



## Data Protection Commissioner of Ireland Annual Report 2015

The Office of the Data Protection Commissioner (ODPC) published its 2015 Annual Report outlining the progress made, the developments and challenges presented to organisations at a domestic and international level in relation to DP.

The annual report confirms that the forthcoming General Data Protection Regulation (GDPR) with an expected implementation date of 25 May 2018 “will explicitly put back onto organisations the clear obligation to properly organise themselves to ensure they are adequately protecting the individual’s fundamental right to data privacy and can demonstrate their accountability in this regard”.

The GDPR will have a significant impact on how organisations operate in relation to a number of the following aspects of Data Protection;

- appointing a Data Protection Officer
- the mandatory reporting of data protection breaches to the ODPC
- the tightening of requirements around gathering consent
- the right to data erasure for individuals
- fines for non-compliance up to 4% of annual global turnover.

During 2015, the ODPC received 31,455 queries and investigated 932 complaints

primarily in respect of data access requests and electronic direct marketing.

In 2015, 2,376 data breach notifications were made to the ODPC in relation to the inappropriate handling of personal data, the loss of personal data and database hacking whereby personal data was compromised on company websites. This highlights the importance of having adequate and effective controls in place to protect customer personal data. Inadequate processes and controls can leave organisations exposed to Data Protection issues at a time when they are increasingly using technology to engage with their clients.

The ODPC conducted a number of audits throughout 2015 and these highlighted the top 10 key themes are:

01. Lack of data retention policies
02. Lack of signage of policy for CCTV systems
03. Excessive use of CCTV systems
04. Lack of audit trails to identify inappropriate access
05. Poor call-handling security procedures potentially allowing for “blagging”
06. Illegal use of enforced subject access requests
07. Lack of clarity in relation to data-controller/data-processor contracts
08. Clear identification of data controller where a debt collector has been engaged
09. Excessive use of biometric time and attendance systems
10. Excessive use of body-worn cameras

When organisations have been audited, the ODPC makes best practice recommendations, gives immediate direction to an organisation to take a particular action and/or outlines a timeframe during which rectifying measures should be taken.

As the data protection regulatory landscape continues to change and increase in complexity across the globe, our Risk Advisory team leverages

knowledge of industry specific regulations with proven methodologies to design, assess, and transform the processes, controls, and infrastructure needed to mitigate risk and achieve compliance. Clear direction for future investment begins with an assessment to understand the capabilities and maturity of the organisation’s current data protection programme.

How we can help you with your information and data security challenges:

- Assist with the preparation and/or conduct a review of DP policies, procedures and processes and identify potential gaps for remediation
- Provide guidance and assistance tailored to your organisation in relation to data retention and data destruction
- Provide Data Protection advice tailored to your business needs and design remediation processes
- Provide recommendations and highlight areas for potential remediation
- Provide support, guidance and recommendations in relation to the implementation of GDPR
- Assist with providing guidance regarding complying with the relevant laws, regulations and codes.

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee (“DTTL”), its network of member firms, and their related entities. DTTL and each of its member firms are legally separate and independent entities. DTTL (also referred to as “Deloitte Global”) does not provide services to clients. Please see [www.deloitte.com/about](http://www.deloitte.com/about) for a more detailed description of DTTL and its member firms.

At Deloitte, we make an impact that matters for our clients, our people, our profession, and in the wider society by delivering the solutions and insights they need to address their most complex business challenges. As one of the largest global professional services and consulting networks, with over 220,000 professionals in more than 150 countries, we bring world-class capabilities and high-quality services to our clients. In Ireland, Deloitte has over 2,000 people providing audit, tax, consulting, and corporate finance services to public and private clients spanning multiple industries. Our people have the leadership capabilities, experience, and insight to collaborate with clients so they can move forward with confidence.

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited, its member firms, or their related entities (collectively, the “Deloitte Network”) is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional adviser. No entity in the Deloitte Network shall be responsible for any loss whatsoever sustained by any person who relies on this communication.

## Contact us:

**Annemarie O’Beirne**  
**Manager | Risk Advisory**  
Tel/Mob: +353 87 152 7081  
Email: [aobeirne@deloitte.ie](mailto:aobeirne@deloitte.ie)

**Donal Murray**  
**Senior Manager | Risk Advisory**  
Tel/Mob: +353 87 099 8884  
Email: [donmurray@deloitte.ie](mailto:donmurray@deloitte.ie)

**Dublin**  
Deloitte  
Deloitte & Touche House  
Earlsfort Terrace  
Dublin 2  
T: +353 1 417 2200  
F: +353 1 417 2300

**Cork**  
Deloitte  
No.6 Lapp’s Quay  
Cork  
T: +353 21 490 7000  
F: +353 21 490 7001

**Limerick**  
Deloitte  
Deloitte & Touche House  
Charlotte Quay  
Limerick  
T: +353 61 435500  
F: +353 61 418310

**Galway**  
Deloitte  
Galway Financial Services  
Centre  
Moneenageisha Road  
Galway  
T: +353 91 706000  
F: +353 91 706099

**Belfast**  
Deloitte N.I. Limited  
19 Bedford Street  
BT2 7EJ  
Belfast, Northern Ireland  
T: +44 (0)28 9032 2861  
F: +44 (0)28 9023 4786

[www.deloitte.com/ie](http://www.deloitte.com/ie)