



Data Protection Office



# 2021 **ANNUAL REPORT**

**13<sup>th</sup>**  
EDITION

**Data Protection Office**

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# MISSION AND VISION STATEMENTS

## Our Mission

Safeguarding the processing of your personal data in the digital age of information and technology.

## Our 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 controllers and processors.



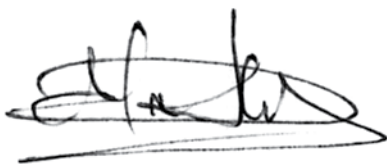


## FOREWORD

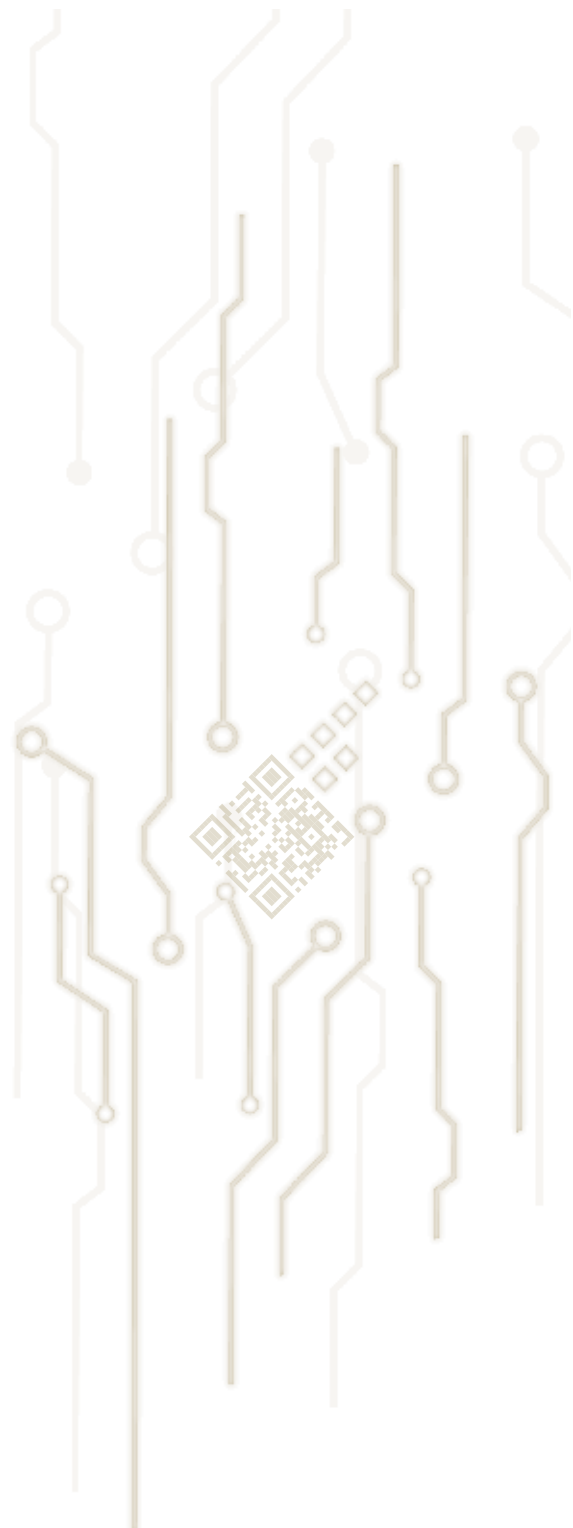
The covid pandemic has shown this office the urgency in computerising all its activities especially given its ongoing acute shortage of personnel at all levels. The computerisation project will become live next year.

2021 has also taught this office that, despite all its endeavours to promote its functions, the country is yet to understand the growing importance that protection of personal information represents. We have also suffered many setbacks in terms of improvement of salary structures by the PRB, filling of long overdue vacancies and recruitment for new posts created which seriously impacts on the spirit of this office.

