile de leanaí in-sainaitheanta dá suíomh Gréasáin agus dheimhnigh sí nach bhfoilseodh sí íomhánna de leanaí sa todhchaí ach tar éis toiliú a fháil ó chaomhnóir dlíthiúil an linbh.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Ní mór bunús dleathach an-sonrach faoi Airteagal 6 den Rialachán Ginearálta maidir le Cosaint Sonraí a bheith ag íomhánna de leanaí a fhoilsiú agus ní fhéadfar in aon imthosca an toiliú ó chaomhnóir dlíthiúil le foilsiú den sórt sin a mheascadh isteach in aon toiliú eile a d'fhéadfadh a bheith ag teastáil ón eagraíocht chun aon chríoch eile.

TREOIR PHOLASÁÍ LEANAÍ

Treoir a fhoilsiú do thuismitheoirí

Tosaíocht thábhachtach don Choimisiún is ea sonraí pearsanta leanaí a chosaint, rud atá ar cheann amháin de na cúig sprioc straitéiseacha atá sa Straitéis Rialála 2022-2027 uainn. Sna míonna tosaigh den bhliain 2023, chuir an Coimisiún um Chosaint Sonraí ceithre threoir ghearra le chéile do thuismitheoirí maidir leis na cearta cosanta sonraí atá ag leanaí faoin Rialachán Ginearálta maidir le Cosaint Sonraí. Tá na treoracha sin ceaptha chun cabhrú le thuismitheoirí na cearta atá ag a leanaí a thuiscint agus freagra a thabhairt ar cheisteanna ar féidir leo teacht chun cinn sna gnáthchásanna ina bhfuil feidhm ag na cearta sin.

- **Cearta cosanta sonraí mo linbh – na bunrudaí:** Leagtar amach sa treoir seo roinnt de na saincheistanna ar féidir leo teacht chun cinn nuair a fhéachann thuismitheoir le cearta cosanta sonraí a fheidhmiú thar ceann a linbh.
- **Sonraí leanaí agus toiliú tuismitheora:** Féachtar sa treoir seo ar an mbrí atá le ‘haois an toilithe dhigitigh’ agus leagtar amach inti na cásanna inar féidir go mbeidh toiliú tuismitheora ag teastáil le haghaidh sonraí pearsanta a linbh a phróiseáil agus conas is féidir le thuismitheoirí aghaidh a thabhairt ar na cásanna sin.
- **Sonraí mo linbh a chosaint:** Tá an treoir seo ceaptha chun cabhrú le thuismitheoirí tuiscint a ghnóthú ar na cearta atá acu i ndáil le sonraí a leanaí agus tugtar comhairle úsáideach inti maidir le conas is féidir leo cearta a leanaí a chosaint.
- **An bhfuil aon teorainneacha ann ar chearta cosanta sonraí mo linbh?** Leagtar amach sa treoir seo roinnt teorainneacha tábhachtacha ar conas agus cén uair a fhéadfaidh leanaí na cearta cosanta sonraí atá acu a fheidhmiú nó a fhéadfaidh thuismitheoirí na cearta sin a fheidhmiú

thar ceann a leanaí. Leagtar amach inti roinnt cásanna coitianta inar féidir leis na teorainneacha sin teacht chun cinn agus moltar inti bealaí inar féidir le thuismitheoirí aghaidh a thabhairt orthu.



An feachtas #SmaoinighSulabPostálannTú

I mí Lúnasa 2023, sheol an Coimisiún feachtas #SmaoinighSulabPostálannTú ar na meáin shóisialta. Bhí sé mar aidhm leis feasacht a mhúscailt ar na rioscaí atá i gceist le grianghraif d'fhilleadh leanaí ar an scoil a phostáil ar líne. Tugadh leideanna san fheachtas freisin ar conas is féidir le duine faisnéis a leanaí a choinneáil sábháilte, amhail gan an iomarca faisnéise a chomhroinnt, a chinntiú nach bhfuil aon fhaisnéis in-sainaitheanta le feiceáil i gcúlra an ghrianghraif, agus an tábhacht a bhaineann le labhairt le leanaí sula bpostálfaí a ngrianghraif ar líne.



An feachtas #SmaoinighSulabPostálannTú

IMEACHTAÍ SEACHTRACHA CAIDRIMH

Chun an lucht tionscail agus an pobal i gcoitinne a choinneáil ar an eolas faoi ghníomhaíochtaí an Choimisiúin i réimse an bheartais leanaí, labhair baill foirne ón gCoimisiún ag roinnt imeachtaí seachtracha le linn na bliana 2023 freisin. Ina measc sin bhí an Chomhdháil “Bí ar an Eolas faoi do Chearta” a d’óstáil an Comhaontas um Chearta Leanaí agus an “Cruinniú Mullaigh um Fhás Aníos sa Ré Dhigiteach” a d’óstáil Google. Chomh maith leis sin, d’fhoilsigh an Coimisiún podchraoladh ar “5 Bliana den Rialachán Ginearálta maidir le Cosaint Sonraí – Spotsolas ar Shonraí Leanaí” agus thaifead sé agallamh le haghaidh an phodchraolta “Casting the Net” de chuid Webwise. Is é atá ansin ná sraith fuaimne atá faoi stiúir ag an oíge agus a n-óstálann déagóirí í chun an t-eolas is gá do dhéagóirí a bheith acu faoin gcosaint sonraí a phlé.

Ina theannta sin, ghlac an Coimisiún páirt i roinnt meithleacha seachtracha atá dírithe ar shaincheisteanna cosanta sonraí leanaí. Ina measc sin bhí Meitheal na hOifige Coimisinéara Faisnéise (ICO) um Dhearbhú Aoise, ar fóram domhanda é inar féidir le húdarais cosanta sonraí, le rialálaithe sábháilteachta ar líne agus le heagraíochtaí idirnáisiúnta foghlaim óna n-eispéiris faoi seach i réimse an dearbhaithe aoise. Chomh maith leis sin, tá an Coimisiún ina bhall gníomhach de Mheitheal Oideachais Dhigitigh an Tionóil Dhomhanda Príobháideachta, agus rannchuidigh sé i mbliana le treochlár an ghrúpa don bhliain 2024.

Sna míonna tosaigh den bhliain 2024, ainmníodh an Coimisiún chun ionadaíocht a dhéanamh (i dteannta na Spáinne agus na Fraince) do EDPB ar an Tascfhórsa nuabhunaithe um Fhíorú Aoise faoin nGníomh um Sheirbhísí Digiteacha. Bhunaigh an Coimisiún Eorpach an tascfhórsa sin chun comhar a chothú le húdarais náisiúnta Ballstát a bhfuil saineolas acu ar réimse an fhíoraithe aoise chun dea-chleachtais agus caighdeáin a shainaithint. Is é ról EDPB sa ghrúpa sin ná dearcadh cosanta sonraí a sholáthar maidir le nithe a bhaineann le fíorú aoise.

CAIDREAMH LE COMHALTAÍ REACTÚLA

Ar fud na bliana 2023, bhí cruinnithe ag an gCoimisiún le roinnt comhlachtaí reachtúla chun plé a dhéanamh ar fhorbairtí i réimse na saincheisteanna cosanta sonraí leanaí. I measc na gcomhlachtaí sin bhí an Coimisiún Feidearálach Trádála i Stáit Aontaithe Mheiriceá agus Coimisiún na Meán in Éirinn. Mar chuid dá chaidreamh le Coimisiún na Meán, chuir an Coimisiún freagra isteach ar an nGlaó le haghaidh lonchur a d’eisigh Coimisiún na Meán ar an gcéad Chód um Shábháilteacht ar Líne de chuid na hÉireann riamh atá ina cheangal dlí. Díríodh san aighneacht ón gCoimisiún ar réimse an dearbhaithe aoise agus ar réimse na sábháilteachta trí dhearadh. Chomh maith leis sin, bhí cruinnithe ag an gCoimisiún le CNIL agus le ICO, a chontrapháirtithe sa Fhrainc agus sa Ríocht Aontaithe faoi seach, ar fud na bliana 2023 chun tuairimí a mhalartú agus chun plé a dhéanamh ar na forbairtí is déanaí in obair an dá údarás cosanta sonraí ar chearta cosanta sonraí leanaí.

Bhuail an Coimisiún leis an gCoimisiún Eorpach freisin chun plé a dhéanamh ar an gCód Iompair atá le teacht ón Aontas Eorpach maidir le dearadh atá oiriúnach d’aois, rud ar príomhghníomh é faoin straitéis um Idirlíon Níos Fearr do Leanaí (BIK+). Leis an gCód, cuirfear leis an gcreat rialála a thugtar sa Gníomh um Margáí Digiteacha agus beidh sé ar aon dul leis an Treoir maidir le Seirbhísí Meán Closamhairc agus leis an Rialachán Ginearálta maidir le Cosaint Sonraí ón Aontas Eorpach.

CÓID IOMPAIR

Bhí an Coimisiún i mbun caidrimh le Teicneolaíocht Éireann ar fud na bliana 2023 maidir leis an doiciméad uaidh dar teideal “European Youth Online Data Protection Code of Conduct”. Ábhar spreagtha taobh thiar den Chód sin ba ea foilsiú an doiciméid ón gCoimisiún dar teideal “Bunphrionsabail le haghaidh Cur Chuige a Dhíríonn ar Leanaí maidir le Próiseáil Sonraí” agus díreofar ann ar thopaicí áirithe de RGCS a meastar go mbaineann tábhacht ar leith leo chun caighdeáin cosanta níos airde a bhrú chun cinn le haghaidh sonraí pearsanta leanaí ar líne. Leanfaidh an Coimisiún dá chaidreamh le Teicneolaíocht Éireann ar an gCód sin isteach sa bhliain 2024 ar aon dul leis an oibleagáid atá orainn tarraingt suas cód iompair a spreagadh i ndáil le próiseáil sonraí pearsanta leanaí, de réir alt 32 den Acht um Chosaint Sonraí, 2018.

TREOIR ÓN MBORD EORPACH UM CHOSAINN SONRAÍ (EDPB) MAIDIR LE SONRAÍ PEARSANTA

Tá an Coimisiún ag leanúint dá ról mar chomhrapóirtéir i dtreoir maidir le saincheistanna cosanta sonraí leanaí a ullmhú ar leibhéal EDPB, ag obair dó i gcomhar le foireann comhrapóirtéirí ón nGearmáin, ón bhFrainc, ón nGréig agus ón Danmhairg. Tá áthas ar an gCoimisiún a bheith ag glacadh páirt i bpíosa oibre chomh tábhachtach sin a bhfuil mar aidhm leis comhchuibhiú a dhéanamh ar an gcur chuige atá le glacadh ar leibhéal an Aontais Eorpaigh i leith réimse ríthábhachtach na próiseála sonraí leanaí.

Tá an CCS ag cur le hobair shuntasach freisin ar cheist chasta an fhíoraithe aoise sa timpeallacht dhigiteach.





Oifigh Cosanta Sonraí

Cuid lárnach den sprioc straitéiseach atá ag an gCoimisiún tacú le heagraíochtaí agus comhlíonadh a bhrú chun cinn is ea obair i gcomhar le hOifigh Chosanta Sonraí chun an t-eolas atá ann ar a ról, agus tionchar an róil sin, a mhéadú. Imríonn Oifigh Chosanta Sonraí ról tábhachtach maidir le comhlíonadh cosanta sonraí a bhaint amach do na heagraíochtaí ina bhfuil siad ainmnithe, lena n-áirítear trí chomhairle a thabhairt ar mheasúnuithe tionchair ar chosaint sonraí, agus trí fhaireachán a dhéanamh ar chur i bhfeidhm agus éifeachtúlacht beartas cosanta sonraí. Mar phointe teagmhála don Choimisiún laistigh dá n-eagraíocht, tá Oifigh Chosanta Sonraí ina ngrúpa tábhachtach geallsealbhóirí, agus tá rún daingean ag an gCoimisiún tacú leo (agus le hoibrithe neamhainmnithe cosanta sonraí) a ról a dhéanamh níos éifeachtaí.

Mar chuid de na ceanglais atá in RGCS, ní mór fógra a thabhairt don Choimisiún i gcás go ndéanfaidh eagraíocht Oifigeach Cosanta Sonraí a ainmniú go foirmiúil. Amhail deireadh na bliana 2023, bhí fógra tugtha don Choimisiún faoi ainmniú 3,520 Oifigeach Cosanta Sonraí, agus iad miondealaithe de réir earnála mar a leanas:

Fógra a Thabhairt faoi Oifigh Chosanta Sonraí

An Earnáil Phoiblí	357
An Earnáil Phríobháideach	2932
An Earnáil Neamhbhrabúis	231



LÍONRAÍ OIFIGEACH COSANTA SONRAÍ

Ó theacht i bhfeidhm RGCS sa bhliain 2018, chruthaigh líonraí Oifigeach Cosanta Sonraí ó earnálacha éagsúla a bheith ina n-acmhainn luachmhar don Choimisiún maidir le caidreamh a dhéanamh leis na hearnálacha sin, agus fóraim á soláthar acu le haghaidh faisnéis a chomhroinnt agus le haghaidh réitigh chomhlíonta a fhorbairt ar bhonn comhoibríoch. Sa bhliain 2023, rinne an Coimisiún caidreamh le roinnt líonraí, lena áiríodh líonra Oifigeach Cosanta Sonraí na Státseirbhíse, ar grúpa d'Oifigigh Chosanta Sonraí ó gach cuid den earnáil phoiblí é, agus an Líonra Cosanta Sonraí Taighde Sláinte, ar líonra é a thugann le chéile Oifigigh Chosanta Sonraí a oibríonn in ospidéal, i suíomhanna acadúla agus i suíomhanna eile chun aghaidh a thabhairt ar shaincheisteanna a thagann chun cinn i réimse na cosanta sonraí agus an taighde sláinte.

Sna hearnálacha príobháideacha agus leathstáit, rinne an Coimisiún caidreamh le líonra Oifigeach Cosanta Sonraí Chónaidhm Baincéireachta agus Íocaíochtaí na hÉireann, le líonra Oifigeach Cosanta Sonraí Thionscal Teileachumarsáide Éireann/IBEC, agus le Líonra/Grúpa Oibre Oifigeach Cosanta Sonraí Árachas Éireann. Bíonn an-luach ag baint leis an gcaidreamh sin maidir leis an gCoimisiún a chumasú plé a dhéanamh ar shaincheisteanna cosanta sonraí atá ann faoi láthair agus atá le teacht sna hearnálacha sin.

I mí na Nollag 2023, thug an Coimisiún grúpa Oifigeach Cosanta Sonraí agus curaidh neamhainmnithe chosanta sonraí a oibríonn in eagraíochtaí neamhrialtasacha atá gníomhach san earnáil pobail áitiúil le chéile chun forbairt líonra nua le haghaidh comhroinnt faisnéise agus réiteach fadhbanna a spreagadh. Tá sé beartaithe ag an gCoimisiún borradh a chur faoin obair sin sa bhliain 2024, chun cur leis an dóigh a dtéann sé i bhfeidhm ar earnálacha agus eagraíochtaí ar lú na hacmhainní atá ar fáil dóibh ná iad sin atá ar fáil d'earnálacha agus eagraíochtaí eile i ndáil le comhlíonadh cosanta sonraí a bhainistiú.

IMEACHTAÍ OIFIGEACH COSANTA SONRAÍ

Mar chuid den mhórchlár for-rochtana agus caidrimh atá i bhfeidhm aige, rannchuidigh an Coimisiún le roinnt comhdhálacha agus imeachtaí le haghaidh Oifigigh Chosanta Sonraí agus cleachtóirí príobháideachta. Áiríodh leo sin comhdháil bhliantúil Chumann na nOifigeach Cosanta Sonraí, agus Comhdháil bhliantúil Cosanta Sonraí PDP. I mí Mheán Fómhair 2023, rannchuidigh an Coimisiún le cúrsa nua de chuid an Fhorais Riaracháin – RGCS agus Clár Cosanta Sonraí d'Oifigigh Chosanta Sonraí sa tSeirbhís Phoiblí – a bhfuil mar aidhm leis faisnéis shonrach ábhartha a thabhairt dóibh sin a ghníomhaíonn mar Oifigigh Chosanta Sonraí i gcomhlachtaí poiblí agus i ngníomhaireachtaí ar fud na hÉireann. Glacadh go maith leis an gcéad leagan den chúrsa sin, agus reáchtálfar arís eile sa bhliain 2024 é, agus an Coimisiún páirteach ann an athuair.

CÁS-STADÉAR AR CHREAT FORFHEIDHMITHE CHOMHORDAITHE 2023 DE CHUID EDPB

Ghlac an Coimisiún páirt sa topaic seo a leanas ó Chreat Forfheidhmithe Chomhordaithe 2023: **'Ainmniú agus Staid na nOifigeach Cosanta Sonraí'**. Chinn na baill de EDPB tús áite a thabhairt don topaic sin i bhfianaise na staide atá ag **Oifigigh Cosanta Sonraí** faoi Rialachán (AE) 2016/679 (**'RGCS'**) mar idirghabhálaithe idir Údaráis Mhaoirseachta, daoine aonair agus na haonaid ghnó de chuid eagraíochta. Bhí an gníomh sin ag teacht le Straitéis Rialála an Choimisiúin um Chosaint Sonraí 2022-27 chun comhoibriú agus cumarsáid a dhéanamh le húdaráis cosanta sonraí is piaraí ar shaincheisteanna atá ag teacht chun cinn agus obair i gcomhar le hOifigigh Cosanta Sonraí chun an t-eolas ar a ról agus tionchar a róil a mhéadú.

Ghlac an Coimisiún páirt sa ghníomh sin mar chleachtadh fionnachtana le hOifigigh Cosanta Sonraí atá bunaithe in Éirinn. Ba iad seo a leanas na haidhmeanna a bhí leis:

- cabhrú le saincheistanna atá ag teacht chun cinn a shainaithint;
- eolas, saineolas agus tionchar na nOifigigh Cosanta Sonraí a mheasúnú; agus
- léargas níos doimhne a ghiniúint ar an ról ar leibhéal an Aontais Eorpaigh

Sheol an Coimisiún a rannpháirtíocht sa ghníomh an 15 Márta 2023 trí bhíthin cleachtadh fionnachtana inar iarradh ar 100 Oifigigh Cosanta Sonraí ar fud na n-earnálacha eile in Éirinn, idir an earnáil phríobháideach, an earnáil phoiblí agus an earnáil neamhbhrabúis, páirt a ghlacadh i gceistneoir a raibh na hOifigigh Cosanta Sonraí nó an eagraíocht/an rialaitheoir in ann na ceisteanna inti a fhreagairt.

Tar éis na ceistneoirí comhlánaithe a thiomsú, tháinig an Coimisiún tuarascáil náisiúnta chomhiomlánaithe a cuireadh san áireamh sa mhórtuarascáil ó EDPB.

D'fhionn an Coimisiún trí shaincheist shubstainteacha sa tuarascáil náisiúnta uaidh. Bhain siad leo seo a leanas:

1. Acmhainní an Oifigigh Cosanta Sonraí (Airteagal 38.2 RGCS).
2. Coinbhleachtaí Leasa (Airteagal 38.6 RGCS).
3. Cúraimí an Oifigigh Cosanta Sonraí (Airteagal 39(1)(a go e) RGCS).

Áirítear na nithe seo a leanas le roinnt fionnachtana sa Choimisiún:

- Sna freagraí uathu, chuir thart ar 33% d'fhreagraithe in iúl nach bhfuil acu na hacmhainní is leor chun an ról a chomhlíonadh. Tar éis tuilleadh anailíse a dhéanamh ar na freagraí, aimsíodh gur ón Earnáil Phoiblí agus ón Earnáil Neamhbhrabúis a bhí formhór mór na bhfreagraithe a luaigh nach bhfuil acu acmhainní dóthanacha is leor chun ról an Oifigigh Cosanta Sonraí a chomhlíonadh.

- Chuir thart ar 36% díobh in iúl gur de bhreis ar chúraimí eile, agus ní mar phríomhchúram, a dhéantar cúraimí na n-oifigeach cosanta sonraí. Tugadh faoi deara chuige sin gurbh amhlaidh, maidir le han-chuid de na cúraimí nár bhain le cosaint sonraí, nár chomhlánaigh siad ról an Oifigigh Cosanta Sonraí, amhail Oifigeach Sláinte agus Sábháilteachta, Oifigeach Acmhainní Daonna, Bainisteoir Caidrimh Fostaithe, agus Oifigeach Cumarsáide.
- Chuir thart ar 80% de na hOifigigh Cosanta Sonraí in iúl sna freagraí uathu go bhfuil taithí trí bliana ar a laghad acu ar obair ar na ceanglais cosanta sonraí a chur i bhfeidhm agus a léiriú.

Tá an tuarascáil chomhlánaithe ó EDPB, lena n-áirítear an tuarascáil náisiúnta ón gCoimisiún, ar fáil anseo:

https://edpb.europa.eu/news/news/2024/edpb-identifies-areas-improvement-promote-role-and-recognition-dpos_en

Beidh an Coimisiún ag glacadh páirt i ngníomh Chreat Forfheidhmithe Chomhordaithe na bliana 2024, rud a bhainfidh le cur chun feidhme an chirt rochtana ag rialaitheoirí.



Seisiún ceisteanna agus freagraí le Tony Delaney, Leas-Choimisinéir, agus le Helen Dixon, an Coimisinéir, ag lá foirne an Choimisiúin. Nollaig 2023.



Gníomhaíochtaí Idirnáisiúnta

COMHLACHTAÍ EORPACHA MAOIRSEACHTA AR CHOSAINT SONRAÍ

In 2023, d'fhreastail an CCS ar gach cruinniú iomlánach míosúil agus ghlac sé páirt ghníomhach ag na cruinnithe sin uile, chomh maith le saineolaithe foghrúpa (os cionn **150** cruinniú san iomlán).

COMHAR LE HÚDARÁIS MHAOIRSEACHTA EILE EDPB, 2023

Lean an Coimisiún d'acmhainní suntasacha a infheistiú i ngnáthoibriú laethúil an Ionaid Ilfhreastail ar leibhéal éagsúla agus é ag comhlíonadh a róil mar Phríomhúdarás Maoirseachta, lena n-áirítear cúnaimh a iarraidh ar údarás eile ar raon leathan nithe agus iad a choinneáil ar an eolas faoi shaincheistean agus forbairtí a bhaineann le hábhar. Úsáidtear iarrataí Cúnaimh Fhrithpháirtigh Dheonaigh chun mionsonraí i ndáil le gearáin faoin Ionad Ilfhreastail agus le cumarsáidí agus gníomhartha leantacha de bhun gearán a chur in iúl, chun fógra a thabhairt d'údarás mhaoirseachta faoin dul chun cinn ar chásanna maoirseachta agus fiosrúcháin mhaoirseachta agus chun

doiciméid a chomhroinnt. Úsáidtear iarrataí Cúnaimh Fhrithpháirtigh foirmiúla chun faisnéis a iarraidh ar údarás maoirseachta eile nó chun a iarraidh go ndéanfadh údarás maoirseachta gníomhartha áirithe.

