



Threats and Challenges to Data Protection and Privacy :-

Addressing them Now – For a Better Future

Presented by:

Mrs Drudeisha MADHUB
Data Protection Commissioner

Venue: Institute for Judicial and Legal Studies
14th November 2017

- Introduction
- Tools for Data Protection
- Data Protection as a Human Rights Issue
- Some European Case Laws
- Vision and Mission
- Need for DPO in Mauritius
- Some Definitions
- Principles of the DPA
- Roles of the Data Protection Office
- Some Decisions on Complaints
- Managing Data Protection
- Offences and Penalties
- Key Challenges in Data Privacy
- Accession to Convention 108
- Data Protection Bill
- Benefits of the new Bill

- Privacy is a fundamental right, essential to autonomy and protection of human dignity.
- ICT have facilitated new ways of communicating directly with virtually the entire world in ways that were unthinkable only a few decades ago.
- New modes of communication also create risks.
- If the whole world becomes a village in which everybody knows one another, what will become of privacy?

- We are leaving our digital traces, publishing a lot of personal data or entrusting our data without knowing where or how it is going to be used.
- The best protection for individuals is when their personal information is only collected when required.
- To consider Privacy by Design
- Use of Privacy Enhancing Technologies should not be limited to tools that provide a degree of anonymity to living individuals.

- Data protection concerns the protection of the personal data of living individuals.
- Scope is not restricted to purely economical considerations or gains but encompasses the broader perspective of the right to privacy or the right to be left alone of every citizen of this country.
- Links between data protection and privacy indicate that data protection is linked to private life and the right to decide on whom the data related to private life are shared with and how they are shared.

- Chave née Jullien v. France, 1991
- P.G. and J.H. v. the United Kingdom, 2001
- Uzun v. Germany, 2010
- Roman Zakharov v. Russia, 2015

Vision

- A society where Data Protection is understood and practiced by all.
- The right to privacy and data protection is primordial to the sanctity of any modern democracy.
- The adoption of clear procedures for the collection and use of personal data in a responsible, secure, fair and lawful manner by all data controllers and data processors.

Mission

- Safeguard the privacy rights of all individuals with regard to the processing of their personal data.

- Data protection's importance has certainly increased due to technology.
- Technology can be used to glean meaning from a large set of detailed data.
- Technology is undoubtedly responsible for creating a new environment in which data protection must be implemented.

- **What is Personal Data?**
- **Are you a Data Controller?**
- **Who is a Data Processor?**

- Principle 1: Fairness
- Principle 2: Transparency
- Principle 3: Quantity
- Principle 4: Accuracy
- Principle 5: Time limit
- Principle 6: Individuals' rights
- Principle 7: Security
- Principle 8: International transfers

1. Registration of Data Controllers
2. Investigation of Complaints
3. Conduct compliance audits
4. Sensitisation
5. Exercise control on all data protection issues
6. Research on data processing and computer technology

- **Decision No 4 - Unauthorised use of CCTV cameras of Respondent**
- **Decision No 6 - Complaint on request for sensitive personal data without consent**
- **Decision No 18 - Complaint on unauthorised disclosure of personal information**

- Awareness
- Exception of consent
- Data Quality and accuracy
- Security Policy
- Outsourcing

- Subject to Section 61 of the DPA, any person who contravenes this ACT shall commit an offence.
- Where no specific penalty is provided for an offence, the person shall, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 5 years.

- Complicated in a modern, high-tech society as new communication technologies and methods have led to new challenges and threats.
- Data privacy is more than compliance.
- A strategic investment, not a cost challenge.

- Strengthening our data protection legal framework with international best practices
- Ratification of Mauritius to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, also known as "Convention 108".

- Outlaws the processing of "sensitive" data in the absence of proper legal safeguards
- Enshrines the individual's right to know that information is stored on him or her and, if necessary, to have it corrected
- Vision 2030 Blueprint:
 - Adoption of the position to partly meet this target with the ratification of Convention 108
 - Fully compliant with Vision 2030 Blueprint
 - Alignment of the existing Data Protection Laws with the new 2016 EU Directive in the new Bill

- New challenges for the protection of personal data.
- Scale of the collection and sharing of personal data has increased significantly.
- Building trust in the online environment is key to economic development.
- Requirement of a stronger and more coherent data protection framework backed by strong enforcement.
- To make the existing Data Protection Act coherent with technological and other advancements and to align with the EU Directive Reform and Convention 108.

- Increased accountability of data controllers to implement controlled business processes.
- Better organisation, greater productivity and efficiency, and higher level of security.
 - To gain and strengthen customer trust, confidence and loyalty.
- Give individuals greater control over their personal data.
- Minimization of risk of data breaches.
- Reinforcement of the legal and practical certainty for economic operators and public authorities
- Significantly improve the digital legal landscape to respond to the new EU requirements for adequacy.

Questions

20



THANK
YOU