However, the positive encouragement has been that internationally the office has gained tremendous recognition as a leading example at regional and international levels in view of the innovative approach it has adopted to further the human cause for privacy in the digital age of fast technological advancements where the right equilibrium between people and the commercial use of their data is primordial.



**Mrs Drudeisha Madhub (Barrister-at-law)**  
Data Protection Commissioner





# DATA PROTECTION OFFICE (DPO)

DPO became operational since 16 February 2009 with the mandate to enforce the provisions of the Data Protection Act 2017 (DPA). The DPA strengthens the control and personal autonomy of individuals over their personal data in line with the principles of the European Union General Data Protection Regulation (GDPR) and the Council of Europe Conventions 108 and 108+.



**As a regulator with enforcement powers, this office has the immense responsibility to:**

- (a) Ensure compliance with the Act and any regulations made under it
- (b) Issue or approve such codes of practice or guidelines for the purposes of the DPA
- (c) Maintain a register of controllers and processors
- (d) Exercise control on all data processing operations and verify whether the processing of data is done in accordance with this Act
- (e) Promote self regulation among controllers and processors
- (f) Investigate any complaint or information which gives rise to a suspicion that an offence may have been, is being or about to be, committed under the DPA
- (g) Take such measure as may be necessary to bring the provisions of this Act to the knowledge of the general public
- (h) Undertake research into, and monitor developments in, data processing, and ensure that there is no significant risk or adverse effect of any developments on the privacy of individuals
- (i) Examine any proposal for automated decision making or data linkage
- (j) Cooperate with supervisory authorities of other countries, to the extent necessary for the performance of its duties under the DPA, in particular by exchanging relevant information in accordance with any other enactment
- (k) Submit an annual report to the National Assembly