Mar chuid den chomhar leanúnach agus den chumarsáid leanúnach atá ar bun idir an Coimisiún agus Údarás Mhaoirseachta eile an Aontais Eorpaigh/an Limistéir Eorpaigh Eacnamaíoch, thugamar freagra ar **800** iarraidh dheonach agus foirmiúil ó Rialálaithe Eorpacha eile ar chúnamh frithpháirteach.

De bhreis ar chaidreamh le hÚdarás Mhaoirseachta eile de chuid an Aontais Eorpaigh/an Limistéir Eorpaigh Eacnamaíoch maidir le gearáin agus le fiosrúcháin, thug an Coimisiún an t-eolas is deireanaí i scríbhinn do na húdarás eile uile thart ar **100 uair** maidir le seoltaí táirgí nó seirbhísí Idirlín/ardáin meán sóisialta san Aontas Eorpach agus d'iarr sé a n-ionchur maidir le haon ábhair imní cosanta sonraí a shainithint. Bhí Google Bard agus Meta Threads i measc na samplaí de shaincheistean ar tugadh faisnéis d'Údarás Mhaoirseachta eile de chuid an Aontais Eorpaigh/an Limistéir Eorpaigh Eacnamaíoch maidir leo agus ar iarraidh a n-ionchur ina dtaobh.

Bhí Google Bard agus Meta Threads i measc na samplaí de shaincheisteanna ar tugadh faisnéis d'Údaráis Mhaoirseachta eile de chuid an Aontais Eorpaigh/an Limistéir Eorpaigh Eacnamaíoch maidir leo agus ar iarradh a n-ionchur ina dtaobh.

Mar aon le caidreamh fairsing a dhéanamh leis na húdaráis mhaoirseachta san Aontas Eorpach/sa Limistéar Eorpach Eacnamaíoch, rinne an Coimisiún caidreamh le húdaráis chosanta sonraí ar fud na cruinne freisin, lenar áiríodh iad seo a leanas:

- Oifig Coimisinéara Faisnéise na Ríochta Aontaithe;
- An Fóram Idirnáisiúnta um Chomhar maidir le Rialáil Dhigiteach;
- Rannpháirtíocht i bhfóram Údaráis Chosanta Sonraí na Breataine, na hÉireann agus na nOileán (BIIDPA);
- Caidreamh déthaobhach le Coimisiún Feidearálach Trádála na Stát Aontaithe;
- An Cheardlann Eorpach Láimhseála Cásanna i mBeirn;
- Comhdháil Earraigh na gCoimisinéirí Cosanta Sonraí san Ungáir; agus
- Tacú le hOllscoil Maastricht seisiún oiliúna a sholáthar d'údaráis chosanta sonraí.

Sa bhliain 2023, chuir an Coimisiún an méid seo a leanas isteach chuig próiseas comhair Airteagal 60 RGCS:

Dréachtchinntí	Cinntí Críochnaitheacha	Próiseas Airteagal 65
18	12	2

Mar Údarás Maoirseachta lena mBaineann, d'athbhreithnigh an Coimisiún

- 113 cinn de Dhréachtchinntí Airteagal 60/de Dhréachtchinntí Athbhreithnithe Airteagal 60;
- 15 Chomhairliúchán Neamhfhoirmiúla; agus
- 21 Dréachtchinneadh Sealadach



113

cinn de
Dhréachtchinntí
Airteagal 60/de
Dhréachtchinntí
Athbhreithnithe
Airteagal 60



15

Chomhairliúchán
Neamhfhoirmiúla



21

Dréachtchinneadh
Sealadach

DEIMHNIÚ COSANTA SONRAÍ

Réimse atá ag fás don Bhord Eorpach um Chosaint Sonraí (EDPB) agus don Choimisiún sa bhliain 2023 is ea an deimhniú. Tá an Coimisiún ag leanúint d'obair i ndlúthchomhar lenár gcomhghleacaithe Aontais Eorpaigh ar roinnt Scéimeanna Deimhniúcháin. Táimid i mbun dlúthchaidrimh lenár gcomhghleacaithe freisin maidir le nósanna imeachta inmheánacha a fheabhsú agus le tuilleadh treoirlínte do gheallsealbhóirí a fhorbairt.

Is é an Coimisiún an t-údarás maoirseachta ábhartha atá freagrach as critéir cosanta sonraí nó sásraí cosanta sonraí i scéimeanna deimhniúcháin a cheadú. Is é Bord Náisiúnta na hÉireann um Chreidiúnú (INAB) an t-údarás atá freagrach as Comhlachtaí Deimhniúcháin (CBanna) a bhfuil sé beartaithe acu scéimeanna den sórt sin a oibriú a chreidiúnú. Sa bhliain 2023, d'oibríomar ar chomhaontú idirghníomhaireachta idir an Coimisiún agus Bord Náisiúnta na hÉireann um Chreidiúnú a thabhairt chun críche ar chreidiúnú scéimeanna deimhniúcháin faoi Airteagail 42 agus 43 RGCS agus sheolamar roinnt cruinnithe táirgiúla chun dul chun cinn a dhéanamh ar an obair sin.

D'fhreastail an Coimisiún ar dhá dhiancheardlann ar an Deimhniú sa bhliain 2023. D'óstáil AEPD ón Spáinn agus CNPD ó Lucsamburg iad faoi seach. D'fhreastail ionadaithe ó údarais cosanta sonraí ó EDPB ar na ceardlanna sin. Maidir leis an gceardlann a cuireadh ar siúl i Lucsamburg, d'óstáil sí gairmithe deimhniúcháin ó áiteanna ar fud na hEorpa freisin (oifigigh ó INAB ina measc) chun plé a dhéanamh ar scéimeanna deimhniúcháin RGCS a fhorbairt agus ar na dúshláin agus na deiseanna sa todhchaí a bhaineann leo.

De bhreis air sin, cumhdaíodh roinnt réimsí eile sa dá cheardlann. Áiríodh leo sin:

- saincheisteanna a thagann chun cinn nuair atáthar ag úsáid an deimhnithe mar uirlis le haghaidh aistrithe sonraí chuig tíortha lasmuigh den Limistéar Eorpach Eacnamaíoch (LEE);
- na modhanna comhair idir sainghrúpaí EDPB, na comhlachtaí creidiúnúcháin náisiúnta agus geallsealbhóirí seachtracha eile le haghaidh scéimeanna deimhniúcháin RGCS a mheasúnú;
- uirlisí agus modhanna le haghaidh na critéir a mheasúnú;
- Tacar réamhshainithe saincheisteanna a bhaineann le deimhniú agus le comhar agus a tháinig chun cinn i ndáil le hiarratais a rinneadh ar scéimeanna deimhniúcháin atá ann cheana agus a bhí ann san am atá thart.



Graham Doyle, Leas-Choimisinéir, agus Jess Kelly, tuairisceoir teicneolaíochta NewsTalk, i mbun plé ag lá foirne an Choimisiúin. Meitheamh 2023.

AISTRITHE IDIRNÁISIÚNTA – RIALACHA CEANGAILTEACHA CORPARÁIDEACHA

Tá ról ag an gCoimisiún um Chosaint Sonraí in iarratais ar Rialacha Ceangailteacha Corparáideacha ó chuideachtaí ilnáisiúnta a mheasúnú agus a cheadú.

Tugadh Rialacha Ceangailteacha Corparáideacha isteach mar gheall ar an ngá a bhí ann go nglacfaidh eagraíochtaí cur chuige domhanda i leith cosaint sonraí, toisc go raibh a lán eagraíochtaí comhdhéanta de roinnt fochuideachtaí a bhí lonnaithe in áiteanna dhifriúla ar fud an domhain, agus sonraí á n-aistriú acu ar mhórsála. Tá Rialacha Ceangailteacha Corparáideacha mar chuid de chód iompair atá ceangailteach ó thaobh dlí, ar cód inmheánach é atá i bhfeidhm laistigh de ghrúpa ilnáisiúnta agus a bhfuil feidhm aige maidir le haistrithe sonraí pearsanta ó eintitis an ghrúpa laistigh de LEE chuig eintitis an ghrúpa lasmuigh de LEE. Cuimsítear i Rialacha Ceangailteacha Corparáideacha cearta infhorfheidhmithe ábhar sonraí agus ní mór iad a bheith ceadaithe ag an Údarás inniúil Cosanta Sonraí.

Sa bhliain 2023, ba é an Coimisiún an príomhúdarás maoirseachta i ndáil le **22** iarratas ar Rialacha Ceangailteacha Corparáideacha ó **14** chuideachta dhifriúla. Ceadaíodh **ceithre** cinn de na hiarratais sin sa bhliain 2023 – Rialacha Ceangailteacha Corparáideacha Rialaitheora agus Próiseálaí le haghaidh Autodesk Ireland Operation Unlimited agus Rialacha Ceangailteacha Corparáideacha Rialaitheora agus Próiseálaí le haghaidh Informatica Ireland EMEA UC.

Chomh maith leis sin, thug an Coimisiún cúnaimh d'údaráis Eorpacha eile Cosanta Sonraí trí ghníomhú mar chomh-athbhreithnitheoir d'údarás maoirseachta eile ar **chúig** iarratas ar Rialacha Ceangailteacha Corparáideacha agus ghníomhaigh sé mar rapóirtéir ar fhoirne dréachtaithe i ndáil le Tuairimí Airteagal 64 ar **thrí** cinn de Rialacha Ceangailteacha Corparáideacha sa bhliain 2023.

A luaithe a cheadaítear na hiarratais ar Rialacha Ceangailteacha Corparáideacha, leanann an Coimisiún de ról suntasach leanúnach formhaoirseachta a bheith aige. Ceanglaítear ar gach sealbhóir Rialacha Ceangailteacha Corparáideacha an t-eolas is deireanaí a thabhairt ar a Rialacha Ceangailteacha Corparáideacha, rud ar gá athbhreithniú a dhéanamh air. Sa bhliain 2023, bhí an Coimisiún ar an bpríomhúdarás maoirseachta ar **26** cinn de Rialacha Ceangailteacha Corparáideacha do **18** sealbhóir dhifriúla Rialacha Ceangailteacha Corparáideacha. Tá liosta de na comhaid cheadaithe Rialacha Ceangailteacha Corparáideacha sin ar fáil ar ár suíomh Gréasáin.

De bhreis air sin, d'éisigh EDPB **26** thuairim Airteagal 64 san iomlán ar iarratais ar Rialacha Ceangailteacha Corparáideacha sa bhliain 2023 agus rinne an Coimisiún gach ceann de na hiarratais sin a athbhreithniú.



Seisiún ceisteanna agus freagraí le Ultan O'Carroll, Leas-Choimisinéir, agus le Simon McDougall (ón Institiúid Idirnáisiúnta Cumarsáide roimhe seo) ag lá foirne an Choimisiúin. Meitheamh 2023.

POST ATAISÉ AN CHOIMISIÚIN UM CHOSAINT SONRAÍ – AN BHRUISÉIL

Bhunaigh an Coimisiún um Chosaint Sonraí (an Coimisiún) post nua mar Ataisé an Choimisiúin um Chosaint Sonraí sa Bhruiséil sa bhliain 2023. I bhfianaise na taithí atá gnóthaithe aige sna cúig bliana ó tháinig RGCS i bhfeidhm, shainaithin an Coimisiún go bhfuil gá straitéiseach ann le láithreacht lánaimseartha a bheith ag an gCoimisiún sa Bhruiséil.

Is sa Bhruiséil, nó cóngarach don Bhruiséil, atá an-chuid de phríomh-gheallsealbhóirí an Choimisiúin lonnaithe, i bhfianaise stádas uathúil an Choimisiúin mar Phríomhúdarás Maoirseachta san Eoraip do líon mór cuideachtaí teicneolaíochta ilnáisiúnta. Ar na geallsealbhóirí sin tá an Coimisiún Eorpach, an Bord Eorpach um Chosaint Sonraí, Feisirí de Pharlaimint na hEorpa, Eagraíochtaí Sochaí Sibhialta agus Rialaitheoirí Sonraí a bhfuil ionadaithe atá lonnaithe sa Bhruiséil acu.

Trí fhreastal ar imeachtaí agus ar chruinnithe, féachann an tAtaisé le treisiú le caidreamh réamhghníomhach an Choimisiúin leis na geallsealbhóirí sin chun a chinntiú go gcuirtear ar an eolas iad go cruinn faoi obair an Choimisiúin. Toradh eile atá ar an gcaidreamh sin is ea gur féidir leis an gCoimisiún aiseolas a fháil ó na grúpaí geallsealbhóirí sin ar bhonn leanúnach.

Taispeántar le post an Ataisé go bhfuil an Coimisiún tiomanta do chaidreamh tairbhiúil a chothú le geallsealbhóirí atá lonnaithe sa Bhruiséil chun go mbeidh sé in ann na freagrachtaí rialála dá chuid atá dírithe ar an Eoraip a chomhlíonadh ar bhealach níos fearr.





Cumarsáid, Rialachas Corparáideach agus Acmhainní Daonna

COSAINT SONRAÍ A CHUR IN IÚL

I réimse fuinniúil síorathraitheach na cosanta sonraí, baineann ríthábhacht le cumarsáid éifeachtach agus caidreamh éifeachtach a dhéanamh le geallsealbhóirí chun tuiscint a chothú, iontaobh a thógáil, agus comhlíonadh phrionsabail na príobháideachta agus na cosanta sonraí a chinntiú.

Tá an Coimisiún tiomanta d'fhaisnéis thráthúil chruinn a sholáthar don phobal, do thrédhearcacht a chothú agus do chuntasacht sa tírdhreach cosanta sonraí. Déann an Coimisiún caidreamh gníomhach leis na meáin, agus preasráitis á n-eisiúint, agallaimh á ndéanamh, agus freagra á thabhairt ar fhiosruithe chun a chinntiú go gcoinnítear an pobal ar an eolas faoi ghníomhaíochtaí agus cinní an Choimisiúin.

Le linn na bliana 2023, d'fhoilsigh an CCS 14 preaseisiúint san iomlán as ar tháinig clúdach suntasach ar na meáin idirnáisiúnta agus náisiúnta.

Bhí an fás ar láithreach meán sóisialta an CCS ar fud X (Twitter roimhe seo) agus LinkedIn lárnach don tacaíocht dá ghníomhaíochtaí múscaillte feasachta agus cumarsáide. Tháinig méadú de bhreis is 6,800 ar líon na leantóirí comhcheangailte thar an dá ardán le linn 2023, go dtí breis agus 48,100, méadú 114% ar fhiúirí na bliana seo caite. Bhí teacht orgánach de bhreis is 1.4 milliún ann, le rannpháirtíocht láidir ar fud an domhain.

Treoir Nua
Treoirnóta: Taifid ar Gníomhaíochtaí Próiseála (Airteagal 30)..
Ceartha cosanta sonraí mo linbh – na bunrudaí.
Sonraí leanaí agus toiliú tuismitheora.
Sonraí mo linbh a chosaint.
An bhfuil aon teorainneacha ann ar chearta cosanta sonraí mo linbh?
Treoir Nuashonraithe
Aistrithe Sonraí Pearsanta chuig Tríú Tíortha nó chuig Eagraíochtaí Idirnáisiúnta.
Láimhseáil gearán, Imscrúduithe agus Forfheidhmiú do Dhaoine Aonair.
Treoir ar Úsáid CCTV – Do Rialaitheoirí Sonraí

Cistiú agus Soláthar Foirne an Choimisiúin

B'ionann ollsoláthar meastacháin na bliana 2023 do Vóta 44 – An Coimisiún um Chosaint Sonraí agus €26.364M (2022: €23.234M), dar leithdháileadh €17.100M (2022: €15.970M) ar chaiteachas a bhaineann le pá agus dar leithdháileadh €9.264M (2022: €7.264M) ar chaiteachas neamhphá. B'ionann an cistiú don bhliain 2023 agus méadú €3.1M ar leithdháileadh na bliana 2022.

Cuireadh fáilte roimh **44** chomhghleacaí nua sa Choimisiún agus comhtháthaíodh iad sa bhliain 2023. B'ionann agus **210** ball foirne líon ball foirne an Choimisiúin ag deireadh na bliana 2023.

Leanfaidh an Coimisiún d'earcaíocht a bhrú chun cinn le linn na bliana 2024 trí earcaíocht oscailte a dhéanamh agus trí bhaill foirne an Choimisiúin a fhorbairt agus trína gcéim a ardú.

Earcaíocht

Ag teacht sna sála ar chleachtadh láidir soláthair, tá conradh i bhfeidhm anois le gníomhaireacht sheachtrach earcaíochta. I dteannta comórtais a reáchtáil go himmheánach agus tríd an tSeirbhís um Cheapacháin Phoiblí, ba cheart go mbeadh tionchar dearfach aige sin ar fheachtas leantach earcaíochta an Choimisiúin agus beidh sé ina uirlis thábhachtach maidir le cur ar chumas an Choimisiúin dul chun an mhargaidh go tapa agus go héifeachtúil chun ról ríthábhachtacha a líonadh agus chun an líon foirne a mhéadú.

Comórtais ar siúl in 2023	Siúinéirí Nua	Arduithe Céime
Comórtas Teoranta ag grád an Phríomhoifigigh	44 fostú nua in 2023	Tugadh ardú céime do 15 bhall foirne CCS laistigh den CCS in 2023.
Comórtas Oscailte don ról mar Anailísí Dlí ag grád an Ardoifigigh Feidhmiúcháin		
Comórtas Oscailte don ról mar Imscrúdaitheoir Rialála ag grád an Ardoifigigh Feidhmiúcháin		
Comórtas Teoranta ag grád an Oifigigh Feidhmiúcháin		

Forbairt Ghairmiúil

Lean an Coimisiún ar aghaidh sa bhliain 2023 de thús áite a thabhairt d'fhorbairt ghairmiúil a bhall foirne uile, agus straitéis Foghlama agus Forbartha á forbairt aige lenar soláthraíodh feabhsuithe éagsúla scileanna i réimsí amhail cosaint sonraí, forbairt ceannaireachta, forbairt ghairmiúil phearsanta agus folláine.

An Fóram Rannpháirtíochta Fostaithe

Bunaíodh Fóram Rannpháirtíochta Fostaithe sa bhliain 2021. Tá ballraíocht éagsúil chuimsitheach ag an bhFóram, agus ionadaíocht ag gach grád ina buncheanglas de. Sa bhliain 2023, tháinig an Fóram le chéile cúig huair. Tá sé mar chuspóir leis an bhFóram rannchuidiú leis an ngealltanas ón gCoimisiún go dtiocfadh sé chun bheith ina Fhostóir Roghnaithe trí fheabhas a chur ar an eispéreas fostaithe do bhaill foirne.

RIALACHAS CORPARÁIDEACH

Tá Creat Rialachais Chorporáidigh i bhfeidhm ag an gCoimisiún ina leagtar amach conas a rialaítear an Coimisiún agus ina gcuirtear síos ar na struchtúir, na beartais agus na próisis atá i bhfeidhm chun go mbeidh an Coimisiún in ann a oibleagáidí reachtúla a chomhlíonadh.

Timpeallacht Rialaithe Inmheánaigh

Foilseofar an Ráiteas faoi Rialú Inmheánach Airgeadais don bhliain 2023 ón Oifigeach Cuntasaíochta ar shuíomh Gréasáin an Choimisiúin i dteannta a Ráitis Airgeadais amach sa bhliain. .

Coiste Iniúchóireachta agus Riosca an Choimisiúin

Ar aon dul leis an gCaighdeán Rialachais Chorporáidigh don Státseirbhís (2015), agus ag féachaint don Chód Cleachtais chun Comhlachtaí Stáit a Rialú (2016) freisin, bhunaigh an Coimisiún a Choiste Iniúchóireachta agus Riosca féin, mar Choiste den Choimisiún, le héifeacht ón 1 Eanáir 2020. Cuireadh tús le dara téarma an Choiste Iniúchóireachta agus Riosca an 1 Eanáir 2023. Mairfidh an téarma trí bliana.

Is iad seo na comhaltaí den Choiste:

- Conan McKenna (cathaoirleach);
- Karen Kehily;
- Brid Rosney (RIP)
- Tara McDermott (istech Q4 2023)
- Michael Horgan; and
- Graham Doyle.

Cuireadh cúig chruinniú den Choiste Iniúchóireachta agus Riosca ar siúl sa bhliain 2023.

An fheidhm Iniúchóireachta Inmheánaí

Is é soláthraí seirbhíse seachtrach a sholáthraíonn an fheidhm Iniúchóireachta Inmheánaí sa Choimisiún. Soláthraíonn an soláthraí sin tuarascálacha tráthrialta do Choiste Iniúchóireachta agus Riosca an Choimisiúin ar iniúchtaí inmheánacha a rinneadh le linn na bliana.

Acht na dTeangacha Oifigiúla 2003

Tháinig an cúigiú Scéim Teanga ón gCoimisiún faoi Acht na dTeangacha Oifigiúla 2003 i bhfeidhm an 21 Nollaig 2020 agus beidh sí in éifeacht go dtí go dtabharfar caighdeán teanga isteach, ag teacht sna sála ar Acht na dTeangacha Oifigiúla (Leasú), 2021. Leanann an Coimisiún de sheirbhísí Gaeilge a sholáthar agus iad a fheabhsú trí bhreisithe seirbhísí, de réir na Scéime atá ann cheana.

Saoráil Faisnéise

Fuair an Coimisiún **52** iarratas saorála faisnéise in 2023. Comhlíonadh trí cinn, cloíodh i bpáirt le seacht gcinn, measadh go raibh 41 lasmuigh den scóip, tarraingíodh siar ceann amháin. Tá gníomhaíocht rialála an Choimisiúin díolmhaithe ó iarrataí saorála faisnéise chun rúndacht ár ngníomhaíochtaí maoirseachta, imscrúdaithe agus forghníomhaithe a chaomhnú. Ina ainneoin sin, tá an Coimisiún tiomanta do fhaisnéis thrédhearcach a sholáthar don phobal maidir le riaradh a oifige agus úsáid acmhainní poiblí.

An tAcht um Eitic in Oifigí Poiblí, 1995, agus an tAcht um Chaighdeán in Oifigí Poiblí, 2001

Bunaíodh an Coimisiún faoin Acht um Chosaint Sonraí, 2018, agus oibríonn sé de réir fhorálacha an Achta sin. Tá bearta i bhfeidhm chun a chinntiú go gcomhlíonann na baill foirne den Choimisiún a bhfuil poist ainmnithe acu forálacha an Achta um Eitic in Oifigí Poiblí, 1995, agus an Achta um Chaighdeán in Oifigí Poiblí, 2001.

An tAcht um Brústocaireacht a Rialáil, 2015

I dteannta an chóid iompair, na rialachán agus na dtreoirínite a ghabhann leis, is é aidhm an Achta um Brústocaireacht a Rialáil, 2015, a chinntiú go seoltar gníomhaíochtaí brústocaireachta de réir na trédhearcachta a mbíonn an pobal ag súil léi. Is Oifigeach Poiblí Ainmnithe faoin Acht sin é an Coimisinéir Cosanta Sonraí, mar a luaitear ar shuíomh Gréasáin an Choimisiúin.

