

## **SPEECH OF DPC**

### **DATA CONTROLLERS' SENSITIZATION WORKSHOP**

- **Honorable Minister of Technology Communication and Innovation, Mr. Etienne Sinatambou,**
- **Acting Permanent Secretary, Mr. K. Conhye,**
- **Heads of departments, parastatals, ministries and private organisations,**
- **Distinguished Guests,**
- **Ladies and Gentlemen,**

**Good morning.**

The data protection regime has been around in Mauritius since 2009, a bit more than seven years. Organisations are now well aware of their respective roles and responsibilities under the Data Protection Act.

As you also probably know some of my decisions have been appealed at the ICT Appeal Tribunal which have on various occasions confirmed the stand taken by this office, for example, with regard to the use of fingerprints for attendance purposes only, there are two ICT appeal determinations.

**Tim O'Reilly, founder of O'Reilly Media said:-**

***“We’re entering a regulatory framework for data protection to ensure that systems of regulation, governance and business are capable of responding to the challenges of globalisation and most importantly to the opportunities of information and communications technology.”***

Indeed, the massive growth of e-commerce has transformed the value of personal data from a mere administrative and non-commercial fulfillment to a valuable asset worthy of being a commodity on its own.

It is clear that personal data can be a source of wealth for both the owners and also the data subjects but subject to its proper management and strategic handling.

On the other side of the coin, when information falls to irresponsible hands, the misuse of personal data can create a series of losses, ranging from financial to legal liabilities, and from commercial to public embarrassment.

As Commissioner of the Data Protection Office, I must say I am happy to see the growing awareness and level of importance that organisations and the public are now giving to data protection issues, although those who have not yet registered as data controllers with this office tend to say the contrary. The famous legal adage goes as follows “Ignorance of law is no excuse“

Organisations seek our advice almost every day on data protection matters. And looking at the nature of complaints being registered in my

office, I can say that data protection has infiltrated the fabric of Mauritian life.

Consequently, we are continuously calling on organisations to:

- Adopt a privacy by design approach by building privacy protections embedded into products and services. Privacy Impact Assessment is seen as a valuable tool for businesses and governments. My Office provides a free application that enables public and private bodies to make informed choices as to the most suitable privacy protection applicable meeting international standards.
- Provide appropriate transparency so that people can better understand organisations' collection, use and retention practices with respect to their information by having a proper privacy policy on their website that explains the collection, processing and disclosure of Personal Data.
- Give people more effective tools to assert greater control over their information and how it is used.
- Provide appropriate access to the data that companies hold about them.
- Ensure that adequate security has been implemented to protect the data they hold about people.

- Give parents control over the information organisations collect about their young children.
- And, last but not the least, create a climate of accountability for the processing of personal data.

### **Ladies and Gentlemen,**

As we grow increasingly data rich with intelligent and enhanced technology, you also appreciate the need to regulate the use of consumers' personal data.

I am sure, today, you must all be aware of the increasing interest towards **cloud computing** and **apps technologies**.

Cloud computing has data protection implications which should be seriously looked into by all stakeholders to avoid putting people's privacy rights at stake. The technology around cloud computing has matured since data protection issues have been considered and applied into it.

It is important to highlight though that public clouds raise critical privacy concerns and because of lack of transparency and the global nature of the data, it becomes difficult to enforce privacy and data protection rules.

Although, in principle, accountability for security and privacy in public clouds remains with the organisation, the cloud provider is also bound by the obligations of the organisation through a written contract, according to section 27 of the DPA.

Consequently, organisations must establish rules governing those transfers particularly with respect to obtaining consent for the collection, use and disclosure of personal information, securing the data, and ensuring accountability for the information and transparency in terms of practices.

The wave of apps technology is also flooding our everyday life starting from very young teenagers. Apps running on smartphones, tablet computers, Iphones, and other mobile devices are very common nowadays. With just a tap of a finger on a mobile device, megabytes of software applications can be installed on mobile phones in just few seconds.

The danger is whether the configuration of these software products allows by default the collection, storage or sending of the user's persistent or recurrent information, through cookies or click trails, which very often the user is unaware of.

Undoubtedly, it is of paramount importance that we understand these potential risks because frequently, whether willingly or unwillingly, 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.

My office has published 12 guidelines on various Data Protection issues to assist data controllers to date.

**Ladies and Gentlemen,**

Rest assured, data protection is not against technological development.

However, the development and maintenance of the digital era should not compromise the fundamental rights of people, namely the right to privacy.

Thus, there is a pressing need to adopt a more proactive approach and design data protection safeguards from the very outset in all ICT driven technologies and architectures.

We, the data protection community, are standing at a pivotal technological moment where we have a unique opportunity and responsibility to carve the future of privacy for the global digital economy given the important reforms being carried out in this field. Mauritius is also aiming to become a cyber model for the region.

It is high time that our data protection regime work not only in our local context but at the same time, be at par with international challenges.

Mauritius has acceded to Convention 108 and my Office has worked on the draft amendments that have to be brought to the Data Protection Act to be in line with EU standards recognised as international standards beyond the EU.

**Ladies and Gentlemen,**

Let this moment be a starting point for all of us to work towards a sustained technological world respecting the privacy rights of every citizen.

I am sure today's workshop will amply sensitise on various topics that are of major concern for organisations such as Cloud Computing, Privacy Impact Assessment, Use of Apps, Biometric Data, Data Sharing and Security of personal data.

I wish all of you a beneficial and fruitful discussion during this workshop.

Thank you for your presence and attention.