# ORGANISATION STRUCTURE

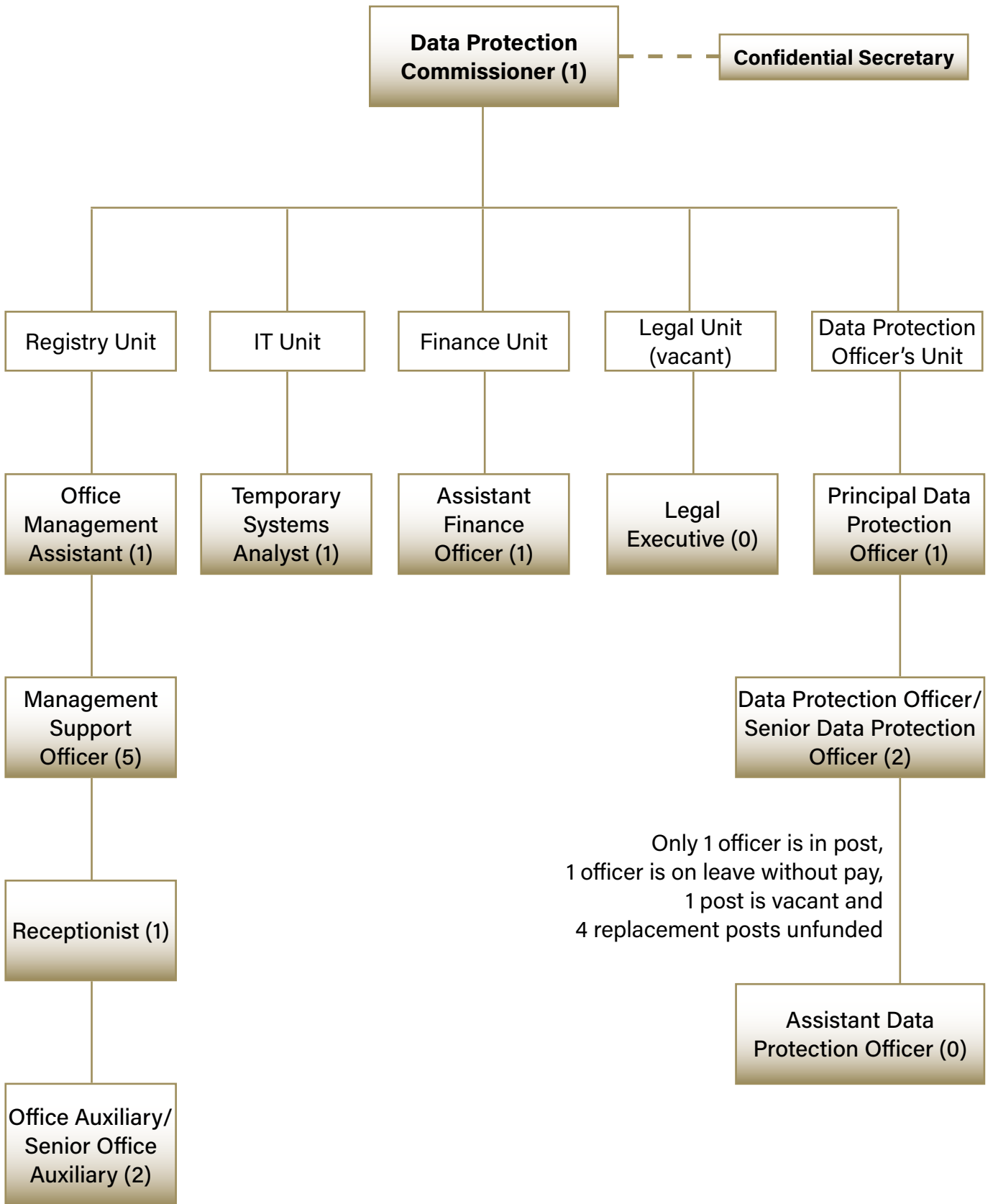