Ní mór do na brústocairí aon idirghníomhaíochtaí idir comhlachtaí brústocaireachta agus Oifig Phoblí Ainmnithe a thuairisciú. Bhunaigh an Coimisiún um Chaighdeán in Oifigí Poiblí (SIPO) clár brústocaireachta ar líne ag www.lobbying.ie chun an ceanglas sin a éascú.

Caidreamh le comhaltaí an Oireachtais

De réir Chiorclán 25 de 2016 ón Roinn Caiteachais Phoiblí agus Athchóirithe, soláthraíonn an Coimisiún bosca ríomhphoist tiomnaithe chun plé le ceisteanna ó chomhaltaí an Oireachtais agus chun aiseolas a fháil.

Alt 42 den Acht fá Choimisiún na hÉireann um Chearta an Duine agus Comhionannas, 2014 – Dualgas na hEarnála Poiblí um Chomhionannas agus Cearta an Duine

Féachann an Coimisiún le hoibleagáidí faoi alt 42 den Acht fá Choimisiún na hÉireann um Chearta an Duine agus Comhionannas, 2014, a chomhlíonadh, agus tá bearta curtha i bhfeidhm aige chun a chinntiú go gcuirtear cearta an duine agus comhionannas san áireamh le linn beartais, nósanna imeachta agus caidreamh le geallsealbhóirí a fhorbairt, agus é ag comhlíonadh a shainordaithe chun an ceart bunúsach chun cosaint sonraí a chosaint.

Leagtar amach sa Straitéis Rialála 2022-2027 ón gCoimisiún conas a leanfaidh an Coimisiún de na cearta cosanta sonraí atá ag daoine aonair a chosaint, agus tugtar aird ar leith inti ar Dhualgas na hEarnála Poiblí um Chomhionannas agus Cearta an Duine. Rinne an Coimisiún forbairt agus cur chun feidhme ar roinnt modhanna le haghaidh cumarsáid a dhéanamh le geallsealbhóirí ar bhealach inrochtana. I dteannta na faisnéise foilsithe eile uaidh, deartar suíomh Gréasáin an Choimisiúin agus aird á tabhairt ar phrionsabail an Bhéarla shoiléir, agus tá an Coimisiún tar éis an líon acmhainní fuaimne atá foilsithe aige a mhéadú freisin. Tá an Dualgas leabaithe isteach sa Chreat Rialachais Chorpáridigh agus sa Chairt Custaiméirí agus Plean Gnímh freisin, chomh leis an bhfógra faoi Nochtadh Cosanta a foilsíodh ar

shuíomh Gréasáin an Choimisiúin sa bhliain 2022.

Le linn na bliana 2023, lean an Coimisiún dá sholáthar seirbhíse a athbhreithniú agus d'fhéach sé lena chinntiú go mbíonn sé inrochtana do chustaiméirí fós agus baill foirne an Choimisiúin ag filleadh ar an oifig ar bhonn cumaisc. Chun tacú le custaiméirí a bhféadfadh go mbeadh cúnamh ag teastáil uathu agus iad ag déileáil leis na seirbhísí a soláthraíonn an Coimisiún iad, is féidir teagmháil a dhéanamh leis an Oifigeach Inrochtaineachta trí na cainéil atá liostaithe ar an suíomh Gréasáin.

Seoladh poist:

An Coimisiún um Chosaint Sonraí

21 Cearnóg Mhic Liam

Baile Átha Cliath 2

D02 RD28

Éire

Ríomhphost:

DPCAccessibilityOfficer@dataprotection.ie

Cairt Custaiméirí

Is foilsithe ar shuíomh Gréasáin an Choimisiúin atá an Chairt Custaiméirí agus an Plean Gnímh Seirbhísí Ardchaighdeán do Chustaiméirí agus an beartas maidir le Bainistiú Iompair agus Teagmhálacha Mírreasúnta a ghabhann léi don tréimhse 2024-2026. Is ann do bhosca ríomhphoist ainmnithe le haghaidh tuairimí ar an tseirbhís do chustaiméirí a chur isteach chun gur féidir le custaiméirí caidreamh a dhéanamh leis an gCoimisiún. Cuirtear gach tuairim a fhaightear san áireamh mar chuid den athbhreithniú leanúnach ar sheirbhís ardchaighdeán do chustaiméirí a sholáthar.

AGUISÍNÍ

Aguisín 1: Nochtadh Cosanta

Tuarascáil ar Nochtaí Cosanta a fuair an Coimisiún um Chosaint Sonraí sa bhliain 2023

Tá an beartas a n-oibríonn an Coimisiún um Chosaint Sonraí (an Coimisiún) é faoi théarmaí na nAchtanna um Chosaint Sonraí, 2014 agus 2022, deartha chun cabhair agus spreagadh a thabhairt do gach oibrí maidir le hábhair imní dhílse faoi éagóiritheacht inmheánach fhéideartha san áit oibre a tharraingt anuas chun go mbeifear in ann na hábhair imní sin a imscrúdú trí chloí le prionsabail an cheartais náisiúnta agus chun go mbeifear in ann aghaidh a thabhairt orthu ar bhealach atá oiriúnach d'imthosca an cháis.

Le halt 22 den Acht um Nochtadh Cosanta, 2014, arna ionadú le halt 30 den Acht um Nochtadh Cosanta (Leasú), 2022, ceanglaítear ar chomhlachtaí poiblí tuarascáil i ndáil leis an mbliain roimhe a ullmhú agus a fhoilsiú i riocht anaithnidithe faoin 1 Márta gach bliain.

De bhun an cheanglais sin, deimhníonn an Coimisiún an méid seo a leanas maidir leis an mbliain 2023:

- **Ní** bhfuarthas **aon** nochtaí cosanta inmheánacha (ó bhailt foirne an Choimisiúin).
- **Fuarthas dhá** nochtheadh cosanta fhéideartha is fiche (mar atá leagtha amach sa tábla thíos) ó dhaoine aonair a bhí lasmuigh den Choimisiún maidir le saincheisteanna a bhain le cosaint sonraí laistigh d'eintitis eile. Cuireadh na saincheisteanna sin in iúl don Choimisiún ina ról mar 'dhuine forordaithe' mar a fhoráiltear dó faoi alt 7 den Acht um Nochtadh Cosanta (atá liostaithe in I.R. Uimh. 364/2020). Glacadh le naoi gcinn de na nochtaí mar nochtaí cosanta bailí.

Uimhir Thagartha	Cineál	Faighthe	Stádas	Toradh
01/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q1 2023	Oscailte	Glacadh leis agus tarchuireadh é le haghaidh imscrúdú féideartha. Ar siúl fós ag deireadh na bliana.
02/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q1 2023	Oscailte	Glacadh leis agus tarchuireadh é le haghaidh imscrúdú féideartha. Ar siúl fós ag deireadh na bliana.
03/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q1 2023	Dúnta	Níor tugadh go leor mionsonraí agus ní dhearna an gearánach aon ghníomh leantach nuair a iarradh air déanamh amhlaidh.

Uimhir Thagartha	Cineál	Faighte	Stádas	Toradh
04/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q1 2023	Dúnta	Níor glacadh leis mar nochtadh cosanta bailí agus tarchuireadh é mar ghearán féideartha.
05/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q1 2023	Dúnta	Níor tugadh go leor mionsonraí agus ní dhearna an gearánach aon ghníomh leantach nuair a iarradh air déanamh amhlaidh.
06/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q1 2023	Dúnta	Níor tugadh go leor mionsonraí agus ní dhearna an gearánach aon ghníomh leantach nuair a iarradh air déanamh amhlaidh.
07/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q1 2023	Dúnta	Glacadh leis ach níorbh fhéidir dul chun cinn a dhéanamh air. Níor tugadh go leor mionsonraí agus níor thug an gearánach aon fhreagra nuair a iarradh tuilleadh faisnéise.
08/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q1 2023	Dúnta	Níor glacadh leis mar nochtadh cosanta bailí. Bhí ábhar na haighneachta lasmuigh de shainchúram an Choimisiúin.
09/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q1 2023	Oscailte	Glacadh leis agus tarchuireadh é le haghaidh imscrúdú féideartha. Ar siúl fós ag deireadh na bliana.
10/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q2 2023	Dúnta	Ní raibh an aighneacht ina nochtadh cosanta. Níorbh é an Coimisiún um Chosaint Sonraí an t-údarás beartaithe.
11/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q2 2023	Oscailte	Glacadh leis agus tarchuireadh é le haghaidh imscrúdú féideartha. Ar siúl fós ag deireadh na bliana.
12/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q2 2023	Dúnta	Níor glacadh leis mar nochtadh cosanta bailí agus tugadh treoir chun aighneacht a dhéanamh mar ghearán féideartha.

Uimhir Thagartha	Cineál	Faighte	Stádas	Toradh
13/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q2 2023	Dúnta	Níor tugadh go leor mionsonraí agus ní dhearna an gearánach aon ghníomh leantach nuair a iarradh air déanamh amhlaidh.
14/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q2 2023	Dúnta	Níor tugadh go leor mionsonraí agus ní dhearna an gearánach aon ghníomh leantach nuair a iarradh air déanamh amhlaidh.
15/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q3 2023	Dúnta	Níor tugadh go leor mionsonraí agus ní dhearna an gearánach aon ghníomh leantach nuair a iarradh air déanamh amhlaidh.
16/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q3 2023	Oscailte	Glacadh leis agus tarchuireadh é le haghaidh imscrúdú féideartha. Ar siúl fós ag deireadh na bliana.
17/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q3 2023	Oscailte	Glacadh leis agus tarchuireadh é le haghaidh imscrúdú féideartha. Ar siúl fós ag deireadh na bliana.
18/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q3 2023	Oscailte	Glacadh leis agus tarchuireadh é le haghaidh imscrúdú féideartha. Ar siúl fós ag deireadh na bliana.
19/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q3 2023	Dúnta	Níor glacadh leis mar nochtadh cosanta bailí agus tarchuireadh é mar ghearán féideartha.
20/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q4 2023	Oscailte	Glacadh leis agus tarchuireadh é le haghaidh imscrúdú féideartha. Ar siúl fós ag deireadh na bliana.
21/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q4 2023	Dúnta	Níor glacadh leis mar nochtadh cosanta bailí. Ní raibh sé de rún ag an ngearánach nochtadh cosanta a chur isteach. Treoraíodh é chuig an suíomh Gréasáin.
22/2023	Alt 7 (seachtrach, do 'dhuine forordaithe')	Q4 2023	Faoi bhreithniú	I mbun caidrimh leis an ngearánach tráth dheireadh na bliana.

Aguisín 2: Tuarascáil ar Úsáid Fuinnimh ag an gCoimisiún um Chosaint Sonraí

TUARASCÁIL FUINNIMH 2023.

FORBHREATHNÚ AR ÚSÁID FUINNIMH

Ginearálta

Leanann an Coimisiún um Chosaint Sonraí le faireachán a dhéanamh ar a úsáid fuinnimh agus ar bhealaí inar féidir leis úsáid fuinnimh a laghdú. Leanaimid le páirt a ghlacadh san fhaireachán ar líne atá ar bun ag Údarás Fuinnimh Inmharthana na hÉireann (SEAI) agus táimid páirteach san fheachtas “Úsáid Níos Lú” do Gheimhreadh 2023/24.

Le 12 mhí anuas, rinneamar dul chun cinn suntasach ar ár spriocanna éifeachtúlachta fuinnimh agus ár spriocanna gás ceaptha teasa a bhaint amach ar fud na heagraíochta.

Oifig	Laghdú céatadánach in úsáid iarbhír sna 3 bliana seo a chuaigh thart - sonraí bailíochtaithe
Cearnóg Mhic Liam - Leictreachas	44%
An Oifig Satailíte - Leictreachas	31%
Cúil an tSúdaire - Leictreachas	25%
Cúil an tSúdaire - Gás Nádúrtha	6%

BAILE ÁTHA CLIATH.

21 Cearnóg Mhic Liam

Tá ceannoifig an Choimisiúin lonnaithe ag 21 Cearnóg Mhic Liam, Baile Átha Cliath 2. Is é leictreachas an t-aon fhoinsé fuinnimh amháin a úsáidtear san oifig. Úsáidtear do théamh, do shoilsiú agus do threalamh é.

Ós rud é gur foirgneamh cosanta é 21 Cearnóg Mhic Liam, tá sé díolmhaithe ón gcóras rátála fuinnimh.

An oifig satailíte

Coimeádann an Coimisiún spás oifige breise i mBaile Átha Cliath faoi láthair chun freastal ar an méadú sa líon foirne. Ba ó Oifig na nOibreacha Poiblí a foinsíodh an oifig sin, agus thosaigh an Coimisiún ag áitiú na hoifige i mí Dheireadh Fómhair 2018. Coimeádfar an oifig sin go dtí go mbeidh ceannoifig bhuan nua réidh chun na baill foirne agus na hoibríochtaí de chuid an Choimisiúin atá lonnaithe i mBaile Átha Cliath a éascú. Tá 828 méadar chearnacha san oifig.

Is é leictreachas an t-aon fhoinsé fuinnimh amháin a úsáidtear san fhoirgneamh. Úsáidtear do théamh, do shoilsiú agus do threalamh é.

Is é C2 an rátáil fuinnimh don fhoirgneamh.

CÚIL AN tSÚDAIRE

Tá achar 444 mhéadar chearnacha in oifig an Choimisiúin i gCúil an tSúdaire. Tá an oifig lonnaithe ar an urlár uachtarach d'fhoirgneamh dhá stór a tógadh sa bhliain 2006.

Úsáidtear leictreachas san oifig do shoilsiú agus do threalamh agus úsáidtear gás nádúrtha inti do théamh.

Is é C1 an rátáil fuinnimh don fhoirgneamh.

GNÍOMHARTHA A RINNEADH.

Glacann an Coimisiún páirt sa chóras ar líne atá ar bun ag SEAI chun a úsáid fuinnimh a thuairisciú i gcomhréir le Rialacháin na gComhphobal Eorpach (Éifeachtúlacht Críochúsáide Fuinnimh agus Seirbhísí Fuinnimh), 2009 (I.R. Uimh. 542 de 2009).

Is é seo a leanas an úsáid fuinnimh don oifig sa bhliain 2022 (na figiúirí bailíochtaí is déanaí atá ar fáil ó SEAI):

	Foinsí Leictreacha	Gás Nádúrtha
Baile Átha Cliath		
Cearnóg Mhic Liam	52,440 kWh	
An Oifig Satailíte	61,653 kWh	
Cúil an tSúdaire	30,600 kWh	46573 kWh

FORBHREATHNÚ AR AN MBEARTAS/RÁITEAS COMHSHAOIL DON EAGRAÍOCHT

Tá an Coimisiún um Chosaint Sonraí tiomanta d'oibriú ar aon dul le beartais chomhshaoil agus inbhuanaitheachta Rialtas na hÉireann.

Forbhreathnú ar thionscnaimh inbhuanaitheachta comhshaoil

- Scoireadh de phlaistigh aon úsáide a cheannach i mí Eanáir 2019
- Leantar le soilsiú LED a chur in ionad soilsiú fluaraiseach in oifig Chúil an tSúdaire de réir mar a loiceann aonaid nó de réir mar is gá bolgáin a athsholáthar
- Suiteáladh soilse braiteora i limistéar athchóirithe d'oifig Chúil an tSúdaire
- Cuireadh soilsiú braiteora i bhfeidhm san oifig satailíte
- Tugadh pleananna Caomhnaithe Fuinnimh an Rialtais isteach
- Tugadh soilsiú braiteora isteach sna seomraí folctha in oifig Chúil an tSúdaire

An Méid Dramhaíola a Ghintear a Laghdú

- Tá printéir an Choimisiúin réamhshocraithe chun doiciméid a phriontáil ar an dá thaobh.
- Thug an Coimisiún démhonatóirí isteach do bhaill foirne freisin chun laghdú a dhéanamh ar an ngá le doiciméid a phriontáil chun iad a athbhreithniú in aghaidh doiciméid eile, nó chun iad a chur i gcomparáid le doiciméid eile, le linn cásoibre.
- Soláthraíonn an Coimisiún araidí Dramhaíola Ginearálta agus Athchúrsála ag ionaid éagsúla ar fud na n-oifigí.
- Chláraigh an Coimisiún chun araidí donna Dramhaíola Bia a úsáid.

Athchúrsáil a Uasmhéadú

Is é beartas an Choimisiúin an dramhpháipéar ar fad a stialladh go slán. Tá consóil ar fáil ag láithreacha éagsúla ar fud na n-oifigí. Athchúrsáiltear páipéar stiallta.

Soláthar Inbhuanaithe

Tá cleachtas agus próisis soláthair an Choimisiúin ag teacht go hiomlán le Soláthar Inbhuanaithe.

Ordaítear i gconarthaí lónadóireachta nach mbainfí aon úsáid as plaistigh aon úsáide.



Ionadaithe ón gCoimisiún ag bualadh le comhaltaí de PFAI chun an úsáid a bhaintear as sonraí imreoirí a phlé. Meán Fómhair 2023.

Aguisín 3: Ráiteas an Choimisiúin um Chosaint Sonraí faoi Rialuithe Inmheánacha

Tá Ráiteas Airgeadais an Choimisiúin um Chosaint Sonraí don bhliain ón 1 Eanáir 2023 go dtí an 31 Nollaig 2023 agus a Ráiteas faoi Rialuithe Inmheánacha don tréimhse chéanna á n-ullmhú ag an gCoimisiún faoi láthair agus ceanglófar leis an tuarascáil seo iad tar éis don Ard-Reachtair Cuntas agus Ciste iniúchadh i leith na bliana 2023 a chur i grích.



Michael O'Flaherty, Stiúrthóir Ghníomhaireacht an Aontais Eorpaigh um Chearta Bunúsacha, agus Helen Dixon, an Coimisinéir. Meán Fómhair 2023.



MB Donnelly, Leas-Choimisinéir, i mbun cainte ag Comhdháil Cumhdaigh FSS ar chomhroinnt sonraí i gcomhthéacs an chumhdaigh aosach. Samhain 2023.

Aguisín 4 : Cás Staidéir

Ceann de na príomhchuspóirí atá ag an gCoimisiún um Chosaint Sonraí is ea seirbhís faisnéise atá freagrúil agus ar ardchaighdeán a sholáthar do dhaoine aonair agus eagraíochtaí maidir lena gcuid ceart agus freagrachtaí faoin reachtaíocht cosanta sonraí. Baineann an CCS é seo amach trína sheirbhís deisce cabhrach faisnéise poiblí, a thugann freagra ar fhiosrúcháin ó dhaoine aonair agus eagraíochtaí agus trína phróiseas láimhseála gearán.

Leagtar béim sa chaibidil seo den tuarascáil ar roinnt de na cineálacha ceisteanna agus gearán a ndearna an Coimisiún dul chun cinn orthu sa dá mhí dhéag atá imithe thart. I ngach cás-staidéir, tugtar achoimre ghearr ar na príomhfhionnachtana.

Cás-Staidéar 1:**LÍOMHAIN Á RÁ GUR FHOILSIGH EAGRAÍOCHT SONRAÍ PEARSANTA**

Fuair an Coimisiún um Chosaint Sonraí (an Coimisiún) ceist ó dhuine aonair a bhain le cas a raibh an chuma air gur cuireadh a réadmhaoín ar áireamh de thaisme ar fhógra ar fhoilsigh suíomh Gréasáin réadmhaoine é. Chuir an duine aonair in iúl gur fhoilsigh an suíomh Gréasáin réadmhaoine íomhá de réadmhaoín a bhí ar díol agus íomhá de roinnt réadmhaoine comharsanacha eile ar a shuíomh Gréasáin. Ba é úinéir ceann amháin de na réadmhaoine eile sin an duine aonair a rinne teagmháil leis an gCoimisiún.

Rinne an duine aonair teagmháil leis an gCoimisiún tríd an ríomhphost ar an gcéad dul síos chun a ábhar imní a chur in iúl. Chuir sé glao teileafóin ar Dheasc Chabhrach an Choimisiúin tamaillín ina dhiaidh sin freisin. Le linn an ghlaio ar an Deasc Chabhrach, chuir an duine aonair in iúl don Choimisiún go raibh grianghraf dá theach agus a sheoladh le feiceáil san íomhá.

Sa fhreagra a tugadh dó ar an bhfaisnéis sin, cuireadh an duine aonair ar an eolas faoi na sé bhunús dhleathacha le sonraí pearsanta a phróiseáil faoi Airteagal 6 RGCS. Cuireadh é ar an eolas freisin faoin sainmhíniú ar shonraí pearsanta, mar atá leagtha amach in RGCS, is é sin: faisnéis a bhaineann le duine beo atá sainaitheanta nó atá in-sainaitheanta (gairtear ‘ábhar sonraí’ de dhuine den sórt sin).

Cé go ndúradh leis an duine aonair freisin nárbh ionann íomhá de réadmhaoín, agus íomhá den sórt sin amháin, agus sonraí pearsanta, dúradh leis freisin go bhféadfadh go mbeadh sé i dteideal a iarraidh go léirsciosfaí na sonraí sin ón suíomh Gréasáin réadmhaoine toisc go raibh seoladh na réadmhaoine agus uimhir an tí le feiceáil san íomhá. Mhol an Coimisiún go ndéanfadh an duine aonair, ar an gcéad dul síos, teagmháil i scríbhinn le húinéirí an tsuímh Gréasáin réadmhaoine ina n-iarrfaí go mbainfí a réadmhaoín de na híomhánna foilsithe ar an suíomh Gréasáin.

Tar éis dó an chomhairle ón gCoimisiún a leanúint, chuaigh an duine aonair i dteagmháil leis an gCoimisiún chun a chur in iúl gur chomhlíon úinéirí an tsuímh Gréasáin réadmhaoine an iarraidh ón duine aonair go pras agus gur bhain sé an íomhá dá réadmhaoín óna shuíomh Gréasáin.

NA PRÍOMHTHÁTAIL ATÁ LE BAINT:

- Cé go bhfuil an sainmhíniú ar cad is sonraí pearsanta ann an-leathan, ní fhéadfar a áireamh leis íomhánna de réadmhaoín ná de theach i gcás nach bhfuil aon fhaisnéis sainaitheanta eile ag gabháil leo.
- Cé go mbíonn Deasc Chabhrach teileafóin an Choimisiúin ar fáil do dhaoine den phobal a bhfuil ceistanna cosanta sonraí acu, molann an Coimisiún go smaoinodh daoine aonair ar dhul i dteagmháil le heagraíochtaí ar an gcéad ásc chun deis a thabhairt dóibh freagairt d’ábhair imní sula ndéantar aon ghearán leis an gCoimisiún um Chosaint Sonraí.

Cás-Staidéar 2:**LÍOMHAIN Á RÁ GO NDEARNADH SONRAÍ
A CHOINNEÁIL AGUS A PHRÓISEÁIL GO
NEAMHDHLEATHACH I NDÁIL LE NUACHTLITIR**

Sa chás seo, líomhain duine aonair go ndearna cuideachta bainistíochta réadmhaoine a shonraí pearsanta – a ainm, a sheoladh agus a sheoladh ríomhphoist – a choinneáil agus a phróiseáil go neamhdhleathach.

Fuair an duine aonair ríomhphost gan iarraidh ina raibh nuachtlitir ón gcuideachta, cé nach raibh aon chaidreamh gnó aige leis an gcuideachta le roinnt blianta. Rinne an duine aonair teagmháil leis an gcuideachta chun a fháil amach cén fáth ar choinnigh sí a shonraí pearsanta. Luaigh an chuideachta go raibh sí roimhe sin ina gníomhaire bainistíochta d'fhorbairt cónaithe ar leith ina raibh leas gnó ag an duine aonair. Dúirt sí gur sheol sí an ríomhphost de bhotún. D'inis an chuideachta don duine aonair go raibh sí tar éis a shonraí pearsanta a scriosadh óna bunachar sonraí.

Ní raibh an duine aonair sásta leis an bhfreagra a fuair sé ón gcuideachta agus chuir sé gearán faoi bhráid an Choimisiúin um Chosaint Sonraí. Tar éis don Choimisiún teagmháil a dhéanamh leis an gcuideachta, mhínigh an chuideachta go raibh sí roimhe sin ina gníomhaire bainistíochta do chuideachta bainistíochta úinéirí agus, tar éis fhoirceannadh an chonartha a bhí aici leis an gcuideachta bainistíochta úinéirí, gur mhainnigh sí sonraí pearsanta an duine aonair a scriosadh óna bunachar sonraí.

Mar chuid den scrúdú ar an ngearán seo, d'fhéach an Coimisiún lena shuí cé acu a bhí nó nach raibh bunús dleathach ag an gcuideachta le sonraí pearsanta an duine aonair a phróiseáil trí iad a choinneáil tar éis dheireadh an chonartha lena mbaineann. D'inis an chuideachta don Choimisiún go raibh sí ag brath ar Airteagal 6(1)(a) den Rialachán Ginearálta maidir le Cosaint Sonraí ("RGCS"), ina luaitear go mbeidh próiseáil dleathach i gcás go bhfuil toiliú tugtha ag ábhar sonraí. Luaigh an chuideachta freisin go gceanglaítear uirthi faoin Acht um Sheirbhísí Maoine (Rialáil), 2011, sonraí a choinneáil ar feadh tréimhse nach lú ná sé bliana. Dúirt an chuideachta gur trí dhearmad a choinnigh sí sonraí pearsanta an duine aonair tar éis na tréimhse coinneála sé bliana. Shuigh sí freisin gur de dheasca earráid riaracháin a fuair an duine aonair an ríomhphost gan iarraidh.

Ghlac an chuideachta leis nach raibh aon bhunús dleathach aici a thuilleadh le sonraí pearsanta an duine aonair a phróiseáil trí iad a choinneáil tar éis na tréimhse sé bliana agus dheimhnigh sí gur scrios sí na sonraí pearsanta uile a bhain leis an duine aonair. Dheimhnigh an chuideachta freisin na bearta a rinne sí chun feabhas a chur ar na nósanna imeachta le haghaidh a bunachar sonraí teagmhálaithe a bhainistiú chun a chinntiú nach ndéanfaí próiseáil neamhdhleathach den chineál sin arís.

Dá réir sin, níor chloígh an chuideachta leis na prionsabail a bhaineann le próiseáil sonraí pearsanta de réir Airteagal 5(1)(b) RGCS ('teorannú de réir cuspóra') nuair a bhain sí úsáid as mionsonraí teagmhála an duine aonair chun nuachtlitir a sheoladh chuige, toisc nár cheart di mionsonraí teagmhála an duine aonair a choinneáil ar feadh na tréimhse ama sin. Níor chloígh sí ach oiread le hAirteagal 5(1)(e) RGCS ('teorannú stórála') nuair a choinnigh sí sonraí pearsanta lena cumasaíodh an duine aonair a shainaithint ar feadh tréimhse a bhí níos faide ná mar ba ghá chun na críche ar chuici a fuarthas na sonraí pearsanta ar dtús.

D'eisigh an Coimisiún moltaí chuig an gcuideachta maidir leis na hoibleagáidí atá uirthi a chinntiú go bhfuil an phróiseáil ar fad dleathach, cothrom agus trédhearcach, mar a cheanglaítear faoi Airteagal 5 RGCS, agus go gcuirtear bearta iomchuí teicniúla agus eagraíochtúla chun feidhme chun gur féidir léi a chinntiú go ndéantar próiseáil de réir RGCS agus chun gur féidir léi an méid sin a thaispeáint.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Léiríonn an cás seo nach mór do rialaitheoirí sonraí a áirithiú go bhfuil údar maith le próiseáil na sonraí pearsanta ar an gcéad dul síos i gcomhthéacs na próiseála trí na sonraí pearsanta a choinneáil thar an tréimhse choinneála agus trí phróiseáil a dhéanamh trí úsáid a bhaint as na sonraí pearsanta chun cumarsáid a dhéanamh leis na. aonair.

Cás-Staidéar 3:**IARRAIDH CEARTÚCHÁIN A CHOMHLÍONADH GO PÁIRTEACH**

Ceithre bliana tar éis imscrúdú a chur i gcrích, d'iarr duine aonair go gceartófaí gnéithe den Tuarascáil inmheánach maidir leis an imscrúdú. Cuireadh an Tuarascáil le chéile tar éis imscrúdú neamhspleách inar cuireadh an duine aonair faoi agallamh mar fhinné. Ní raibh an duine aonair ina ábhar don imscrúdú.

Chuir an duine aonair an iarraidh ceartúcháin faoi bhráid an rialaitheora sonraí, arbh é fostóir an duine aonair sa Tionscal Oideachais é. Mar chuid den iarraidh uaidh, luaigh an duine aonair go raibh na sonraí pearsanta míchruinn, neamhiomlán nó míthreorach i roinnt áiteanna den Tuarascáil agus d'iarr sé go gceartófaí na sonraí sin de réir Airteagal 16 RGCS. Sa fhreagra uaidh don duine aonair, luaigh an soláthraí oideachais nach bhféadfadh sé an Tuarascáil a cheartú ach go bhféadfadh sé srian a chur le rochtain ar an Tuarascáil. Ós rud é go raibh an duine aonair míshásta leis an bhfreagra sin, chuir sé gearán faoi bhráid an Choimisiúin um Chosaint Sonraí (an Coimisiún).

Ní dearbhchearta iad cearta cosanta sonraí, agus ní bheidh rialaitheoirí sonraí in ann iarrataí ó ábhair sonraí a chomhlíonadh i gcásanna áirithe. Sa chás seo, scrúdaigh an Coimisiún cé acu a bhí nó nach raibh an ceart ag an soláthraí oideachais nuair a dhiúltaigh sé don iarraidh ceartúcháin ar dtús.

Mar chuid den phróiseas sin, dheimhnigh an soláthraí oideachais don Choimisiún gur tharla sé, mar gheall ar an méid ama a chuaigh thart ó cruthaíodh an Tuarascáil, gur scriosadh nótaí an imscrúdaitheora. D'fhág sé sin nach raibh sé in ann na míchruinnis líomhnaithe a sheiceáil. Mar gheall air sin, dúirt an soláthraí oideachais go bhféadfadh sé ráiteas forlíontach a chur leis an Tuarascáil faoi Airteagal 16 RGCS, lena bhforáiltear do chásanna ina bhfuil sonraí pearsanta neamhiomlán. Dá ndéanfaí amhlaidh, tharraingeofaí sa ráiteas forlíontach aird ar easaontas an duine aonair agus thaifeadfaí seasamh an duine aonair ann.

Mar chuid den phróiseas réitigh chairdiúil, cuireadh an togra ón rialaitheoir faoi bhráid an duine aonair lena bhreithniú. Dhiúltaigh an duine aonair don togra toisc go raibh sé den tuairim go raibh an Tuarascáil neamhiomlán toisc nár tagraíodh inti don fhianaise ar fad a thug sé agus toisc, sna cásanna sin inar tagraíodh don fhianaise uaidh, gur bhraith sé gur tógadh as comhthéacs í. Sa fhreagra uaidh, d'éiligh an duine aonair go n-athscríobhfaí an Tuarascáil chun go gcuirfí a fhianaise ar fad ar áireamh inti. Cheadódh sé an Tuarascáil athscríofa ansin agus dhéanadh sé í a shíniú agus a dhátú i láthair bheirt fhinnéithe neamhspleácha dá rogha. D'iarr sé leithscéal scríofa iomlán freisin, rud a dhéanadh an duine aonair é a cheadú, a shíniú agus a dhátú arís i láthair bheirt fhinnéithe neamhspleácha dá rogha. Chuirfí an leithscéal sin ar aghaidh chuig gach ball ábhartha a bhí fostaithe ag an soláthraí oideachais thar thréimhse shonraithe naoi mbliana.

Tá sé tábhachtach a thabhairt faoi deara nach bhfuil sé mar ról ag an gCoimisiún obair an imscrúdaitheora neamhspleách a athmheasúnú ná a athdhéanamh ná an bonn a bhaint den tuairim ghairmiúil a bhí ag saineolaí. Ní thagann an méid sin

faoin gceart go ndéanfaí ceartúcháin faoi Airteagal 16 RGCS ach oiread. Thug an t-imscrúdaitheoir neamhspleách an measúnú gairmiúil uaidh ar an bhfianaise ar fad a bailíodh le linn an imscrúdaithe, agus bhí lánrogha ghairmiúil aige a chinneadh cén t-ábhar a bhí ábhartha dá chur ar áireamh sa Tuarascáil. Ba é cuspóir na fianaise ón duine aonair eolas a thabhairt don imscrúdaitheoir neamhspleách ionas go bhféadfadh sé an t-imscrúdú uaidh a chur i gcrích agus tuarascáil a dhréachtú ar bhonn an mheasúnaithe uaidh. An fíoras nach n-aontaíonn an duine aonair leis an measúnú, níor fhág sé go bhfuil an Tuarascáil míchruinn nó neamhiomlán.

Sa fhreagra uaidh, luaigh an soláthraí oideachais gurbh amhlaidh, ós rud é nárbh údar na Tuarascála é, nach bhféadfadh sé leasú a dhéanamh ar a bhfuil sa Tuarascáil. Mar mhodh chun an gearán seo a réiteach, áfach, dúirt sé go bhféadfadh sé sonraí pearsanta míchruinne ar shaináithin an duine aonair iad a cheartú trí ráiteas forlíontach a dhéanamh. Dúirt sé freisin go bhféadfadh sé an Tuarascáil a scríosadh, rud lena scoirfí de shonraí pearsanta an duine aonair a phróiseáil. Níor ghlac an duine aonair leis an tairiscint sin ach oiread.

D'ainneoin gur dhiúltaigh an duine aonair don tairiscint ón soláthraí oideachais an Tuarascáil a léirscríosadh, chinn an Coimisiún go bhféadfaí an Tuarascáil a léirscríosadh más rud é nár ghá don soláthraí oideachais a thuilleadh í a choinneáil. De rogha air sin, ba cheart don soláthraí oideachais na míchruinnis a bhfuil fianaise orthu a cheartú agus an ráiteas forlíontach a chur leis chun cuntas níos cruinne a thabhairt ar na himeachtaí.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Amhail i gcás na gceart cosanta sonraí uile, ní dearbheart é an ceart go ndéanfaí ceartúcháin. Ní mór an ceart a scrúdú ar bhonn cás ar chás, ag brath ar chineál na sonraí pearsanta dá bhfuil ceartúchán á lorg, ar na críocha ar chucu a bailíodh na sonraí pearsanta, agus ar imthosca an cháis. Dá réir sin, maidir le gach cás a thagann os a chomhair i ndáil le diúltú d'iarraidh ceartúcháin, ní mór don Choimisiún é a mheasúnú ar bhonn a fhiúntais féin. Tríd is tríd, ní fhéadfar ach sonraí pearsanta ina bhfuil fíoras a cheartú. Maidir le sonraí pearsanta atá tugtha i dtuairimí, is cuma cé acu is tuairimí pearsanta nó tuairimí gairmiúla iad, ní thiocfaidh siad faoin gceart go ndéanfaí ceartúcháin de ghnáth.

Cás-Staidéar 4:**GEARÁN Á RÁ GUR IARR GNÍOMHAIREACHT LIGIN
MÉID IOMARCACH SONRAÍ PEARSANTA**

Thaisc duine aonair gearán leis an gCoimisiún um Chosaint Sonraí (an Coimisiún) tar éis dó amharc ar réadmhaoín ar cíós. Sa ghearán uaidh, líomhain sé gur iarr an ghníomhaireacht ligin méid iomarcach sonraí pearsanta uaidh le linn an phróisis iarratais.

Dar leis an duine aonair, ós rud é nár éirigh leis an iarratas uaidh ar an réadmhaoín a fháil ar cíós, chuir sé iarraidh léirscriosta faoi bhráid na gníomhaireachta ligin faoi Airteagal 17 RGCS le haghaidh a shonraí pearsanta a scriosadh. Sa fhreagra uaidh don duine aonair, chuir an ghníomhaireacht ligin in iúl gur scrios sí na sonraí pearsanta uile agus dheimhnigh sí nár chomhroinn sí sonraí pearsanta le haon tríú páirtithe. Cé go raibh an duine aonair sásta leis an bhfreagra a fuair sé ón ngníomhaire ligin, bhí imní air fós faoin méid sonraí pearsanta a iarradh ar an gcéad dul síos. Ar an mbonn sin, chuir sé gearán isteach chuig an gCoimisiún.

Mar chuid den phróiseas láimhseála gearán, rinne an Coimisiún teagmháil leis an ngníomhaireacht ligin chun soiléire a iarraidh maidir leis na cineálacha difriúla sonraí pearsanta a bhí sé ag iarraidh mar chuid den phróiseas iarratais. Dheimhnigh an eagraíocht gur iarr sí cóipeanna d'aitheantas, cruthúnas seolta reatha, cruthúnas fostaíochta, teistiméireachtaí ó thiarnaí talún roimhe, ráitis bhainc dhá mhí agus uimhir PSP. Luaigh an ghníomhaireacht ligin gur theastaigh an fhaisnéis sin uaidh chun a chinntiú gurb ionann an t-iarratasóir agus an duine a mhaíonn sé a bheith ann agus chun a chinntiú go bhfuil sé ar acmhainn an iarratasóra an cíós a íoc.

Scrúdaigh an Coimisiún an gearán, agus chinn sé nár chomhlíon an eagraíocht prionsabal an íoslaghdaithe sonraí faoi Airteagal 5(1)(c) RGCS, ina luaitear an méid seo a leanas maidir le sonraí pearsanta: “beidh siad leormhaith, ábhartha agus teoranta don mhéid is gá maidir leis na críocha dá ndéantar iad a phróiseáil”. Chinn an Coimisiún gurbh iomarcach do chéim tosaigh an phróisis iarratais a bhí an méid sonraí pearsanta a iarradh ón duine aonair mar thionónta ionchasach.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Molann an Coimisiún nach mór d'úinéirí réadmhaoine agus do ghníomhaireachtaí ligin na prionsabail um chosaint sonraí a chomhlíonadh agus iad ag próiseáil sonraí pearsanta. Is féidir é sin a bhaint amach trína chinntiú gurbh amhlaidh, maidir le faisnéis phearsanta shonrach a iarraidh agus a fháil ó dhaoine aonair chun iad a bhreithniú mar thionóntaí dóchúla, a bheadh sé níos cuí an méid sin a theorannú do na daoine sin a bheadh ag déanamh an chomhaontaithe ligin iarbhír, in ionad an fhaisnéis ar fad a iarraidh i dtús an phróisis. Is féidir tuilleadh faisnéise faoin ábhar seo a aimsiú ag:
 - <https://www.dataprotection.ie/ga/dpc-guidance/treoir-maidir-le-sonraí-pearsanta-iarraidh-o-thionontai-ionchasacha>
 - <https://www.dataprotection.ie/ga/dpc-guidance/guidance-collection-personal-data-prior-viewing-property>

Cás-Staidéar 5:**IARRAIDH ROCHTANA INAR LORGAÍODH SONRAÍ TRÍÚ PÁIRTÍ**

Chuir duine aonair iarraidh ar rochtain d'ábhar sonraí faoi bhráid a iarfhostóra, ar cuideachta léiriúcháin físchluichí é. Chreid an duine aonair go raibh cúis ann lena mheas gur láimhseáil fostaí eile a raibh coinbhleacht leasa aige an iarraidh ar rochtain d'ábhar sonraí uaidh. Tharraing an duine aonair sin ábhar imní anuas leis an gCoimisiún um Chosaint Sonraí ansin, á líomhain, i measc nithe eile, gur chuir an tOifigeach Cosanta Sonraí (nach raibh an gearánach ar an eolas faoina chéannacht) moill d'aon ghnó ar an iarraidh ar rochtain d'ábhar sonraí uaidh a chomhlíonadh. D'fhiafraigh an gearánach den Choimisiún an raibh oibleagáid ar an gcuideachta léiriúcháin ainm na ndaoine aonair a raibh baint acu leis an iarraidh ar rochtain d'ábhar sonraí a láimhseáil a sholáthar.

Rinne an Coimisiún measúnú ar an gcreat dlíthiúil a bhaineann leis an gceist sin agus, sa fhreagra uaidh, thagair sé do mhír 73 de bhreithiúnas C-579/21 ó Chúirt Bhreithiúnais an Aontais Eorpaigh agus d'Airteagal 15(4) den Rialachán Ginearálta maidir le Cosaint Sonraí (RGCS). Soiléiríodh sa bhreithiúnas sin "nach féidir fostaithe an rialaitheora a mheas a bheith ina 'bhfaighteoirí' de réir bhrí Airteagal 15(1)(c) RGCS [...] nuair a phróiseálann siad sonraí pearsanta faoi údarás an rialaitheora sin agus de réir na dtreoracha uaidh". Dá bharr sin, chuir an Coimisiún in iúl don ghearánach nach raibh sé i dteideal liosta a fháil de na fostaithe a raibh baint acu leis an bhfreagra uathu ar an iarraidh ar rochtain d'ábhar sonraí a ullmhú faoin gcatagóir "faighteoirí" dá bhforáiltear faoi Airteagal 15(1)(c) RGCS. Tar éis an mionsonra sin a shoiléiriú agus an cheist ón gearánach a réiteach, cuireadh an cás i gcrích.

AN PRÍOMHTHÁTAL ATÁ LE BAINN:

- Níl daoine aonair i dteideal ach a sonraí pearsanta féin a fháil agus iarraidh rochtana á ndéanamh acu. Tríd is tríd, níl tú i dteideal ainmneacha ná sonraí pearsanta eile tríú páirtithe a fháil, cé gur féidir an méid sin a bheith faoi réir measúnuithe áirithe eile ar aon dul le hAirteagal 15(1)(c) agus Airteagal 15(4) RGCS.

Cás-Staidéar 6:

GEARÁN A BHAIN LE HIARRAIDH ROCHTANA AR IARRADH GO N-ÍOCFAÍ TÁILLE INA LEITH

Fuair an Coimisiún um Chosaint Sonraí gearán ó aturnae i ndáil le hiarraidh rochtana a rinneadh chuig liachtlann chun cóip a fháil de shonraí pearsanta a chliaint. Bhain an gearán le héileamh a rinne an liachtlann chuig aturnae an ghearánaigh á iarraidh go n-íocfaí táille chun an iarraidh rochtana a phróiseáil. Chuir aturnae an ghearánaigh in iúl don liachtlann go bhfuil rochtain ar chóip de shonraí pearsanta saor in aisce faoi RGCS agus gurbh fhéidir gur de bhotún a eisíodh an litir inar iarradh go n-íocfaí táille.

Tar éis dó an gearán seo a fháil, chuaigh an Coimisiún i dteagmháil leis an liachtlann chun a fháil amach cén fáth ar iarr sí táille chun an iarraidh rochtana a phróiseáil agus chun deimhniú a fháil ón liachtlann maidir le cé acu a chomhlíon nó nár chomhlíon sí an iarraidh rochtana.

Thug an liachtlann freagra pras don Choimisiún ansin, agus í ag glacadh leis nár cheart aon táille a iarraidh. Dúirt sí freisin gur cuireadh oiliúint bhreise cosanta sonraí ar bhaill foirne na liachtlainne maidir leis na hoibleagáidí atá orthu i leith othair a dhéanann iarrataí rochtana. D'inis an liachtlann don Choimisiún gur tugadh cóip de na sonraí pearsanta d'aturnae an ghearánaigh agus gur ghabh sí a leithscéal leis.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Faoi Airteagal 15(3) RGCS, tá oibleagáid ar rialaitheoir sonraí, amhail liachtlann, cóip a sholáthar de na sonraí pearsanta atá á bpróiseáil. I gcás go n-iarraíodh an t-ábhar sonraí aon chóipeanna breise ina dhiaidh sin, féadfaidh an rialaitheoir sonraí táille réasúnach a ghearradh atá bunaithe ar chostais riaracháin. Níorbh athiarradh í an iarraidh rochtana ar leith seo, áfach, agus níor cheart aon táille a iarraidh ina leith.

Cás-Staidéar 7:**MAINNEACHTAIN FREAGRA A THABHAIRT AR IARRAIDH ROCHTANA**

Fuair an Coimisiún um Chosaint Sonraí gearán ó duine aonair a rinne iarraidh ar rochtain d'ábhar sonraí chuig ospidéal stáit chun cóip a fháil den fhaisnéis ar fad a bhí ag an ospidéal stáit maidir leis. Ní bhfuair an duine aonair aon fhreagra ar an iarraidh sin.

Tar éis dó a chinntiú go raibh ag an gCoimisiún an fhaisnéis ar fad a bhí ag teastáil chun dul chun cinn a dhéanamh ar an ngearán ón duine aonair, rinne an Coimisiún idirghabháil thapa chun an ní a réiteach. Chuige sin, rinne an Coimisiún teagmháil leis an Oifigeach Cosanta Sonraí don Ghrúpa Ospidéal agus chuir sé in iúl dó go bhfuair gearán ó duine aonair maidir le mainneachtain freagra a thabhairt ar iarraidh ar rochtain d'ábhar sonraí.