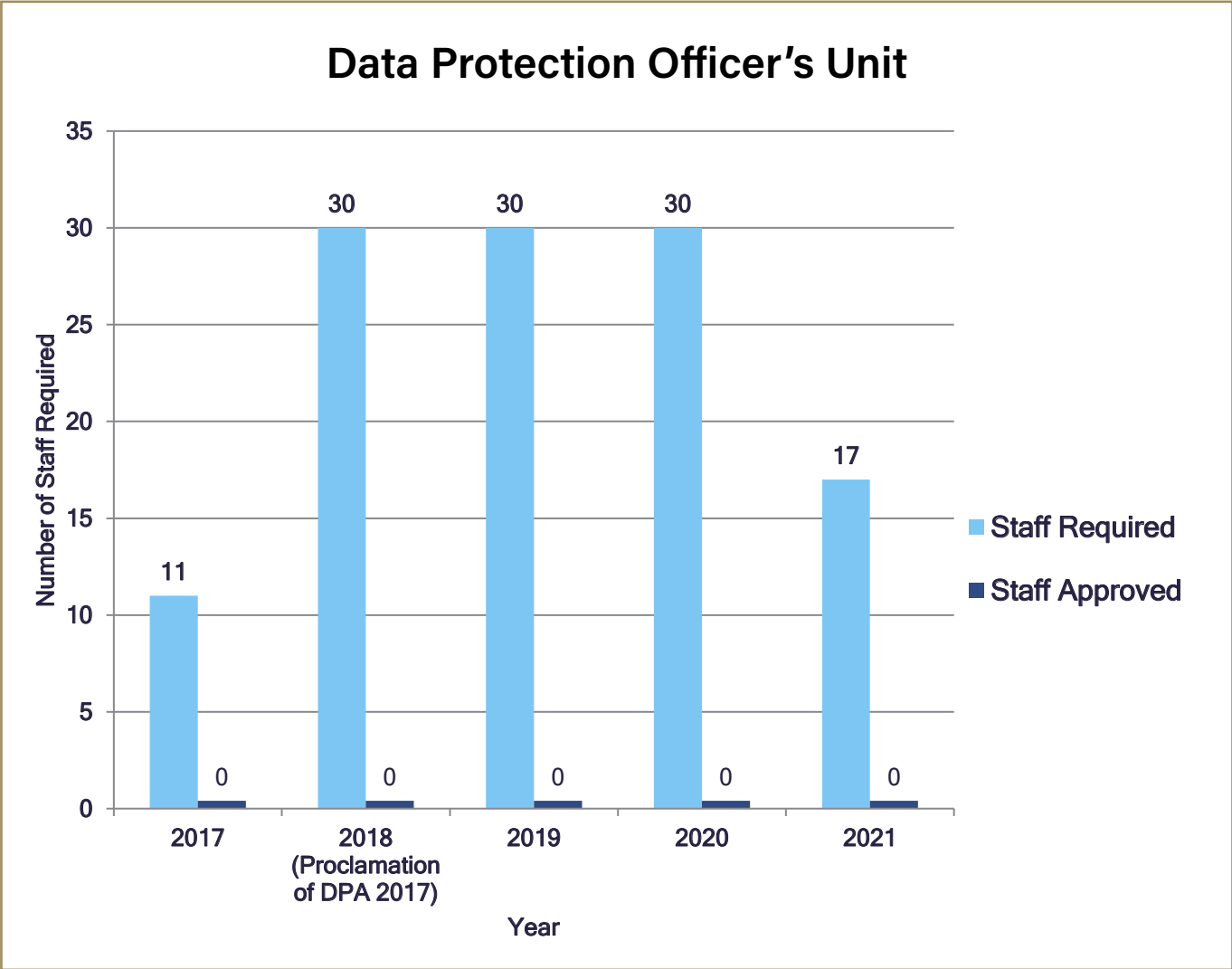