Mheabhraigh an Coimisiún don ospidéal na hoibleagáidí atá air faoi RGCS, agus a aird á tarraingt ar Airteagal 12(3) RGCS, ina sonraítear go bhfuil oibleagáid ar rialaitheoirí freagra a thabhairt ar an iarraidh ar rochtain d'ábhar sonraí ón duine aonair laistigh den chreat ama reachtúil. Mar chuid den chaidreamh, thug an Coimisiún amlíne don ospidéal chun freagra a thabhairt don duine aonair agus chun cóip de na sonraí pearsanta a sholáthar dó. Chomhlíon an rialaitheoir sonraí an t-ordachán ón gCoimisiún. Tar éis dó a dheimhniú leis an duine aonair go bhfuair sé an fhaisnéis ar fad a d'iarr sé, d'eisigh an Coimisiún comhairle chuig an rialaitheoir sonraí, agus na hoibleagáidí atá air go sonracha faoi Airteagal 12 agus an ceanglas chun faisnéis a thabhairt faoi ghníomhartha a rinneadh i dtaca leis an iarraidh ar rochtain d'ábhar sonraí á meabhrú dó.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Ba cheart d'eagraíochtaí a thabhairt faoi deara go gcoimeádann an Coimisiún taifead ar na gearáin a fhaightear, agus go gcuirfeadh é sin san áireamh in aon ghníomhaíocht fhéideartha amach anseo, lena n-áirítear tograí le haghaidh fiosrúchán a dhéanamh agus le haghaidh cumhachtaí foirmiúla a fheidhmiú tuilleadh.
- Ba cheart d'eagraíochtaí a thabhairt faoi deara go gcoimeádann an CCS taifead ar ghearáin a fhaightear atá mar chuid d'aon bhreithniú ar ghníomh a d'fhéadfadh a bheith ann amach anseo, lena n-áirítear moltaí chun fiosrúchán a dhéanamh agus cumhachtaí foirmiúla a fheidhmiú a thuilleadh mar iomardú.

Cás-Staidéar 8:**EISÍODH FÓGRA FORFHEIDHMIÚCHÁIN MAR GHEALL
AR FHREAGRA NEAMHIOMLÁN A THABHAIRT AR
IARRAIDH ROCHTANA**

Fuair an Coimisiún um Chosaint Sonraí (an Coimisiún) gearán inar thug ionadaí an ghearánaigh le fios go raibh sé ag iarraidh gearán foirmiúil a dhéanamh maidir leis an moill a chuir Comhlacht Poiblí, ar Tusla é, ar shonraí ina raibh sonraí pearsanta a chliant a eisiúint, de bhun iarraidh ar rochtain d'ábhar sonraí. Luaigh an t-ionadaí freisin nár tugadh freagra iomlán ar an iarraidh rochtana ón ngearánach agus go raibh na taifid ina raibh sonraí pearsanta á bhfáil aige ina bpíosaí le dhá bhliain anuas. Níorbh eol d'ionadaí an ghearánaigh an méid sonraí pearsanta a bhí fós amuigh i ndáil leis an iarraidh rochtana óna chliant.

Thosaigh an Coimisiún ag déanamh scrúdú ar an ngearán trí theagmháil a dhéanamh le Tusla, agus é ag iarraidh air cóip de na sonraí pearsanta uile a shealbhaigh nó a rialaigh sé i ndáil leis an duine aonair a sholáthar don duine aonair nó fógra a thabhairt don duine aonair faoin gcinneadh uaidh diúltú don iarraidh ar rochtain d'ábhar sonraí, agus sainaithint á déanamh ar aon srian reachtúil a raibh sé ag brath air chun a shonraí a choimeád siar.

Mar fhreagra air sin, dúirt an rialaitheoir sonraí go mbeadh sé in ann sonraí pearsanta a eisiúint chuig an ábhar sonraí laistigh de chreat ama sonraithe. Chuaigh an spriocdháta sin thart, áfach, gan taifid iomlána ina raibh sonraí pearsanta a eisiúint chuig an ábhar sonraí. Tar éis don Choimisiún plé leis an ní, dúirt an rialaitheoir sonraí gurbh amhlaidh, mar gheall ar an méid sonraí pearsanta lena mbaineann, a d'eiseofaí sonraí pearsanta an duine aonair ina mbaisceanna. Bheadh an scaoileadh sin faoi réir srianta a chur i bhfeidhm i leith sonraí neamhphearsanta tríú páirtí, i leith pribhléid ghairmiúil dlí agus i gcás gur dhíspeagadh imeachtaí cúirte a bheadh in eisiúint na sonraí pearsanta.

Dheimhnigh aturnae an ghearánaigh ina dhiaidh sin go bhfuair sé sciar de shonraí pearsanta a chliant. Chuir sé in iúl, áfach, gur foláíodh cuid mhór de na sonraí sin. Shoiléirigh sé cé na taifid ina raibh sonraí pearsanta an duine aonair a bhí fós amuigh agus a bhí á lorg aige i dteannta na sonraí pearsanta eile a bhí á bpróiseáil. Malartaíodh méid fairsing comhfhreagrais idir Tusla agus an Coimisiún ar feadh tréimhse fhada ama ansin, ar lena linn a mhainnigh an rialaitheoir sonraí roinnt spriocdhátaí a chomhlíonadh i ndáil le taifid ina raibh sonraí pearsanta a eisiúint agus/nó a mhainnigh Tusla freagra a thabhairt ar chomhfhreagrais ón gCoimisiún agus ó ionadaí an ábhair sonraí.

Mheas an Coimisiún nach bhféadfaí an gearán seo a réiteach go cairdiúil. Mheas sé é a bheith cuí an próiseas sin a chur i gcrích agus Fógra Forfheidhmiúcháin a eisiúint de bhun alt 109(5)(d)(i) den Acht um Chosaint Sonraí, 2018, chun ceanglas a chur ar an rialaitheoir sonraí na taifid sonraí pearsanta a bhí fágtha a thabhairt don ábhar sonraí laistigh de chreat ama sonraithe. Leis an bhfógra sin, cuireadh Tusla an eolas faoin méid seo a leanas:

“Aon duine (is rialaitheoir sonraí nó próiseálaí sonraí) a mhainneoidh, gan leithscéal réasúnach, ceanglas a bheidh sonraithe i bhFógra Forfheidhmiúcháin a chomhlíonadh, nó a dhiúltóidh do cheanglas den sórt sin a chomhlíonadh, beidh sé nó sí ciontach i gcion faoi alt 133(9) den Acht um Chosaint Sonraí, 2018, agus dlífeair (i) ar é nó í a chiontú go hachomair, fíneáil d’aicme A nó príosúnacht ar feadh téarma nach faide ná 12 mhí, nó iad araon, a chur air nó uirthi, nó (ii) ar é nó í a chiontú ar díotáil, fíneáil nach mó ná €250,000 nó príosúnacht ar feadh téarma nach faide ná 5 bliana, nó iad araon, a chur air nó uirthi.”

Mar thoradh ar an bhFógra Forfheidhmiúcháin sin a eisiúint, eisíodh na taifid a bhí fágtha chuig an ábhar sonraí laistigh den chreat ama a bhí sonraithe san Fhógra Forfheidhmiúcháin.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Bhí cumarsáid fairsing idir an Coimisiún, Tusla agus ionadaí an ábhair sonraí i gceist leis an ngearán seo a scrúdú. Ní eiseofaí aon Fhógra Forfheidhmiúcháin ar bith sa chás seo dá mba rud é gur thug an rialaitheoir sonraí freagra ar an iarraidh ar rochtain d’ábhar sonraí ar bhealach cuí agus laistigh de chreataí ama comhaontaithe. Léirítear sa chás seo na hiarmhairtí a bhíonn ann nuair a mhainníonn rialaitheoir sonraí na hoibleagáidí atá air faoi Airteagal 15 RGCS a chomhlíonadh. Ba cheart do rialaitheoirí sonraí na hiarmhairtí sin a bhreithniú tar éis iarraidh ar rochtain d’ábhar sonraí a fháil faoi Airteagal 15 RGCS agus féachaint lena chinntiú go n-urramaítear an ceart bunúsach rochtana do gach ábhar sonraí.
- Ba cheart d’eagraíochtaí a thabhairt faoi deara go gcoimeádann an CCS taifead ar ghearáin a fhaightear atá mar chuid d’aon bhreithniú ar ghníomh a d’fhéadfadh a bheith ann amach anseo, lena n-áirítear moltaí chun fiosrúchán a dhéanamh agus cumhachtaí foirmiúla a fheidhmiú a thuilleadh mar iomardú.

Cás-Staidéar 9:**IARRAIDH LÉIRSCRIOSTA A BHAIN LE DÍOL
RÉADMHAINE**

Chuir ceannaitheoir ionchasach tús le ceannach éascaithe réadmhaoine trí idirghabhálaí eastáit réadaigh. Tamaillín ina dhiaidh sin, tharraing díoltóir na réadmhaoine siar ón díol. Mar chuid den phróiseas ceannaigh, thug an ceannaitheoir ionchasach cóip dá aitheantas, cruthúnas seolta agus mionsonraí bainc don idirghabhálaí eastáit réadaigh. Tar éis an chliste sa phróiseas, d'iarr an ceannaitheoir ionchasach go léirscriosfaí a shonraí pearsanta de bhun Airteagal 17 RGCS.

Chuir an ceannaitheoir ionchasach an iarraidh léirscriosta sin ar dtús chuig an seoladh ríomhphoist a bhí liostaithe i mbeartas príobháideachta an idirghabhálaí eastáit réadaigh. Seoladh an iarraidh sin ar ais, áfach, toisc nach raibh an seoladh ríomhphoist sin gníomhach. Sheol an ceannaitheoir ionchasach an iarraidh chuig seoladh ríomhphoist príomhúil an idirghabhálaí eastáit réadaigh ansin.

Ós rud é nach bhfuarthas aon fhreagra ón idirghabhálaí eastáit réadaigh, rinne an duine aonair gearán leis an gCoimisiún um Chosaint Sonraí (an Coimisiún). Ag teacht sna sála ar idirghabháil an Choimisiúin, rinne an t-idirghabhálaí eastáit réadaigh caidreamh leis an duine aonair maidir leis an iarraidh léirscriosta uaidh. Le linn an phróisis láimhseála gearán, áfach, fuair an Coimisiún amach gur dhiúltaigh an t-idirghabhálaí eastáit réadaigh don iarraidh léirscriosta a chomhlíonadh. Dar leis an idirghabhálaí eastáit réadaigh, bhí sé ag brath ar oibleagáid faoin Acht um Sheirbhísí Maoine (Rialáil), 2011, rud lenar cruthaíodh ceanglas dlíthiúil chun na sonraí a choinneáil ar feadh sé bliana. Tarchuireadh an ní chuig an Údarás Rialála Seirbhísí Maoine le haghaidh soiléire, a chuir in iúl ansin nach gcumhdaítear mionsonraí bainc le foclaíocht an Achta agus go bhféadfaí iad a bhaint de bhun iarraidh léirscriosta.

Tar éis an deimhnithe sin, rinne an Coimisiún caidreamh leis an idirghabhálaí eastáit réadaigh chun a chinntiú go léirscriosfaí na mionsonraí bainc mar chuid den iarraidh léirscriosta. Chuir an Coimisiún in iúl don cheannaitheoir ionchasach nach léirscriosfaí míreanna áirithe eile sonraí pearsanta, amhail a ainm, a sheoladh agus a mhionsonraí teagmhála, toisc go raibh bunús dleathach ag an idirghabhálaí eastáit réadaigh leis an gceart go ndéanfaí léirscriosadh a shrianadh ar aon dul leis an Acht um Sheirbhísí Maoine (Rialáil), 2011. Chinntigh an Coimisiún freisin gur nuashonraigh an t-idirghabhálaí eastáit réadaigh a bheartas príobháideachta chun an pointe cuí teagmhála a léiriú go cruinn.

NA PRÍOMHTHÁTAIL ATÁ LE BAINT:

- Ní mór d'eagraíochtaí a chinntiú go bhfuil pointe cuí teagmhála a ndéantar faireachán air i bhfeidhm acu chun cabhrú le cearta cosanta sonraí a fheidhmiú.
- Ba cheart d'eagraíochtaí a chinntiú freisin go bhfuil aon srianta atá á gcur acu ar chearta a fheidhmiú bailí agus ar aon dul leis an reachtaíocht a bhaineann leis an earnáil ina n-oibríonn siad.

IARRATAIS
SCRIOSTA**Cás-Staidéar 10:****GEARÁN A BHAIN LE MAINNEACHTAIN FOSTÓRA
IONCHASAIGH IARRAIDH LÉIRSCRIOSTA A
CHOMHLÍONADH**

Bhain an gearán seo leis an mainneachtain líomhnaithe freagra a thabhairt ar iarraidh léirscriosta a rinne duine aonair chuig fostóir ionchasach de bhun Airteagal 17 RGCS.

Tar éis dó an gearán a fháil, chuaigh an Coimisiún um Chosaint Sonraí (an Coimisiún) i dteagmháil leis an duine aonair agus leis an bhfostóir ionchasach (an rialaitheoir) chun ábhar an ghearáin a shuí agus chun tús a chur leis an bpróiseas réitigh chairdiúil. Tar éis na teagmhála sin, fuair an Coimisiún amach go bhfuair an duine aonair freagra ón rialaitheoir ón uair sin i leith. Dúirt an duine aonair leis an gCoimisiún gur léirscrios an rialaitheoir a shonraí pearsanta. Dúirt sé freisin, áfach, go raibh a chuntas iarratais fós gníomhach ar shuíomh Gréasáin an rialaitheora.

Tar éis dó a dheimhniú go raibh sé sin amhlaidh, rinne an Coimisiún teagmháil leis an rialaitheoir, agus aird an rialaitheora á tarraingt ar an bhfíoras nár léirscriosadh faisnéis maidir leis an gcuntas. Sa fhreagra uaidh, d'admhaigh an rialaitheoir nár scriosadh an fhaisnéis go hiomlán agus chuir sé in iúl gur tharla sé sin mar gheall ar ní teicniúil agus go gcomhlíonfadh sé an iarraidh léirscriosta lom láithreach.

Chuir an rialaitheoir in iúl don Choimisiún ina dhiaidh sin gur chomhlíon sé an iarraidh léirscriosta ina hiomláine ón uair sin i leith tríd an gcuntas a scriosadh. Chuir an rialaitheoir in iúl freisin go ndearna sé teagmháil leis an duine aonair chun an gníomh a rinne sé a dheimhniú agus ghabh sé a leithscéal as an moill ar dhintíúir logála isteach an duine aonair a bhaint dá chórais.

NA PRÍOMHTHÁTAIL ATÁ LE BAINT:

- Sa chás seo, bhí an Coimisiún in ann a chur in iúl go tapa agus go héifeachtach don fhostóir ionchasach nár chuir sé an iarraidh léirscriosta ón duine aonair i gcrích go hiomlán. Mar thoradh ar an gcumas sin chun dul i dteagmháil go tapa leis an dá pháirtí, bhíothas in ann toradh éifeachtach tapa a bhaint amach. Rud ba thábhachtaí fós, bhí an duine aonair in ann leas a bhaint as an gceart atá aige faoi RGCS chun a shocrú go léirscriosfadh an rialaitheoir sonraí pearsanta a bhaineann leis.
- Tugann an Coimisiún spreagadh do dhaoine aonair teagmháil a dhéanamh leis an oifigeach cosanta sonraí nó le pointí ainmnithe eile teagmhála cosanta sonraí laistigh d'éagraíocht toisc gur féidir leis sin cabhrú le haon iarrataí cosanta sonraí a láimhseáil go cúí agus go héifeachtúil.

Cás-Staidéar 11:**MAINNEACHTAIN IARRAIDH LÉIRSCRIOSTA
A CHOMHLÍONADH A BHAIN LE CUNTAS
CEARRBHACHAIS AR LÍNE**

D'oscail duine aonair cuntas ar líne le geallghlacadóir agus chuir sé suim airgid i dtaisce sa chuntas. Tar éis dó iarracht a dhéanamh an feidhmchlár ("aip") a bhaineann leis an tseirbhís a íoslódáil, thuig an duine aonair go tapa nach raibh an aip comhoiriúnach lena fhón póca. An lá dár gcionn, chuir an duine aonair iarraidh léirscriosta faoi bhráid an gheallghlacadóir faoi Airteagal 17 RGCS. Dhiúltaigh an geallghlacadóir don iarraidh léirscriosta a chomhlíonadh, á lua go raibh oibleagáidí dlíthiúla air na sonraí pearsanta a choinneáil toisc go ndearnadh cistí a chur i dtaisce sa chuntas agus a aistarraingt uaidh, rud a d'fhág gur 'chustaiméir' é. Bhí an duine aonair míshásta leis an bhfreagra sin toisc nár aontaigh sé gur 'chustaiméir' de chuid an gheallghlacadóir é toisc nár chuir sé aon gheall tríd an gcuntas, bíodh sé ar líne nó tríd an aip.

Ag teacht sna sála ar chaidreamh leis an gCoimisiún um Chosaint Sonraí (an Coimisiún), luaigh an geallghlacadóir nach bhféadfadh sé sonraí pearsanta an duine aonair a léirscriosadh toisc go bhfuil sé faoi réir na reachtaíochta Frithsciúrtha Airgid faoin Acht um Cheartas Coiriúil (Sciúradh Airgid agus Maoiniú Sceimhlitheoireachta), 2010, rud a tháinig chun bheith infheidhme nuair a cuireadh airgead i dtaisce i gcuntas an duine aonair agus nuair a aistarraingíodh an t-airgead sin.

Cé go bhfuil oibleagáidí dhlíthiúla air sonraí pearsanta an duine aonair a choinneáil, d'inis an geallghlacadóir don Choimisiún nach gcoinníonn sé ach an méid íosta sonraí is gá chun an oibleagáidí dhlíthiúla sin a chomhlíonadh ar aon dul le prionsabal an íoslaghdaithe sonraí atá leagtha amach in Airteagal 5(1)(c) RGCS.

Ag teacht sna sála ar an scrúdú uaidh ar an ngearán, chinn an Coimisiún gur thaispeáin an eagraíocht bunús dleathach bailí le coinneáil leanúnach na sonraí pearsanta. Dá ainneoin sin, d'eisigh an Coimisiún moltaí chuig an eagraíocht maidir leis na hoibleagáidí atá uirthi a chinntiú gur dleathach agus cothrom atá an phróiseáil ar fad agus go bhfuil sí trédhearcach maidir lena gníomhaíochtaí próiseála.

NA PRÍOMHTHÁTAIL ATÁ LE BAINT:

- Faoi RGCS, ní hé amháin nach mór do rialaitheoir sonraí bunús dleathach a bheith aige le sonraí pearsanta duine aonair a fháil, ach ní mór dó freisin bunús dleathach leanúnach a bheith aige le coinneáil na sonraí pearsanta de réir Airteagal 6. Is gá do rialaitheoirí a chinntiú go bhfuil siad trédhearcach agus iad ag próiseáil sonraí pearsanta.
- Nuair a ghlacann rialaitheoirí sonraí cur chuige réamhghníomhach nuair a fhaigheann siad iarraidh cosanta sonraí, is minic is féidir nithe a réiteach agus seachaint a dhéanamh ar an ngá le páirt a ghlacadh i bpróiseas fada láimhseála gearán.

Cás-Staidéar 12:**MAINNEACHTAIN IARRAIDH LÉIRSCRIOSTA A
CHOMHLÍONADH A BHAIN LE SONRAÍ LEIGHIS**

Rinne duine aonair teagmháil leis an gCoimisiún um Chosaint Sonraí tar éis do sholáthraí cúram sláinte diúltú don iarraidh léirscriosta uaidh. D'iarr an duine aonair go léirscriosfaí na sonraí stairiúla sláinte uile a shealbhaigh an soláthraí cúram sláinte faoi. Luaigh sé go raibh na sonraí sin mícheart toisc gur bhain siad le mídhiagnóis líomhnaithe.

Mar chuid dá scrúdú ar an ngearán, d'iarr an Coimisiún ar an soláthraí cúram sláinte a lua cén bunús dleathach a bhí aige le taifid sláinte an duine aonair a phróiseáil, go háirithe i ndáil le hAirteagail 6 agus 9 RGCS. Luaigh an soláthraí cúram sláinte go raibh sé ag brath ar Airteagal 6(1)(e) RGCS chun sonraí pearsanta an duine aonair a phróiseáil. Luaitear in Airteagal 6(1)(e) RGCS go mbeidh an phróiseáil dleathach i gcás gur "...gá an phróiseáil a dhéanamh chun cúram a chur i gcrích a dhéantar ar mhaithe le leas an phobail nó i bhfeidhmiú údaráis oifigiúil atá dílsithe don rialaitheoir".

I ndáil le hAirteagal 9 RGCS, luaigh an soláthraí cúram sláinte go leanann sé leis na taifid sláinte a phróiseáil faoi Airteagal 9(2)(h) agus (i) RGCS. Luaitear mar a leanas in Airteagal 9(2)(h) RGCS: "is gá an phróiseáil a dhéanamh chun críocha leighis choiscthigh nó ceirde...[agus chun] diagnóis leighis...a sholáthar...". Luaitear mar a leanas in Airteagal 9(2)(i) RGCS: "is gá an phróiseáil a dhéanamh ar chúiseanna a bhaineann le leas an phobail i réimse na sláinte poiblí...".

Thug an duine aonair don soláthraí bunaidh cúram sláinte diagnóis fhrithráiteach a fuair sé ó sholáthraithe eile cúram sláinte. Luaigh an duine aonair gur cruthaíodh leis an diagnóis sin go raibh an diagnóis bhunaidh mícheart. Thug an soláthraí cúram sláinte admháil á rá go bhfuair sé na doiciméid ón duine aonair agus rinne sé athbhreithniú orthu. Thug an soláthraí cúram sláinte faoi deara, áfach, gurb ionann diagnóis leighis agus tuairim a thugtar ag pointe ama ar leith. Sa chás seo, bhain na taifid sláinte le tuairim stairiúil leighis a tugadh nuair a fuair an duine aonair an diagnóis. Dá bhrí sin, ní fhéadfar glacadh le haon tuairim leighis a tugadh ag pointe eile ama mar fhianaise á léiriú go bhfuil tuairim stairiúil leighis mícheart. Mar sin, cé gur féidir go dtiocfaidh athrú ar riocht sláinte le himeacht ama, ní chealóidh sé sin an fíoras gur tharla sé, ag pointe ar leith, gur cuireadh cóireáil ar dhuine aonair in aghaidh tinneas ar leith nó gur tugadh diagnóis áirithe dó.

Dar leis an gCoimisiún, is amhlaidh, chun críocha RGCS, a bheidh sonraí pearsanta míchruinn má tá siad mícheart mar fhíoras. Mar sin féin, bunaithe ar an bhfaisnéis a bhí ar fáil don Choimisiún, níl na sonraí pearsanta – an diagnóis bhunaidh – atá á gcoinneáil ar comhad ag an soláthraí cúram sláinte míchruinn mar fhíoras, toisc gurb ionann iad agus an diagnóis bhunaidh a tugadh ag an bpointe ama sin. Dá bhrí sin, chinn an Coimisiún go bhfuil bunús dleathach ag an soláthraí cúram sláinte le leanúint le sonraí sláinte an duine aonair a phróiseáil de réir Airteagal 17(1)(a) RGCS agus gur gá na sonraí pearsanta atá i riocht na diagnóise bunaidh a phróiseáil go fóill i ndáil leis na críocha ar chucu a bailíodh na sonraí pearsanta sin nó a próiseáladh iad ar shlí eile ar dtús. Chinn an Coimisiún freisin gur ghníomhaigh

an soláthraí cúram sláinte i gcomhréir le hAirteagal 17(3)(c) RGCS i ndáil le measúnú cuimsitheach leighis agus cóireáil chuimsitheach leighis a thabhairt don duine aonair nuair a dhiúltaigh sé don iarraidh léirscriosta ón duine aonair a chomhlíonadh.

Tar éis don Choimisiún déileáil leis an ngearán, chuir an soláthraí cúram sláinte ráiteas forlíontach le taifead leighis an duine aonair chun go n-áireofaí leis freisin na doiciméid a sholáthair an duine aonair agus chun aon duine a bheadh ag léamh chomhad leighis an duine aonair amach anseo a chur ar an eolas faoi thuairim an duine aonair agus faoin diagnóis fhrithráiteach i ndáil leis an diagnóis leighis.

Nóta: Luaitear in Airteagal 17(1)(a) RGCS go léirscriosfaidh rialaitheoir sonraí sonraí pearsanta nach bhfuil riachtanach a thuilleadh chun na gcríoch bunaidh. Mar sin féin, eisiaítear le hAirteagal 17(3)(c) RGCS cur i bhfeidhm Airteagal 17(1) in imthosca nach bhfuil an phróiseáil riachtanach a thuilleadh “ar chúiseanna a bhaineann le leas an phobail i réimse na sláinte poiblí i gcomhréir le pointe (h) agus le pointe (i) d’Airteagal 9(2) chomh maith le hAirteagal 9(3)”.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Molann an Coimisiún do dhaoine aonair ábhair inmí cosanta sonraí a tharraingt anuas go díreach leis an rialaitheoir ar an gcéad dul síos chun go mbeidh sé in ann aghaidh a thabhairt orthu. Ba cheart do rialaitheoirí sonraí bearta fiúntacha éifeachtúla a bheith i bhfeidhm acu chun déileáil le gearáin cosanta sonraí agus aghaidh a thabhairt orthu i gcás go dtarraingíonn ábhar sonraí anuas iad go díreach.
- Aibhsíonn an cás-staidéar seo nach féidir sonraí stairiúla leighis a scriosadh mar go mbaineann siad le tuairim a thugtar ag pointe áirithe ama agus ní féidir le haon tuairimí sa todhchaí tuairim stairiúil a sholáthair gairmí ina cháil ghairmiúil a fhorscríobh. É sin ráite, bhí scóip ann ráiteas forlíontach a chur leis ar thaifead leighis an duine aonair chun an tuairim leighis nuashonraithe a léiriú, rud a d’fhéadfadh an soláthraí cúram sláinte a bheith déanta gan gá don duine dul i muintín idirghabháil CCS. D’fhéadfadh sé, ar mhaithe le leas an phobail, a cheangal ar sholáthróirí cúram sláinte a chinntiú go bhfuil taifid leighis forlíontacha cothrom le dáta ar thaifead leighis an duine aonair.

NOCHTADH

Cás-Staidéar 13:**SONRAÍ SLÁINTE AGUS AIRGEADAIS A NOCHTADH DO THRÍÚ PÁIRTÍ**

Chuir duine aonair iarraidh saorála faisnéise faoi bhráid a iarfhostóra, ar Gníomhaireacht Stáit é. Tar éis dó freagra a fháil ar an iarratas sin ar shaoráil faisnéise, fuair an duine amach gur nocht an Gníomhaireacht Stáit a shonraí airgeadais agus a sonraí pearsanta de chatagóir speisialta – eadhon, sonraí sláinte – do thríú páirtí gaolmhar. Rinne an duine aonair gearán leis an gCoimisiún um Chosaint Sonraí.

Cuireadh de chúram ar an gCoimisiún a scrúdú cé acu a rinne nó nach ndearna an Gníomhaireacht Stáit próiseáil dhleathach, ar bhealach nach raibh iomarcach, ar shonraí pearsanta an duine aonair nuair a nocht ball foirne de chuid na Gníomhaireachta Stáit sonraí sláinte agus airgeadais an duine aonair do thríú páirtí bainteach.

In imthoisc an cháis seo, rinne an duine aonair cumarsáid le ball den fhoireann acmhainní daonna ina cháil oifigiúil, ar lena linn a tharraing an duine aonair aird ar shaincheistanna a bhain lena shláinte, lena stádas airgeadais agus lena shaol pearsanta. Mar gheall ar shaincheistanna a bhain le sláinte an duine aonair, bhí sé i dteagmháil thráthrialta leis an mball foirne acmhainní daonna ina cháil oifigiúil.

Tar éis cruinniú idir an duine aonair agus an ball foirne acmhainní daonna, sheol an ball sin achoimre ar an méid a pléadh chuig tríú páirtí bainteach, i.e., ball den tSeirbhís Chúnamh d'Fhostaithe na Státseirbhíse. Soláthraíonn an tSeirbhís Chúnamh Clár inmheánach Cúnamh d'Fhostaithe do bhaill foirne státseirbhíse, rud ar féidir le fostaithe leas a bhaint as trí theagmháil a dhéanamh leis an tseirbhís. Is seirbhís chomhroinnte í a úsáideann na Gníomhaireachtaí Stáit uile chun tairbhe do gach fostaí, agus folláine fostaithe agus éifeachtacht eagraíochtúil á gcur chun cinn aici.

Le linn an scrúdaithe ar seo, Luaigh an Gníomhaireacht stáit gur dhleathach a bhí próiseáil na sonraí pearsanta agus comhroinnt sonraí pearsanta an duine aonair ag an mball foirne acmhainní daonna leis an mball den tSeirbhís Chúnamh toisc gur chomhroinn an duine aonair na sonraí pearsanta faoi shaoirse leis an mball foirne acmhainní daonna agus, dá réir sin, gur thoiligh sé leis an bpróiseáil. Luaigh sí freisin gur ghnáthrud iad na seirbhísí forluiteacha agus an comhairliúchán idir an ball foirne acmhainní daonna agus an tSeirbhís Chúnamh i ndáil leis an bhfostaí, go n-oibríonn an ball foirne acmhainní daonna agus an ball den tSeirbhís Chúnamh araon faoi rún daingean le linn dóibh a ndualgais a chomhlíonadh, agus gur chuir an rud a chomhroinn an duine aonair leis an mball foirne acmhainní daonna an oiread sin inní ar an mball sin gur ghá dó é a nochtadh don bhall den tSeirbhís Chúnamh chun treoir agus tacaíocht chuí a lorg agus chun tacú leis an duine aonair. Ba é seasamh na Gníomhaireachta Stáit, mar sin, nach raibh aon toirmeasc ann ar an nochtadh.

D'ainneoin go raibh fíorinní ar an mball foirne acmhainní daonna faoi shláinte agus leas an duine aonair, chinn an Coimisiún nach raibh na himthosca ag teacht leis an bpráinn a bhaineann leis an mbeatha a chosaint agus go ndearnadh an phróiseáil

toisc gur lorg an ball foirne acmhainní daonna treoir ón mball den tSeirbhís Chúnaimh chun déileáil go práinneach leis na saincheistanna a tharraing an duine aonair anuas.

Chinn an Coimisiún freisin nach bhféadfadh an Ghníomhaireacht Stáit a bheith ag brath ar thoiliú an duine aonair a bheith faighte aici chun a shonraí pearsanta a phróiseáil ar an mbealach sin toisc gurbh amhlaidh, cé gur chomhroinn an duine aonair na sonraí pearsanta faoi shaoirse leis an mball foirne acmhainní daonna, nár thug sé aon toiliú don bhall foirne sin na sonraí pearsanta sin a nochtadh ansin don bhall den tSeirbhís Chúnaimh.

Níor thug an Ghníomhaireacht Stáit aon bhunús dleathach eile leis an bpróiseáil. Dá réir sin, chinn an Coimisiún nach raibh aon bhunús dleathach ag an nGníomhaireacht Stáit leis an bpróiseáil agus gur fhág sé sin go raibh an phróiseáil neamhdhleathach.

Agus breithniú á dhéanamh ar na prionsabail a bhaineann le próiseáil sonraí pearsanta, chinn an Coimisiún gur chun críche sonraithe, follasaí agus dlisteanáí a fuair an Ghníomhaireacht Stáit na sonraí pearsanta, ba é sin chun cúnamh acmhainní daonna a thabhairt don duine aonair i leith na saincheistanna a tharraing sé anuas leis an mball foirne acmhainní daonna. Mar an gcéanna, mar gheall ar an gcaidreamh bainteach idir an ball foirne acmhainní daonna ina cháil oifigiúil agus an ball den tSeirbhís Chúnaimh, ní dhearnadh aon phróiseáil bhreise ar shonraí pearsanta an duine aonair ar bhealach a bhí ar neamhréir leis an gcríoch ar chuici a fuarthas iad, toisc gur nochtadh na sonraí chun cúnamh a thabhairt don duine aonair i leith na saincheistanna a tarraingíodh anuas, lenar áiríodh folláine fostaithe.

Mar sin féin, chinn an Coimisiún gur mhó an méid sonraí pearsanta a nocht an Ghníomhaireacht Stáit ná an méid ba ghá chun cúnamh a lorg agus chun cúnamh a thabhairt don duine aonair. Dá réir sin, níor chloígh an Ghníomhaireacht Stáit le prionsabal an íoslaghdaíthe sonraí. Ghlac an Ghníomhaireacht Stáit leis an gcinneadh sin.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- I gcomhthéacs fostaíochta, tagann chun cinn go minic an gá le sonraí pearsanta fostaithe a chomhroinnt le tríú páirtithe. Léirítear sa chás seo gurb amhlaidh, chun a chinntiú go dtarlaíonn an chomhroinnt i gcomhlíonadh na gceanglas cosanta sonraí, is gá oiliúint leanúnach a chur ar an bhfoireann ar fad maidir leis na hoibleagáidí atá orthu faoin dlí um chosaint sonraí. Ina theannta sin, ní mór do rialaitheoirí dícheall cuí a dhéanamh chun iad féin a shásamh go gcomhlíonann na gníomhaíochtaí próiseála sonraí uile na dlíthe um chosaint sonraí.
- Bíonn an Coimisiún ag súil le cuntasacht thar ceann rialaitheoirí agus, le linn dó gearán a láimhseáil, mionscrúdóidh sé na míniúcháin agus na cúiseanna a thugann rialaitheoir chun a chinntiú gurb infhíoraithe agus intaispeánta atá an seasamh a chuirtear ar aghaidh.

Cás-Staidéar14:**SONRAÍ PEARSANTA A NOCHTADH DO GHNÍOMHAIREACHT BAILIÚCHÁIN FIACH**

Rinne duine aonair teagmháil leis an gCoimisiún um Chosaint Sonraí tar éis do sholáthraí seirbhíse fuinnimh próiseáil bhreise a dhéanamh ar a shonraí pearsanta agus iad a chomhroinnt le tríú páirtí, ar gníomhaireacht bailiúcháin fiach é. Chuir an duine aonair a chonradh leis an soláthraí seirbhíse i gcrích agus fuair sé a shonrasc deiridh as na seirbhísí a soláthraíodh. Cheistigh an duine aonair roinnt de na muirir ar an sonrasc, ach ní bhfuair sé aon fhreagra ón soláthraí seirbhíse. Ina ionad sin, rinne gníomhaireacht bailiúcháin fiach teagmháil leis.

Rinne an Coimisiún um Chosaint Sonraí teagmháil leis an soláthraí seirbhíse, agus d'fhiafraigh sé de cén bunús dleathach a bhí aige leis an bpróiseáil faoi Airteagal 6 den Rialachán Ginearálta maidir le Cosaint Sonraí ("RGCS") i gcomhthéacs sonraí pearsanta an duine aonair a chomhroinnt le tríú páirtí, ar gníomhaireacht bailiúcháin fiach é. Ar dtús, luaigh an soláthraí seirbhíse gurbh é an bunús dleathach a bhí aige le sonraí pearsanta an duine aonair a phróiseáil ná Airteagal 6(1)(b) RGCS, ina luaitear go mbeidh próiseáil dleathach i gcás gur "...gá an phróiseáil a dhéanamh chun conradh ar páirtí ann an t-ábhar sonraí a chomhlíonadh...". Mhínigh an soláthraí seirbhíse don Choimisiún gur le "táille luathscoir" a bhain easaontas an duine aonair leis an sonrasc agus gur cuireadh an táille sin leis an sonrasc toisc gur chealaigh an duine aonair an conradh leis an soláthraí seirbhíse sular comhlíonadh an fad aontaithe conartha. Dar leis an soláthraí seirbhíse, luaitear ina théarmaí agus coinníollacha go ngearrfar táille scoir ar chustaiméir i gcás go mbrisfidh sé an conradh leis an soláthraí seirbhíse. Dúirt an soláthraí seirbhíse freisin gur aontaigh an duine aonair lena théarmaí agus coinníollacha nuair a chláraigh sé leis an soláthraí seirbhíse.

Dúirt an soláthraí seirbhíse leis an gCoimisiún gur mhainnigh sé easaontas an duine aonair leis an sonrasc a thaifeadh, rud a d'fhág ansin gur comhroinneadh sonraí pearsanta an duine aonair le tríú páirtí. Ghlac an soláthraí seirbhíse leis nár lean sé an nós imeachta inmheánach ceart agus é ag déileáil le fiacha faoi dhíospóid agus gur fhág sé sin go ndearnadh próiseáil mhícheart ar sonraí pearsanta an duine aonair. Dúirt sé, áfach, gurbh earráid dhaonna ba chúis leis sin.

Dá réir sin, mhainnigh an soláthraí seirbhíse a thaispeáint gur chomhlíon sé cearn amháin de na príomhphrionsabail atá in RGCS, is é sin: ní mór sonraí pearsanta a phróiseáil ar chaoi go n-áirithítear slándáil iomchuí na sonraí pearsanta, lena n-áirítear cosaint ar phróiseáil neamhdhúdaraithe nó neamhdhleathach, agus úsáid á baint as bearta iomchuí teicniúla nó eagraíochtúla, de réir Airteagal 5(1)(f) RGCS ('sláine agus rúndacht').

Ba cheart don soláthraí seirbhíse aird a bheith aige ar Airteagal 25 RGCS ('cosaint sonraí trí dheardh agus mar réamhshocrú') maidir lena chinntiú go leanann gach ball foirne na bearta iomchuí teicniúla agus eagraíochtúla dá chinntiú nach bpróiseáiltear mar réamhshocrú ach sonraí pearsanta atá riachtanach chun gach críche sonraí atá leis an bpróiseáil.

Mhol an Coimisiún don soláthraí seirbhíse gur cheart, i gcás go mbeadh easaontas beo ann i leith an chuntais, gur cheart dó a chinntiú go mbeadh a bhaill foirne ar an eolas faoin nós imeachta inmheánach le haghaidh an céanna a dhoiciméadú ionas nach dtarchuirfí an cuntas chuig gníomhaireacht bailiúcháin fiach go dtí go mbeadh an t-easaontas réitithe nó dúnta.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Féadfaidh próiseálaithe sonraí sonraí pearsanta a phróiseáil go dleathach, ar choinníoll go bhfuil bunús dlí leis an bpróiseáil. Sonraíonn Airteagal 28 den GDPR na himthosca inar féidir le rialaitheoir sonraí seirbhísí próiseálaí sonraí a fhostú. Sa chás seo, áfach, thug an rialaitheoir neamhaird ar imní a d'ardaigh an duine aonair roimhe seo agus theip air a nósanna imeachta inmheánacha féin a leanúint.
- Ní mór do rialaitheoirí sonraí a chinntiú freisin go bhfuil a bhfoireann oilte go hiomlán i nósanna imeachta inmheánacha, agus i mbeartais um chosaint sonraí, chun slándáil iomchuí na sonraí pearsanta a áirithiú, lena n-áirítear cosaint ar phróiseáil neamhúdaraíthe nó neamhdhleathach.

LONCHÚISEAMH

Cás-Staidéar 15:**LONCHÚISEAMH CHILL INSURANCE LIMITED**

I mí Iúil 2022, fuair an Coimisiún um Chosaint Sonraí gearán amháin ó dhuine aonair maidir le teachtaireachtaí margaíochta SMS gan iarraidh a fuarthas ó Chill Insurance Limited. Agus é ag tabhairt freagra ar an imscrúdú ón gCoimisiún ar an ngearán, mhínigh Chill Insurance Limited nach raibh aon toiliú aige leis na cumarsáidí margaíochta sin a sheoladh. Tar éis don Choimisiún gearán den chineál céanna a fháil faoin gcuideachta sa bhliain 2021, rinne an chuideachta athbhreithniú iomlán ar a feachtais mhargaíochta agus rinne sí athruithe ar na feachtais sin. Níor cuireadh chun feidhme na hathruithe uile a sainaithníodh tar éis an athbhreithnithe sin, áfach. Ba é an toradh a bhí air sin go ndearnadh gearán eile sa bhliain 2022. Ós rud é gur eisigh an Coimisiún rabhadh chuig an gcuideachta maidir leis an ngearán roimhe, chinn an Coimisiún ionchúiseamh a dhéanamh de bhun an ghearáin seo.

Ag Cúirt Dúiche Chathrach Bhaile Átha Cliath an 11 Meán Fómhair 2023, phléadáil Chill Insurance Limited ciontach i gcúiseamh amháin faoi Rialachán 13(1) de na Rialacháin um Príobháideacht agus Cumarsáid Leictreonach i dteachtaireacht margaíochta SMS a sheoladh gan toiliú agus i gcúiseamh amháin faoi Rialachán 13(12)(c) de na Rialacháin um Príobháideacht agus Cumarsáid Leictreonach i mainneachtain rogha bhailí diúltaithe a chur ar áireamh sa teachtaireacht sin. Chuir an Chúirt Dúiche an Probation of Offenders Act, 1907, i bhfeidhm sa chás seo, agus síntiús carthanúil €500 á thabhairt do Little Flower Penny Dinners. D'aontaigh Chill Insurance Limited costais dlí an Choimisiúin a ghlanadh.

Cás-Staidéar 16:

LONCHÚISEAMH HIDDEN HEARING LIMITED

LONCHÚISEAMH

Thaisc ceathrar aonair gearáin faoi theachtaireachtaí margaíochta SMS, ríomhphoist mhargaíochta agus glaonna teileafóin margaíochta gan iarraidh a fuair siad ó Hidden Hearing Limited. Thug duine amháin de na gearánaigh freagra don seoltóir, á iarraidh go mbainfí a uimhir theileafóin de liosta margaíochta na cuideachta. Cé go ndearnadh de réir na hiarrata sin, tharla sé, mar gheall ar earráid córais, gur theip ar an gcóras bainistíochta caidrimh custaiméirí sioncrónú leis an gcóras bainistíochta dialainne. Dá bhrí sin, níor baineadh uimhir theileafóin an ghearánaigh den liosta glaonna agus fuair sé glao teileafóin margaíochta eile gan iarraidh.

San imscrúdú uainn ar na ceithre ghearán seo, suíodh nach raibh aon toiliú ag Hidden Hearing Limited le cumarsáidí margaíochta gan iarraidh a sheoladh chuig na gearánaigh lena mbaineann. Ós rud é gur eisigh an Coimisiún um Chosaint Sonraí rabhadh chuig an gcuideachta maidir le gearán roimhe, chinn an Coimisiún ionchúiseamh a dhéanamh de bhun na gearán seo.

Ag Cúirt Dúiche Chathrach Bhaile Átha Cliath an 11 Meán Fómhair 2023, phléadail Hidden Hearing Limited ciontach in dhá chúiseamh faoi Rialachán 13(1) de na Rialacháin um Príobháideacht agus Cumarsáid Leictreonach i ríomhphost margaíochta agus teachtaireacht margaíochta SMS a sheoladh gan toiliú agus in dhá chúiseamh faoi Rialachán 13(6)(a) de na Rialacháin um Príobháideacht agus Cumarsáid Leictreonach i nglaonna teileafóin margaíochta a chur gan toiliú. Chuir an Chúirt Dúiche an Probation of Offenders Act, 1907, i bhfeidhm sa chás seo, agus síntiús carthanúil €500 á thabhairt do Little Flower Penny Dinners. D'aontaigh Hidden Hearing Limited costais dlí an Choimisiúin a ghlanadh.

LONCHÚISEAMH

Cás-Staidéar 17:**LONCHÚISEAMH CHUMANN SCLÉARÓISE IOLRAÍ NA HÉIREANN**

I mí Aibreáin 2023, fuair an Coimisiún um Chosaint Sonraí gearán amháin ó dhuine aonair maidir le teachtaireachtaí ríomhphoist margaíochta gan iarraidh a fuarthas ó Chumann Scléaróise Iolraí na hÉireann. Agus é ag tabhairt freagra ar an imscrúdú ón gCoimisiún ar an ngearán, mhínigh Cumann Scléaróise Iolraí na hÉireann gur roghnaigh an duine aonair gan cumarsáidí margaíochta a fháil i mí Iúil 2018. Mar chuid de thionscadal ascnaimh a seoladh i mí Aibreáin 2023, áfach, cuireadh seoladh ríomhphoist an ghearánaigh ar áireamh de bhotún sa liosta daoine aonair a thoiligh le cumarsáidí margaíochta a fháil. Mar thoradh air sin, seoladh teachtaireachtaí ríomhphoist margaíochta gan iarraidh chuig an ngearánach. Ós rud é gur eisigh an Coimisiún rabhadh chuig an gcuideachta maidir le gearán roimhe, chinn an Coimisiún ionchúiseamh a dhéanamh de bhun an ghearáin seo.

Ag Cúirt Dúiche Chathrach Bhaile Átha Cliath an 11 Meán Fómhair 2023, phléadail Cumann Scléaróise Iolraí na hÉireann ciontach i gcúiseamh amháin faoi Rialachán 13(1) de na Rialacháin um Príobháideacht agus Cumarsáid Leictreonach i ríomhphost margaíochta a sheoladh gan toiliú. Chuir an Chúirt Dúiche an Probation of Offenders Act, 1907, i bhfeidhm sa chás seo, agus síntiús carthanúil €500 á thabhairt do Little Flower Penny Dinners. D'aontaigh Cumann Scléaróise Iolraí na hÉireann costais dlí an Choimisiúin a ghlanadh.

Cás-Staidéar 18:

LONCHÚISEAMH VODAFONE IRELAND LIMITED

LONCHÚISEAMH

I mí Iúil 2023, fuair an Coimisiún um Chosaint Sonraí gearán amháin ó dhuine aonair maidir le glao teileafóin margaíochta gan iarraidh a fuarthas ó Vodafone Ireland Limited. Agus é ag tabhairt freagra ar an imscrúdú ón gCoimisiún ar an ngearán, mhínigh Vodafone Ireland Limited gur roghnaigh an duine aonair gan cumarsáidí margaíochta a fháil i mí na Nollag 2021. Fuarthas amach, áfach, gur dearadh go mícheart trí fheachtas margaíochta ríomhphoist le déanaí de dheasca earráid dhaonna. D'fhág sé sin gur seoladh teachtaireachtaí margaíochta chuig 20,790 custaiméir a roghnaigh gan cumarsáidí margaíochta a fháil. A luaithe a sainithníodh an earráid sin, cuireadh stop leis na feachtais agus níor úsáideadh arís iad. Bhí an duine aonair i measc na gcustaiméirí lena mbaineann.