Figure 1: DPO Organisations Structure

# BUDGET FINANCIAL YEAR 2021 - 2022

## I. Human Resource Requirements

(a) Chart on human resources required at the office and number of officers approved



## (b) Human resource capacity during 2021

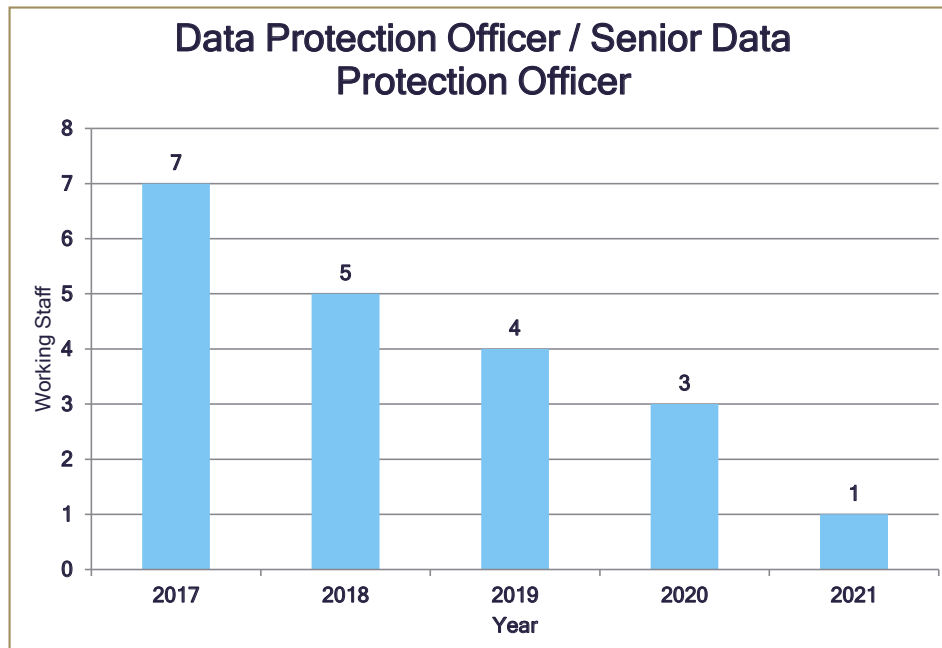
### i. Data Protection Officer's Unit

The grades of Data Protection Officer/ Senior Data Protection Officer (DPO/SDPO) are one amongst the pillars of DPO and the performance of this office is highly attributed to the duties performed by DPO/SDPOs. During the year 2021, one DPO/SDPO retired from the service which represents a staff leaving rate of 71.4% for this grade, excluding 1 DPO/SDPO who is on leave without pay since 22 July 2020.

Status of grade (DPO/SDPO)	Number
In post	1
On leave without pay	1
Vacant	1
Replacement posts (unfunded)	4

The office is currently operating in a solo mode at the level of departmental grades (i.e., the Data Protection Commissioner (DPC), Principal Data Protection Officer and Data Protection Officer/Senior Data Protection Officer). Difficulties are encountered daily with the high influx of work and responsibilities emanating from the DPA 2017, the increasing number of departing staff with no replacement and the non-recruitment of additional human resources.

The following chart illustrates the evolution of the number of officers in post over the last 5 years for the Data Protection Officer's Unit.



Service delivery is thus affected with minimal human resources at all levels. Human resources do not match the high demand from the public and private sectors as well as the public in general. The severe shortage of DPO/SDPOs has subsequently affected the discharge of many functions of the office.

## **ii. Police Unit**

Sections 6 (Investigation of complaints), 7 (Power to require information), 8 (Preservation order), 9 (Enforcement notice), 10 (Power to seek assistance), 11 (Power of entry and search) and 53 (Prosecution and jurisdiction) of the DPA are police duties. DPO requires assistance from the Police to ensure effective criminal law enforcement under the DPA. The secondment of 5 police officers at DPO could not be entertained due to shortage of staff at the Mauritius Police Force. The absence of police officers at the office impedes the proper exercise of investigation, prosecution and other enforcement functions.

The office subsequently proposed the creation of a new grade "Enforcement Officer" to its parent Ministry. This grade would be responsible for all matters relating to inspection, investigation and prosecution in line with the DPA. Our parent Ministry has informed that the request has not been acceded by the Ministry of Public Service, Administrative and Institutional Reforms and Pay Research Bureau.

The DPC is thus delegating any investigating or enforcement powers to the Police under section 13 of the DPA. The Police has collaborated with DPO and has provided assistance in the investigation of complaint cases particularly CCTV camera ones. However, the Office is struggling to complete police prosecutorial duties at its own level.

## **iii. Legal Executive and Assistant Data Protection Officer**

These grades have not been funded in budget 2021-2022 and have remained unfilled since their creation in Pay Research Bureau Report 2016. Legal expertise is a core requirement for the smooth running of this office and the absence of legal experts leaves a void during the execution of daily functions.

## **iv. Deputy Data Protection Commissioner**

The grade of Deputy Data Protection Commissioner is essential to provide assistance to the DPC. The scheme of service has not yet been prescribed.

## **v. Management Support Officer**

The office received 2 additional Management Support Officers in October 2021.

## **vi. Trainees**

6 trainees under the Youth Employment Programme were posted to the office to assist in registry functions.

## **II. Running cost of the office**

The running cost of the office for the financial year 2020-2021 is Rs 5.5 million.

# 2021 HIGHLIGHTS

## I. COVID-19 Pandemic

Mauritius hit an unforeseen resurgence of the COVID-19 and a second national lock down was announced on the 10th March 2021. However, DPO maintained continuity of essential services during the confinement period.

## II. Data Protection Day 2021

Data Protection Day is celebrated worldwide on 28 January every year to raise awareness and promote data protection best practices. 28 January 2021 also marked the 40th anniversary of the Council of Europe Convention 108 which was open for signature on 28 January 1981.