Rinne an Coimisiún Vodafone Ireland Limited a ionchúiseamh sna blianta 2022, 2021, 2019, 2018, 2013 agus 2011 i leith Rialachán 13 de na Rialacháin um Príobháideacht agus Cumarsáid Leictreonach a shárú i ndáil le gearáin roimhe sin. Dá réir sin, chinn an Coimisiún ionchúiseamh eile a sheoladh de bhun an ghearáin seo.

Ag Cúirt Dúiche Chathrach Bhaile Átha Cliath an 11 Meán Fómhair 2023, phléadáil Vodafone Ireland Limited ciontach i gcúiseamh amháin faoi Rialachán 13(1) de na Rialacháin um Príobháideacht agus Cumarsáid Leictreonach i ríomhphost margaíochta a sheoladh gan toiliú. Chiontaigh an Chúirt Dúiche Vodafone Ireland Limited sa chúiseamh amháin sin agus d'fhorchuir sí fíneáil €500. D'aontaigh Vodafone Ireland Limited costais dlí an Choimisiúin a ghlanadh.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Léiríonn na hionchúisimh seo a thábhachtaí atá sé go mbeadh córais i bhfeidhm lena dtairfeadtar go cruinn sainroghanna toilithe an ábhair sonraí, go háirithe i gcás go bhfuil eagraíocht ag ascnamh sonraí chuig córais nua ghnó nó go bhfuil sí ag cur tús le feachtais nua mhargaíochta. Léirítear iontu freisin gur cheart d'eagraíochtaí athbhreithniú tráthrialta a dhéanamh ar aon liostaí toilithe custaiméirí atá acu.

TCI

Cás-Staidéar 19:**GEARÁN MAIDIR LE PRÓISEÁIL CHOTHROM A BHAIN LE TCI SAN ÁIT OIBRE**

Tharraing duine aonair ábhar inní anuas lena fhostóir sa tionscal scéimhe faoi líon ceamaraí teilifíse ciorcaid iata (TCI) san áit oibre a chreid sé a bheith iomarcach. Luaigh an duine nár cuireadh in iúl dó riamh go raibh na ceamaraí á suiteáil agus go raibh inní air go raibh taifeadtaí fuaim agus taifeadtaí físe araon á ndéanamh ag na ceamaraí. Chuir an eagraíocht in iúl don duine aonair gur ar mhaithe le sábháilteacht na foirne a suiteáladh na ceamaraí agus nár taifeadadh aon fhuaim riamh.

Chuir an duine aonair gearán faoi bhráid an Choimisiúin um Chosaint Sonraí toisc go raibh sé míshásta leis an bhfreagra a fuarthas ón eagraíocht. Mar chuid den scrúdú uaidh, chuir an Coimisiún ceist ar an eagraíocht faoi na taifeadtaí fuaim líomhnaithe a taifeadadh leis na ceamaraí TCI. Dheimhnigh an eagraíocht nár taifeadadh aon fhuaim agus thug sí don Choimisiún litir ó sholáthraí an chórais TCI inar deimhníodh tuilleadh nár taifeadadh aon fhuaim leis na ceamaraí toisc nach raibh aon chumas taifeadadh fuaim acu.

Chuir an eagraíocht in iúl don Choimisiún gur shuiteáil sí na ceamaraí ar dtús tar éis sraith fadhbanna slándála, lena áiríodh teagmhais ghadaíochta. Luaigh sí freisin, áfach, gur ar mhaithe le sábháilteacht na mball foirne agus iad ag obair ina n-aonar a suiteáladh na ceamaraí. Cé gur mhaígh an duine aonair nach raibh sé ar an eolas gur suiteáladh na ceamaraí, luaigh an eagraíocht go raibh na ceamaraí ann le trí bliana sula ndearna an duine aonair gearán leis an gCoimisiún agus gur chuir an duine aonair oiliúint ar an bhfoireann ina leith.

Luaigh an eagraíocht go raibh roinnt bunús dleathach aici le sonraí a phróiseáil ar an mbealach sin, lena áiríodh Airteagal 6(1)(d) den Rialachán Ginearálta maidir le Cosaint Sonraí ("RGCS"), á rá go bhfuil na ceamaraí ag teastáil chun leasanna ríthábhachtacha a foirne a chosaint. Sonraítear in Airteagal 6(1)(d) RGCS go mbeidh próiseáil sonraí pearsanta dleathach más rud é "[gur] gá an phróiseáil a dhéanamh chun leasanna ríthábhachtacha an ábhair sonraí nó duine nádúrtha eile a chosaint". Luaigh sí Airteagal 6(1)(f) RGCS freisin, ina sonraítear go mbeidh próiseáil dleathach más rud é "[gur] gá an phróiseáil a dhéanamh chun críocha na leasanna dlisteanacha atá á saothrú ag an rialaitheoir..." toisc go bhfuil leas dlisteanach ag an eagraíocht i slándáil na háite oibre, i sábháilteacht na foirne agus sa choireacht a chosc.

Chuir an Coimisiún in iúl don eagraíocht nach bhféadann sí dul i muinín Airteagal 6(1)(d) RGCS mar bhunús dleathach le ceamaraí TCI a úsáid san áit oibre. Dheimhnigh an eagraíocht gurbh amhlaidh, ar aon dul le hAirteagal 6(1)(f) RGCS, a sheol sí tástáil cothromaithe leasanna dlisteanacha roimh shuiteáil na gceamaraí TCI. Luaigh an eagraíocht freisin go bhfuil an phróiseáil teoranta dá bhfuil riachtanach, á lua gur gá í a dhéanamh chun críocha sábháilteachta. Luaigh sí go gcoinnítear na píosaí scannáin ar feadh tréimhse 20 lá agus go dtaifeadtar píosaí scannáin nua ina n-áit ansin. Luaigh an eagraíocht nach bhfuil rochtain ar na píosaí scannáin, atá cosanta ag pasfhocal, ach amháin ag an lucht bainistíochta.

Ag teacht sna sála ar an scrúdú uaidh ar an ngearán, chinn an Coimisiún gur thaispeáin an eagraíocht bunús dleathach bailí le sonraí pearsanta a phróiseáil trí cheamaraí TCI a úsáid faoi Airteagal 6(1)(f) RGCS.

NA PRÍOMHTHÁTAIL ATÁ LE BAINT:

- Ní mór cúis dhleathach a bheith ann le TCI a úsáid, amhail cosc ar an gcoireacht nó sláinte agus sábháilteacht oibrithe. Ní mór úsáid TCI a bheith riachtanach agus comhréireach.
- Ba cheart d'eagraíochtaí a chur san áireamh, sula suiteálfaí córais den sórt sin, cé na tairbhí is féidir a ghnóthú, cé acu is ann nó nach ann do réitigh níos fearr, agus cén éifeacht a d'fhéadfadh a bheith ann ar dhaoine aonair.
- Tá tuilleadh eolais ar an ábhar seo le fáil ag:

<https://www.dataprotection.ie/ga/dpc-guidance/treoir-ar-usaid-cctv-do-rialaitheoiri-sonrai>

TCI

Cás-Staidéar 20:**TCI I SEOMRAÍ FOLCTHA**

Gach bliain faigheann an CCS go leor fiosruithe agus gearáin ó dhaoine éagsúla a dhéanann gearán go sonrach faoi úsáid TCI i limistéir scíthe ag eagraíochtaí éagsúla ar nós tithe tábhairne, clubanna oíche, bialanna agus iostaí iompair. Go háirithe, líomhnaíonn na gearáin go bhfuil na ceamaraí ag díriú ar réimsí ar leith i seomraí scíthe ina bhfuil ionchas méadaithe maidir le príobháideacht, mar shampla os cionn ciúbach nó fualán.

Cé go ndeachaigh an CCS i dteagmháil le heagraíochtaí ar bhonn duine le duine, ní mór breithniú níos ginearálta a dhéanamh ar an tsaincheist maidir le dleathacht phróiseáil sonraí pearsanta trí TCI i seomraí scíthe. Mar thoradh air sin, tá scrúdú breise déanta ag an CCS ar na saincheistanna seo agus nuashonraigh sé a Threoir maidir le TClanna do Rialaitheoirí Sonraí trí mhír shonrach a chur san áireamh ar 'Úsáid TCI i réimsí ina bhfuiltear ag súil le príobháideacht.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Ba cheart d'eagraíochtaí gan úsáid a bhaint as TCI i gcás go bhfuil ionchas réasúnta ard ann maidir le príobháideacht (mar shampla, os cionn ciúbach). Tá an tairseach maidir le húsáid TCI i seomraí codlata níos ginearálta fós an-ard, agus ceanglaítear ar rialtóirí sonraí na saincheistanna dlisteanacha go léir a thagann chun cinn a shainaithint agus a scrúdú agus bearta cuí a mheasúnú agus a chur i bhfeidhm a chosnaíonn leasanna daoine aonair a úsáideann na háiseanna sin nach mór a mheas. roimh imscaradh aon chórais.
- Molann an CCS go láidir go gcuirfeadh gach rialaitheoir sonraí eolas ar an treoir nuashonraithe seo.

Cás-Staidéar 21:

GEARÁN FAOI SHÁRÚ A BHAIN LE FAISNÉIS FOSTAÍOCHTA

Fuair an Coimisiún um Chosaint Sonraí gearán a rinne duine aonair in aghaidh a fhostóra. Bhain sé le sárú sonraí a tharla nuair a cuireadh fillteán acmhainní daonna ina raibh sonraí pearsanta an duine aonair ar thiomántán poiblí a raibh rochtain ag daoine aonair tríú páirtí air.

Dúirt an fhostóir leis an gCoimisiún gur thug sé fógra don. Dúirt sé gur tharla sé, de dheasca earráid dhaonna, gur aistríodh fillteán ina raibh sonraí pearsanta chuig tiomántán comhroinnte coiteann inmheánach de thaisme. Dúirt sé freisin nach raibh rochtain ag aon duine ar bith lasmuigh den eagraíocht ar an bhfillteán sin. A luaithe a tháinig an fhostóir ar an eolas faoin sárú sin, rinne sé gníomh láithreach chun na comhaid lena mbaineann a dhaingniú.

Daingníodh na fillteáin acmhainní daonna trí iad a bhaint den tiomántán comhroinnte agus trí iad a chur sa tiomántán cuí logánta acmhainní daonna. Rinne an fhostóir imscrúdú ar an teagmhas sin agus dheimhnigh sé nach ndearnadh aon phróiseáil bhreise ar shonraí pearsanta sa chás seo. Chuir an fhostóir na daoine aonair a ndearnadh difear dóibh ar an eolas faoin sárú agus thug sé an t-eolas is deireanaí roinnt uaireanta maidir leis an gcéanna tríd an ríomhphost. Ina dhiaidh sin, thug an fhostóir don duine aonair liosta mionsonraithe de na catagóirí sonraí pearsanta a bhí i gceist leis an sárú sonraí.

Tar éis dó an ní a scrúdú a mhéid a measadh a bheith cuí, mheabhraigh an Coimisiún don fhostóir na hoibleagáidí atá air faoi Airteagal 5(1)(f) agus Airteagal 24 RGCS. Chomhoibrigh an fhostóir leis an gCoimisiún arís agus arís eile. Rinne an Coimisiún cigireacht dheonach ag áitreabh an fhostóra freisin. Rinne an Coimisiún measúnú ar an sárú agus chuaigh sé i dteagmháil leis an bhfostóir, a d'inis don Choimisiún go bhfuil bearta i bhfeidhm, nó go bhfuil sé beartaithe bearta a chur i bhfeidhm, chun a chinntiú nach dtarlóidh teagmhas den chineál céanna arís sa todhchaí.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Ba cheart d'eagraíochtaí a chinntiú go bhfuil rialuithe cuí agus faireachán cuí i bhfeidhm acu agus iad ag úsáid saoráidí amhail fillteáin agus tiomántáin chomhroinnte. Má tá seirbhísí den sórt sin á n-úsáid, ba cheart iniúchadh tráthrialta a dhéanamh orthu chun a chinntiú nach bhfuil aon sonraí pearsanta inrochtana.

SÁRÚ

Cás-Staidéar 22:**PRÓISEÁLAÍ SONRAÍ I SÁRÚ EARNÁIL NA
CARTHANACHTA**

Bhain ocht n-eagraíocht déag (rialaitheoirí sonraí) a bhí ag obair san earnáil carthanas úsáid as próiseálaí sonraí a bhí lonnaithe lasmuigh de dhlínse an Choimisiúin um Chosaint Sonraí (an Coimisiún). Soláthraíonn na heagraíochtaí sin seirbhísí atá dírithe den chuid is mó ar thacaíocht a thabhairt do dhaoine aonair soghonta agus is eagraíochtaí neamhbhrabúis iad a n-oibríonn formhór a mball foirne ar bhonn deonach.

Ghnóthaigh drochghníomhaí rochtain ar líonra an tsoláthraí seirbhíse tríú páirtí (líonra an rialaitheora sonraí). Ní raibh an próiseálaí sonraí in ann a dheimhniú cá fhad a bhí an drochghníomhaí ag insíothlú isteach ina chuid córas sular aimsíodh an sárú. Ba é an toradh a bhí air sin ná gur goideadh roinnt sonraí, gur scriosadh bunachar sonraí inar sealbhaíodh na sonraí agus gur tugadh nóta fuascailte inar éilíodh íocaíocht. Rinne an drochghníomhaí teagmháil dhíreach leis an bpróiseálaí sonraí agus thug sé fianaise ar na sonraí goidte.

Níor íoc an próiseálaí sonraí an fhuascailt agus luaigh sé gur athbhunaigh sé a chórais ó chúltaca. Bhí na sonraí goidte ina riosca fós, áfach.

Ní raibh ach ocht gcinn de na hocht n-eagraíocht déag in ann a dheimhniú go raibh Plean Freagartha do Theagmhais Sáraithe acu cheana féin. Thaispeáin an-chuid de na rialaitheoirí sonraí nach raibh aon taithí TF ar chor ar bith acu agus bhí an chuma air nár aithin siad fairsinge na n-oibleagáidí atá orthu faoi Airteagal 24 RGCS.

I measc fhormhór na n-eagraíochtaí, bhí méideanna difriúla tuisceana ann ar na sonraí pearsanta agus na sonraí catagóire speisialta a shealbhaigh siad. Ina theannta sin, ní raibh roinnt de na heagraíochtaí in ann na catagóirí sonraí a shealbhaigh siad a dheimhniú.

Ní raibh i bhfeidhm ag formhór na n-eagraíochtaí conradh idir an rialaitheoir agus an próiseálaí de bhun Airteagal 28(3) RGCS. Ina ionad sin, bhí na rialaitheoirí sonraí sin ag brath ar Chomhaontú Síntiúis um Bogearraí mar Sheirbhís. Bhí an chuma ar an gcomhaontú sin go raibh sé i bhfabhar an phróiseálaí sonraí maidir le hoibleagáidí i ndáil le freagairt do theagmhas slándála nó i ndáil le faisnéis a bhaineann le teagmhas slándála a sholáthar.

Ní dharna roinnt de na heagraíochtaí Measúnú Tionchair ar Chosaint Sonraí, d'ainneoin chineál na heagraíochta agus na gcliant a bhfreastalaíonn siad orthu. Luaigh roinnt eagraíochtaí nach raibh siad in ann Measúnú Tionchair ar Chosaint Sonraí a dhéanamh toisc gur dhiúltaigh an próiseálaí sonraí géilleadh d'fhaisnéis a sholáthar faoina chórais agus faoin sárú.

Rinne an Coimisiún caidreamh leis an údarás cosanta sonraí sa tír a raibh an próiseálaí lonnaithe inti chun faisnéis a bhailiú agus a chomhroinnt. Rinne an Coimisiún tuilleadh caidrimh leis na heagraíochtaí ó thaobh na rialála de agus ó thaobh na maoirseachta de araon, agus roinnt moltaí á soláthar aige lena leagadh béim ar na hoibleagáidí atá ar na heagraíochtaí maidir le feachtas ar na catagóirí sonraí pearsanta a phróiseálann siad de bhun Airteagal 4(1) agus Airteagal 9 RGCS, maidir leis an tábhacht a bhaineann le grinnfhiosrú a dhéanamh ar aon tríú páirtí a bhfuil siad ag roghnú caidreamh a dhéanamh leis sula gceadófaí an phróiseáil sonraí pearsanta (Airteagal 28(1) RGCS) agus maidir leis an oibleagáid atá orthu a chinntiú go mbeidh comhaontú próiseála i bhfeidhm ina leagtar freagrachtaí an dá pháirtí amach go soiléir (Airteagal 28(2) RGCS) agus go dtástálfar í ar bhonn tráthrialta.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Is iad na príomhbhealaí beir leat go bhféadfaidh eagraíocht a próiseáil ar ghníomhaíochtaí sonraí pearsanta a sheachfhoinsiú chuig tríú páirtí ach ní féidir léi a freagracht agus a hoibleagáidí faoin GDPR a sheachfhoinsiú. Is gá cúram ar leith a dhéanamh agus sonraí daoine aonair á roinnt le tríú páirtithe, go háirithe a sonraí i gcatagóir speisialta. Is ceart daonna bunúsach é cosaint sonraí agus ní mór d'eagraíochtaí in earnáil na gcarthanas a thabhairt chun cuimhne go bhfuil muintín ag daoine as a gcuid sonraí a choinneáil sábháilte.
- Is féidir le heagraíochtaí atá in ann comhairle a lorg ó eagraíochtaí piaraí nó ón CCS modhanna iomchuí teicniúla agus eagraíochtúla a chur i bhfeidhm.

SÁRÚ

Cás-Staidéar 23:**SCOIL DARA LEIBHÉAL ÍOSPARTACH IONSAÍ
IASCAIREACHTA MÍOLTA MÓRA**

Ghnóthaigh drochghníomhaí rochtain ar na córais TFC de chuid scoile (de chuid rialaitheora sonraí), lena áiríodh an córas ríomhphoist, agus d'insíothlaigh sé isteach iontu ar feadh tréimhse anaithnid ama. Bhailigh an drochghníomhaí faisnéis sula ndearna sé ríomhphost fioscaireachta a sheoladh agus a chur ina luí ar an riarthóir cuntas airgeadais íocaíochtaí a dhíriú isteach i gcuntas calaoiseach.

Sheol an drochghníomhaí ríomhphost chuig an riarthóir cuntas, á chur i gcéill gur seoladh é ó sheoladh ríomhphoist phríomhoide na scoile. Tugtar cumarsáid faoi bhréagriocht air sin agus fágann sé go bhfuil an chuma air gur seoladh an ríomhphost ó dhuine aonair a bhfuil iontaobh as agus gur iarraidh bhailí atá ann. Cuimsíodh sa ríomhphost sin cóipeanna dúblacha calaoiseacha de shonraisc a bhain le hobair dhlísteanaigh a rinneadh sa scoil. Mhí-ionramháil an drochghníomhaí na mionsonraí cuntais bainc, áfach, chun an íocaíocht a atreorú chuig faighteoir anaithnid agus rinne an scoil an t-idirbheart, agus í neamheolach air sin. Aimsíodh an sárú nuair a chuir an soláthraí dlísteanaigh in iúl nár íocadh é. Chuir an scoil an fógra faoi shárú isteach.

Mhol an Coimisiún go ndéanadh an scoil roinnt gníomhartha chun athshlánú ón sárú agus chun atarlú a mhaolú lena n-áirítear cur i bhfeidhm Fíordheimhnithe Ilfhachtóirí, monatóireacht leanúnach agus meabhrúcháin ar a bheartas úsáide ríomhphoist.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Ceann de na príomhchúiseanna le beir leat is ea nach mór d'aon eagraíocht a fhostaíonn córas ríomhphoist tríú páirtí a chinntiú go gcinntíonn a úsáid laistigh den eagraíocht leibhéal cuí slándála agus gur féidir é seo a bhaint amach trí rogha slándála cuí a chumrú agus trí threoir shoiléir a sholáthar don fhoireann maidir le húsáid cheart an chórais r-phoist. bogearraí atá in úsáid.

Cás-Staidéar 24:

BEARTAIS AGUS NÓSANNA IMEACHTA MAIDIR LE TCI

Chaill custaiméir de chuid bialainne a ghiurléidí san áitreabh agus d'iarr sé go dtabharfadh ball foirne rochtain ar phíosaí scannáin TCI na bialainne dó chun cabhrú leis a fháil amach cad a tharla dóibh.

Ag baint úsáid as a fhón dó, thóg an ball foirne grianghraf de na píosaí scannáin agus thug sé cead don chustaiméir amharc ar an íomhá. Dá ainneoin sin:

1. Níor chuir an ball foirne cosc ar an gcustaiméir a fhón póca a úsáid chun cóip den íomhá a thógáil.
2. Níor thaifead an ball foirne mionsonraí teagmhála an chustaiméara ar eagla go mbeadh sé riachtanach teagmháil a dhéanamh leis ina dhiaidh sin maidir leis an íomhá.

Chuir bainisteoir na bialainne an sárú isteach mar shárú ísealriosca. Méadaíodh an leibhéal riosca go hardriosca tar éis don Choimisiún anailís riosca a dhéanamh, áfach mar gheall ar an easpa rialuithe agus beartais inmheánacha atá i bhfeidhm.

Nuair a shuiteálann úinéir/áititheoir áitribh córas TCI, tar éis dó é a chosaint mar bheart riachtanach agus comhréireach, ní mór dóibh mar rialaitheoir sonraí aird chuí a thabhairt ar stóráil shábháilte sonraí pearsanta agus ar chur i bhfeidhm na mbeart slándála cuí. Tá sé de dhualgas ar rialtóirí sonraí bearta teicniúla agus eagraíochtúla a chur i bhfeidhm chun a chinntiú go gcoimeádtar sonraí pearsanta slán ó aon phróiseáil neamhúdairithe nó neamhdhleathach agus cailleadh, scrios nó damáiste de thaisme. Sa chás seo, níor cheart go mbeadh cead ag an mball foirne grianghraf a ghlacadh den íomhá.

Ní raibh an bhialann in ann na rioscaí a bhain leis an sárú seo a mhaolú toisc nach raibh sí in ann teagmháil a dhéanamh leis an gcustaiméir chun scriosadh na híomhá ó gach suíomh a iarraidh/a dheimhniú.

Rinne an Coimisiún caidreamh leis an mbialann agus chuir sé in iúl di gur cheart di Beartais agus Nósanna Imeachta maidir le TCI a athbhreithniú. Go háirithe, tharraing an Coimisiún aird na bialainne ar thosca riosca a bhaineann leo seo:

1. Rochtain ar phíosaí scannáin TCI a údarú.
2. Srianta, agus taifeadadh a dhéanamh ar aon dúbailt a dhéantar ar píosaí scannáin TCI.
3. Oiliúint feasachta don fhoireann agus na rioscaí atá i gceist le píosaí scannáin TCI a chomhroinnt gan bunús dlí, i.e., chun críche LED. Ba cheart é sin a lua go soiléir sa bheartas uaidh maidir le TCI a úsáid.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Príomhthátal is ea gurb amhlaidh, maidir le húsáid TCI laistigh d'aon eagraíocht, ba cheart beartais chuí agus treoir chuí a bheith mar bhonn agus thaca aici agus ba cheart í a fhorfheidhmiú trí oiliúint agus trí fheasacht chun a chinntiú go mbeidh leibhéal cuí slándála ann chun aon rioscaí a d'fhéadfadh teacht chun cinn a mhaolú.

Cás-Staidéar 25:**DOICIMÉID PÁIPÉIR CÓIPE CRUA A AISTRIÚ**

Eagraíocht a bhfuil feidhm aici athbhreithnithe neamhspleácha a dhéanamh. Bhí an eagraíocht ag tabhairt doiciméid ar ais tar éis a próiseas achomhairc agus measúnachta a chur i gcrích. Is gnách go molann an eagraíocht go n-úsáidfidh córas aistrithe comhad le haghaidh taifid ábhair a aistriú. Mar sin féin, éascaíonn sí cóipeanna crua a sheoladh freisin. Sa chás seo, d'iarr an eagraíocht seolta go dtabharfaí ar ais di na cóipeanna de thaifid a sheol sí i gcóip chrua. Thug an eagraíocht na doiciméid sin ar ais leis an bpost agus bhí an t-imchlúdach treisithe agus slán tráth a tugadh amach as an eagraíocht é. Luadh, áfach, nár seoladh é leis an bpost cláraithe, arbh é an gnáthbheartas don eagraíocht é nuair a bhí sé ag iarraidh cóipeanna crua ó eagraíochtaí chun tacú leis an bpróiseas achomhairc/measúnachta. Nuair a tháinig an t-imchlúdach ar ais san eagraíocht seolta, bhí uamanna uile an imchlúdaigh scoilte agus an-stróicthe agus bhí trí leathanach ar iarraidh ón bpacáiste.

Cuimsíodh sonraí a bhain le daoine aonair soghonta sna doiciméid. Bhain cineál agus catagóir na sonraí le hAirteagal 4(1) RGCS agus níor cuimsíodh aon sonraí liachta iontu. Bhíothas in ann a thabhairt le tuiscint gur cuimsíodh faisnéis liachta áirithe iontu, áfach, toisc go ndearna an t-úsáideoir seirbhíse caidreamh leis an eagraíocht seolta.

Rinne an eagraíocht caidreamh leis an tseirbhís poist a úsáideadh le linn na mionsonraí a thabhairt ar ais don eagraíocht iarrthach agus, mar chuid den imscrúdú a rinne sí ar na trí leathanach a bhí ar iarraidh, fuarthas amach go raibh an t-imchlúdach neamhdhamáistithe tráth a fuair an tseirbhís poist é. Ós rud é nár seoladh é leis an bpost cláraithe, áfach, ní raibh aon fháil ann ar rianú poist.

Ghabh an eagraíocht uirthi féin úsáid an phoist chláraithe a fhorfheidhmiú agus an beartas uaithi a nuashonrú chun baill foirne a mholadh agus cóipeanna crua á dtabhairt ar ais don eagraíocht seolta acu go ndéanfaí bearta ar aon dul le hAirteagal 5(1)(f) RGCS agus le hAirteagal 32 RGCS chun bearta cuí teicniúla agus eagraíochtúla a chur chun feidhme, amhail a chinntiú go gclárófar an comhfhreagras leis an tseirbhís poist agus a chinntiú go n-úsáidfear imchlúdaigh threisithe chuí chun leibhéal slándála agus cosanta a bheidh oiriúnach d'aon riosca a chinntiú.

Tugadh faoi deara go ndearna an eagraíocht caidreamh leis an tseirbhís poist mar chuid den imscrúdú a rinne sí ar na trí leathanach a bhí ar iarraidh agus go bhfuarthas amach go raibh an t-imchlúdach neamhdhamáistithe tráth a fuair an tseirbhís poist é. Ós rud é nár seoladh é leis an bpost cláraithe, áfach, ní raibh aon fháil ann ar rianú an imchlúdaigh.

Cé gur luadh sa bheartas a bhí in úsáid ag an eagraíocht gurbh é úsáid an phoist chláráithe an modh roghnaithe postais, shainaithin an eagraíocht freisin nár luadh é sin ach amháin i ndáil le cóipeanna crua a fháil ó na heagraíochtaí seolta. D'aithin an eagraíocht gurbh earráid í sin ina beartais féin.

Rinne an Coimisiún caidreamh leis an eagraíocht agus mhol sé di an beartas uaithi maidir le cóipeanna crua a thabhairt ar ais d'eagraíochtaí a nuashonrú agus gur cheart di an méid sin a chur ar áireamh i bhfeachtais oiliúna foirne agus i bhfeachtais feasachta foirne.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Príomhthátal is ea gurb amhlaidh, maidir le haistriú aon chóipeanna crua ina gcuimsítear sonraí pearsanta laistigh d'eagraíocht nó amach aisti, ba cheart beartais chúí agus treoir chúí a bheith mar bhonn agus thaca aige agus ba cheart é a fhorfheidhmiú trí oiliúint agus trí fheasacht chun a chinntiú go mbeidh leibhéal cuí slándála ann chun aon rioscaí a d'fhéadfadh teacht chun cinn a mhaolú.

Cás-Staidéar 26:**DOICIMÉID PÁIPÉIR CÓIPE CRUA A AISTRIÚ AGUS TÚ AG BOGADH ÁITRIBH**

Bhí lia-chleachtóir ginearálta a d'oibrigh a chleachtas óna theach féin ag bogadh a áitribh oibre. Luaigh an lia-chleachtóir ginearálta go raibh 4000 othar ag freastal ar an gcleachtas thar thréimhse ama agus gur oibrigh sé idir stóráil dhigiteach agus chomhaid pháipéir. Bhí an lia-chleachtóir ginearálta ag brath ar thoiliú ó na hothair chun na mionsonraí liachta a stóráil ar an mbealach sin. D'fhostaigh an lia-chleachtóir ginearálta veain seachadta áitiúil chun na comhaid liachta páipéir a bhain leis an gcleachtas a iompar. Cuireadh na comhaid liachta isteach i mboscaí agus seoladh amach iad i veain seachadta phríobháideach.

Aimsíodh an sárú le linn iniúchadh córais a rinneadh tar éis an bhogtha. Ba ar iarraidh a bhí bosca inar cuimsíodh comhaid liachta agus ar iompair fear aistrithe earraí iad ina veain phríobháideach féin. Dheimhnigh an tiománaí veain gur thaisc sé na comhaid sa limistéar fáiltithe den áitreabh nua. Tuairiscíodh an cailteanas comhad don stáisiún áitiúil de chuid an Gharda Síochána freisin. Bhí thart ar 2000 comhad liachta ann nach rabhthas in ann a aimsiú agus dheimhnigh an lia-chleachtóir ginearálta nach raibh aon chóipeanna cúltaca de na taifid sin ann. Bhain na comhaid ar iarraidh le dialanna liachta, le bileoga ama, le taifid vacsaínithe agus le taifid chliniciúla a bhain le hothair phríobháideacha a mheasúnú agus le cóireáil a chur orthu.

Rinne an Coimisiún caidreamh leis an lia-chleachtóir ginearálta agus fuair sé amach nach raibh sé ar intinn ag an lia-chleachtóir ginearálta fógra a thabhairt do na daoine aonair lenar bhain ach go raibh sé i mbun idirchaidrimh le Feidhmeannacht na Seirbhíse Sláinte (FSS) maidir leis an ní agus go raibh sé ag comhlíonadh an bheartais ó FSS maidir le coinneáil taifead (Caighdeáin agus Cleachtais Mholta FSS le haghaidh Bainistíocht Taifead Cúram Sláinte, QPSD-D-006-3 V3). Luaigh an lia-chleachtóir ginearálta ar dtús gurbh íseal a bhí an riosca toisc nach raibh na sonraí ar iarraidh comhlán.

Ag teacht sna sála ar thuilleadh caidrimh, tharraing an Coimisiún a aird ar na hoibleagáidí atá air faoi Airteagal 34 RGCS fógra a thabhairt do na hábhair sonraí lenar bhain gan moill mhíchuí. Chuir an lia-chleachtóir ginearálta in iúl go seolfadh sé fógra chuig gach othar lenar bhain nó chuig tuismitheoir nó caomhnóir gach othair mhionaoisigh lenar bhain le ríomhphost nó leis an bpost, agus sholáthair sé dréachtchóip den litir don Choimisiún. Deimhníodh iad sin a bheith eisithe.

Cuimsíodh Airteagal 4 RGCS agus Airteagal 9 RGCS araon leis na sonraí pearsanta a bhí i gceist. Ar roinnt de na sonraí pearsanta bhí ainmneacha, seoltaí, dátaí breithe, UPSPanna agus mionsonraí vacsaínithe.

Rinne an lia-chleachtóir ginearálta caidreamh le FSS maidir le taifid liachta a bhainistiú. Thug an lia-chleachtóir ginearálta bearta nua isteach chun taifid liachta a sealbhaíodh a dhigitiú. Rinneadh breithniú, áfach, ar bhearta praiticiúla amhail duine aonair a bheith i bhfeidhm chun aon taifid liachta a bhí á n-iompar a fháil, ar aon dul leis na hoibleagáidí atá leagtha amach faoi Airteagal 5(1)(f) RGCS agus faoi

Airteagal 32 RGCS chun bearta cuí teicniúla agus eagraíochtúla a bheidh oiriúnach d'aon riosca a chur chun feidhme.

Tugadh faoi deara gur oibrigh an lia-chleachtóir ginearálta óna theach ar feadh breis agus 20 bliain agus gurbh amhlaidh nach ndearnadh bearta cuí le linn na comhaid a iompar, cé gur úsáid an lia-chleachtóir ginearálta caibinéid shlána comhad.

Rinne an Coimisiún caidreamh leis an lia-chleachtóir ginearálta agus d'eisigh sé moladh maidir leis na hoibleagáidí atá ar an lia-chleachtóir ginearálta mar rialaitheoir faoi Airteagal 24 RGCS agus threoraigh sé an lia-chleachtóir ginearálta chuig an treoir atá ar fáil ar shuíomh Gréasáin an Choimisiúin. Chomh maith leis sin, dhírigh an Coimisiún aird an lia-chleachtóra ghinearálta ar an treoir cosanta sonraí ó Choláiste Dhochtúirí Teaghlaigh Éireann (ICGP).

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Príomhthátal is ea gurb amhlaidh, nuair atá eagraíocht ag aistriú aon chóipeanna crua ina gcuimsítear sonraí pearsanta, amhail nuair atá sí ag bogadh chuig áitreabh nua, nach mór di na rioscaí féideartha uile a chur san áireamh agus a chinntiú go bhfuil bearta cuí teicniúla agus eagraíochtúla i bhfeidhm chun na rioscaí a chosc nó a mhaolú.

Cás-Staidéar 27:

NA RIOSCAÍ A BHAINNEANN LE HÚSÁIDEOIRÍ FÍSCHOMHDHÁLA

Fuair an Coimisiún fógra ó chomhlacht reachtúil a n-áirítear lena fheidhmeanna imscrúdú a dhéanamh ar ghearáin a bhaineann le hiompar gairmiúil saineolaithe. Tharla an sárú le linn éisteacht phoiblí, a cuireadh ar siúl go cianda, nuair a shann próiseálaí tríú páirtí cead rochtana go mícheart don lucht freastail, a raibh iriseoirí ina mheasc.

D'fhág sé sin gurbh infheicthe a bhí doiciméid inar nochtadh sonraí pearsanta nach raibh daoine den phobal i dteideal amharc orthu toisc nach raibh siad mar chuid den éisteacht. Maidir leis na sonraí pearsanta, a nochtadh de thaisme le linn na héisteachta, d'fhoilsigh na hiriseoirí iad ina dhiaidh sin i lear asraonta meán.

Measúnaíodh an sárú a bheith ina shárú ardriosca toisc go rabhthas in ann láthair an ábhair sonraí, rud a foilsíodh, a thuiscint ó na sonraí a nochtadh.

Trí mhaolú, dheimhnigh an comhlacht reachtúil gur bhain na hasraonta meán na sonraí pearsanta dá n-ardáin. De bhreis air sin, nuashonraigh an próiseálaí tríú páirtí a bhearta teicniúla agus eagraíochtúla chun rochtain d'úsáideoirí poiblí a shrianadh.

AN PRÍOMHTHÁTAL ATÁ LE BAINT: :

- Leagtar béim sa chás seo ar na rioscaí féideartha a gcruthaíonn úsáideoirí físchomhdhála iad. Ba cheart do rialaitheoirí a chinntiú go mbeidh na daoine aonair a oibríonn na teicneolaíochtaí sin ar an eolas faoi úsáid na dteicneolaíochtaí.

TRASTEORANN

Cás-Staidéar 28:**RÉITÍODH GO CAIRDIÚIL GEARÁN TRASTEORANN
A BHAIN LE HIARRAIDH AR CHUIDEACHTA
AIRGEADAIS AR LÍNE AR AN GCEART GO NDÉANFAÍ
LÉIRSCRÍOSADH**

Bhain an gearán seo le hiarraidh léirscriosta a rinne duine aonair sa Ghearmáin ar chuideachta airgeadais ar líne atá lonnaithe in Éirinn de bhun Airteagal 17 RGCS. Thaisc an duine aonair an gearán uaidh ar dtús trí Údarás Cosanta Sonraí na Réine Thuaidh-Westphalia, a tharchuir an gearán ansin chuig an gCoimisiún mar Phríomhúdarás Maoirseachta.

Fuair an duine aonair diúltú ón gcuideachta géilleadh don iarraidh uaidh go scriosfaí a shonraí pearsanta ó bhunachar sonraí na cuideachta. Chuir an chuideachta in iúl don iarrthóir go raibh oibleagáid dhlíthiúil uirthi lenar ceanglaíodh uirthi na sonraí a choinneáil, de réir Airteagal 17(3)(b) RGCS. Chuir an duine aonair ábhair imní in iúl sa ghearán uaidh toisc nár sholáthair an chuideachta tuilleadh faisnéise maidir leis an mbunús lena diúltú géilleadh don iarraidh uaidh ná faisnéis maidir le cá fhad a choinneodh sí a shonraí.

Tar éis dó an gearán a fháil, rinne an Coimisiún caidreamh leis an gcuideachta. Le linn an chaidrimh sin, fuarthas amach go raibh an chuideachta ina heintiteas rialáilte airgeadais ar ceanglaíodh uirthi leis an dlí na sonraí pearsanta a bhaineann le cuntais dhúnta a choinneáil ar feadh tréimhse seacht mbliana agus gurb amhlaidh, ar dhul in éag don tréimhse sin, a scriosann sí na sonraí pearsanta a bhaineann le cuntas dúnta. Mar chuid den phróiseas réitigh chairdiúil, dheimhnigh an chuideachta an dáta ar a scriosfaí sonraí an duine aonair agus dheimhnigh sí go mbeadh sonraí pearsanta an duine aonair á gcumhdach go dtí an uair sin a d'fhéadfadh sí an iarraidh léirscriosta a chomhlíonadh.

Chuir an Coimisiún an fhaisnéis sin in iúl don duine aonair trí Údarás Cosanta Sonraí na Réine Thuaidh-Westphalia. Thug an duine aonair freagra, á dheimhniú gur réitíodh an gearán cosanta sonraí uaidh leis an bhfaisnéis a sholáthair an Coimisiún, agus ghabh sé buíochas leis an gCoimisiún as a chabhair maidir leis an ní a réiteach.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Léiríonn an cás-staidéar seo na tairbhí a bhaineann le hidirghabháil an CCS do dhaoine aonair trína phróiseas láimhseála gearán agus réitithe cairdiúil, a cheadaíonn dó dul i ngleic le buncheisteanna idir Ábhair Sonraí agus Rialaitheoirí. Ligeann an próiseas don CCS cabhrú le daoine aonair i Stáit an AE – trí aghaidh a thabhairt ar a n-ímní, agus soiléiriú a sholáthar ar nósanna imeachta um chosaint sonraí agus ar chearta an duine aonair faoin GDPR.

TRASTEORANN

Cás-Staidéar 29:**RÚN CAIRDIÚIL AR GHEARÁN TRASTEORANN MAIDIR LE HIARRATAS CIRT CHUN SCRIOSTA**

Fuair an Coimisiún gearán ó dhuine aonair maidir le láimhseáil iarratas scriosta faoi Airteagal 17 RGCS. Bhí iarraidh léirscriosta déanta ag an duine aonair sin chun go léirsciosfadh rialtóir a chuntas agus aon sonraí pearsanta iartheachacha ar leis iad. Luaigh an duine aonair sa chomhfhreagra a sheol sé chuig an gCoimisiún freisin gur chaill sé rochtain ar an gcuntas a bhí i gceist agus, dá bhrí sin, nach raibh sé in ann an cuntas a scriosadh as a stuaim féin trí úsáid a bhaint as uirlis féinscriosta rialtóir mar gheall ar neamh-inrochtaineacht. Thaisc an duine aonair an gearán uaidh le Meta go díreach ar dtús, ach bhí sé míshásta leis an bhfreagra a thug rialtóir ar an iarraidh uaidh. Mar sin, rinne an duine aonair teagmháil leis an gCoimisiún maidir lena ábhair imní, agus cabhair á lorg chun léirsciosadh an chuntais agus na sonraí pearsanta gaolmhara a fháil.

Shainaithin an Coimisiún an gearán a bheith ina ghearán a d'fhéadfaí a réiteach go cairdiúil faoi alt 109(2) den Acht um Chosaint Sonraí, 2018. Thosaigh an Coimisiún scrúdú ar an ngearán trí theagmháil a dhéanamh le rialtóir agus trí mhionsonraí an ghearáin a leagan amach.

Sa fhreagra uaidh chuig an gCoimisiún, luaigh Meta go raibh an chuma air nach raibh an duine aonair in ann a chuntas a rochtain, mar a mhaígh an duine aonair sa ghearán uaidh. Chun cabhrú leis an duine aonair an cuntas a bhí i gceist a scriosadh, rinne Meta teagmháil leis an duine aonair go díreach de bharr an chaidrimh leis an gCoimisiún, agus cabhraigh sainfhoireann Meta leis an duine aonair rochtain ar a chuntas a fháil ar ais. D'fhág sé sin go raibh an duine aonair in ann ansin tús a chur leis an bpróiseas um a chuntas agus a shonraí pearsanta gaolmhara a fhéinscriosadh. Chuir an duine aonair in iúl don Choimisiún ina dhiaidh sin go raibh a ghearán réitithe.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Léiríonn an cás seo nach féidir le heagraíochtaí brath i gcónaí ar chórais uathoibríthe chun dul i ngleic le hábhair imní na gcustaiméirí agus go gcaithfidh siad a bheith aireach ar an gcéatadán beag úsáideoirí nach bhfuil in ann a gcearta a fheidhmiú trí na meicníochtaí uathoibríthe atá i bhfeidhm.

Cás-Staidéar 30:**IARRAIDH AR DHÍLIOSTÚ DE BHUN AIRTEAGAL 17 RGCS**

Trí mheicníocht an tSiopa Ilfhreastail (OSS), fuair an Coimisiún gearán maidir le hiarraidh ar 'Cheart go nDéanfaí Ligean i nDearmad' a cuireadh isteach chuig cuideachta teicneolaíochta ilnáisiúnta mhór de bhun Airteagal 17 RGCS. D'iarr an duine aonair go ndíliostófaí trí aimsitheoir aonfhoirmeacha acmhainne (URL) a tugadh mar thorthaí ar inneall cuardaigh an Rialaitheora Sonraí nuair a cuardaíodh ainm an duine aonair. Bhain na URLanna i gceist le gnólacht atá díchláraithe anois de chuid an duine aonair. Bhíothas in ann uimhir theileafóin phearsanta agus seoladh cónaithe an duine aonair a fheiceáil trí na URLanna i gceist (ós rud é gur oibrigh an duine aonair a ghnólacht roimhe ag an seoladh céanna).

Chuir an duine aonair an iarraidh uaidh isteach, mar aon le cóip a bhí curtha in eagar dá aitheantas mar fhíorú. Mar fhreagra uaidh ar an iarraidh díliostaithe ón duine aonair, luaigh an Rialaitheoir Sonraí nach raibh an t-aitheantas a sholáthair an duine aonair inléite. Mar sin féin, ní raibh an chuma air gur bhreithnigh an Rialaitheoir Sonraí an iarraidh shubstainteach í féin agus nár mhínigh sé cé acu a bhí nó nach raibh amhras réasúnach aige maidir le céannacht an duine aonair, ná cé chomh mór is a bhí an t-amhras réasúnach sin, sa chaoi is gur ghá an iarraidh a dhéanamh ar fhaisnéis phearsanta bhreise. Ní raibh an duine aonair sásta leis an bhfreagra ón Rialaitheoir Sonraí agus rinne sé gearán ina dhiaidh sin le hÚdarás Cosanta Sonraí na Baváire (an tÚdarás Maoirseachta lenar Bhain), a d'aistrigh an gearán chuig an gCoimisiún.

Mar fhreagairt don imscrúdú ón gCoimisiún, d'athbhreithnigh an Rialaitheoir Sonraí an iarraidh ón duine aonair agus, tar éis dó an fhaisnéis a soláthraíodh i dteannta na hiarrata a bhreithniú maidir leis na sonraí pearsanta a cuimsíodh sna URLanna, chinn an Rialaitheoir Sonraí gurbh incháilithe lena ndíliostú a bhí na URLanna a ndearnadh gearán fúthu. Mar thoradh air sin, dhíliostaigh an Rialaitheoir Sonraí na URLanna ó na torthaí a thagann i láthair nuair a chuardaítear ainm an duine aonair agus thug sé fógra ina thaobh sin don duine aonair go díreach. Luaigh an Rialaitheoir Sonraí gurbh amhlaidh, dá mba rud é go raibh ag an duine aonair aon

URLanna eile nó aon téarmaí cuardaigh eile ba mhaith leis a chur isteach chun críocha aon iarrata díliostaithe, ba é an modh ab éifeachtúla agus ab éifeachtaí chun é sin a dhéanamh ná a fhoirm ar líne a úsáid.

Thug an duine aonair freagra don Choimisiún ina dhiaidh sin chun a dheimhniú go raibh sé sásta leis na gníomhartha a rinne an Rialaitheoir.

AN PRÍOMHTHÁTAL ATÁ LE BAINT:

- Ní mór iarrataí díliostaithe agus “ceart go ligfí i ndearmad” a mheas i gceart agus tástáil chothromaithe a dhéanamh chun a fháil amach an bhfuil leas an phobail ó thaobh rochtain a fháil ar an bhfaisnéis níos mó ná cearta an duine chun an fhaisnéis chéanna sin a scríosadh, nó a mhalairt.

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