The office promoted the Data Protection Day 2021 through the release of an informative video with best practices for individuals and organisations. The video was circulated to all government officers by email and to the Mauritius Broadcasting Corporation(MBC) to broadcast in the national news bulletin of 28 January 2021.

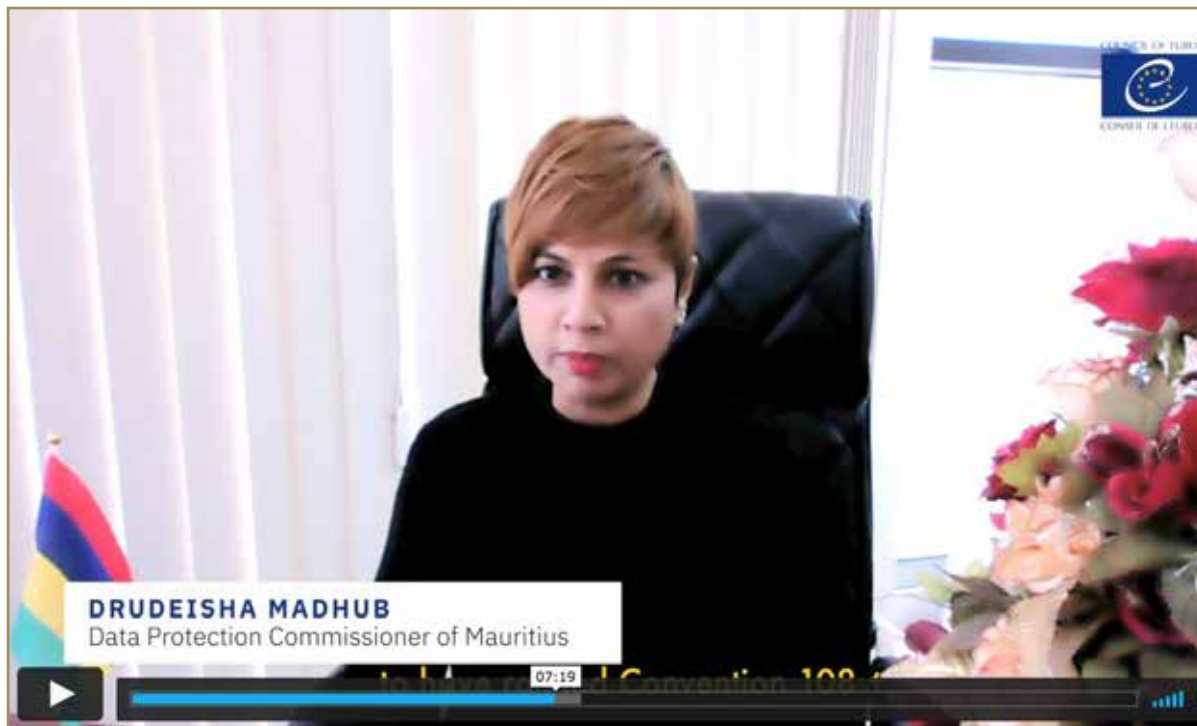




Moreover, a series of sensitisation activities were carried out by the office to promote this day as follows:

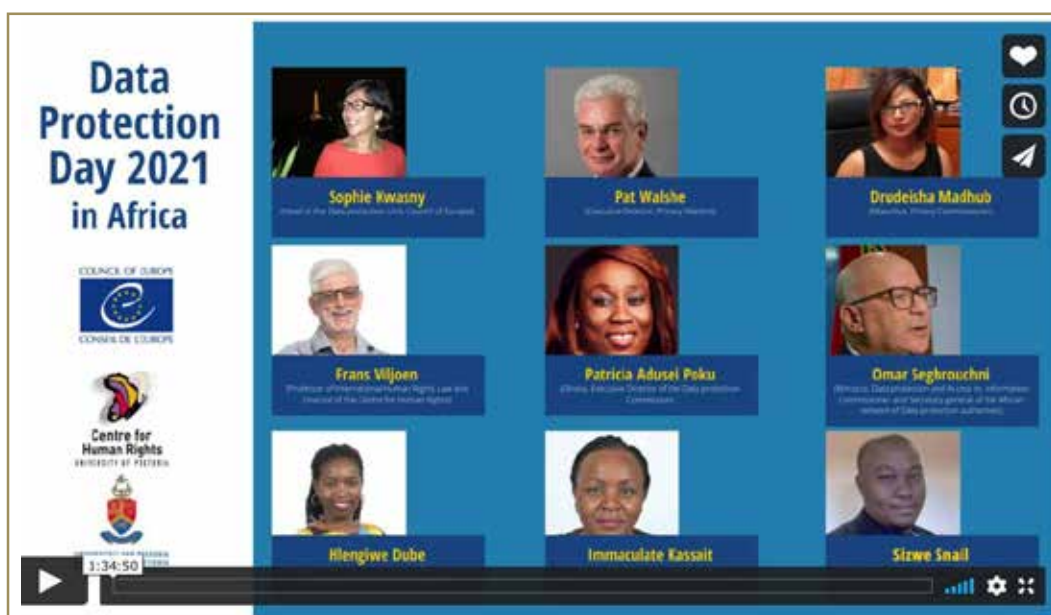
- **Council of Europe Video**

The DPC contributed to a video for the 40th anniversary of Convention 108. The video composed of short statements from 40 speakers, from all over the world, supporting the Convention and the work of the Council of Europe in data protection.



- **Council of Europe Webinar - 'Data Protection Day 2021 in Africa'**

The DPC participated in the webinar organised by the Council of Europe.



- **Ministry of Information Technology, Communication and Innovation (MITCI) Newsletter**

DPO prepared and submitted an article on the occasion of the Data Protection Day to its parent Ministry for publication in the second issue of the Tech Talk newsletter scheduled for end of January 2021.

- **KoolFm Radio**

On 26 January 2021, the DPC was interviewed by a journalist from KoolFm Radio.



- **Radio One**

On 28 January 2021, the DPC was also interviewed by a journalist from Radio One.

- **Mauritius Broadcasting Corporation (MBC)**

On 28 January, the MBC interviewed the Honourable Minister of Information Technology, Communication and Innovation and an officer of DPO. The interviews were broadcasted in the TV Journal prime time at 19:30pm.



### III. Research

#### a) Webinar participation

The DPC is often solicited by international data protection organisations and networks to participate in webinars. The topics of discussion are high level, extensive and demand knowledge of the state of affairs of many cross cutting issues around the world.

The office has researched and prepared materials on the following areas amongst others:

1. Legislative landscape of data protection in Mauritius
2. Data Governance from an African and International Perspective
3. Cross border data flows
4. Responsible data use during Covid 19

#### b) Case law digest

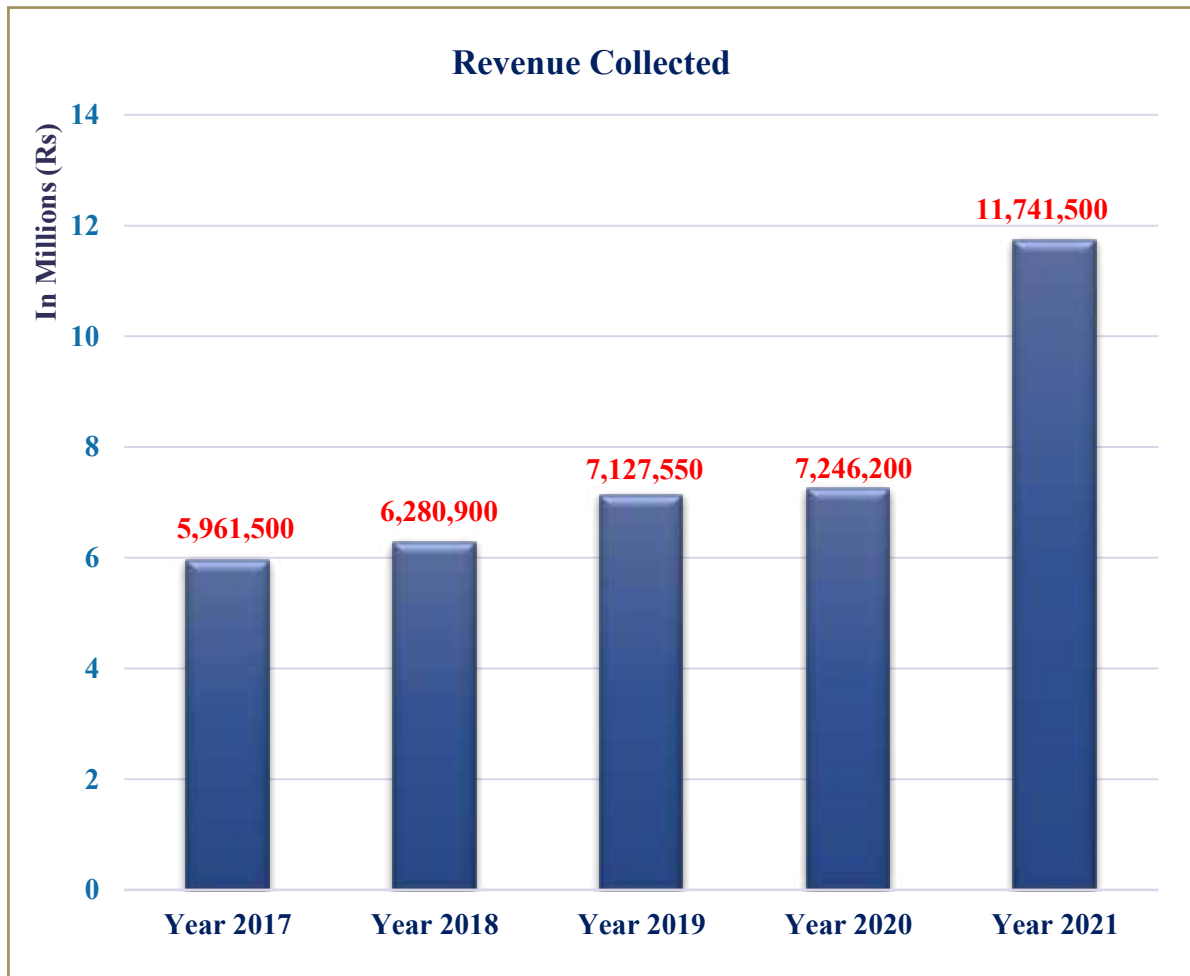
The office compiled a list of international cases and their summaries on data protection matters from international courts for internal use. This is a useful tool to the office when providing advice to organisations and for complaints investigation.

# ACTIVITIES IN 2021

## I. Financial Status

### (a) Revenue collected

DPO collected a total revenue of Rs 11,741,500 in 2021.



The high increase in revenue collected was due to clearing of backlog applications. These applications could not be processed after the proclamation of the Data Protection (Fees) Regulations 2020 because of the limited number of personnel at the office. Staff from DPO and MITCI performed overtime in 2021 to clear the backlog.

## II. International Cooperation

DPO forms part of many international privacy networks such as Association Francophone des Autorités de Protection des Données Personnelles (AFAPDP), Réseau Africain des Autorités de Protection des Données Personnelles (RAPDP), Global Privacy Enforcement Network (GPEN), Common Thread Network (CTN), Global Privacy Assembly (GPA), Council of Europe and the United Nations, amongst others. Such participation enables the office to exchange information, undertake or support specific activities and share knowledge with best practices.

### (a) Cooperation Agreement with African Countries

The DPC has signed a cooperation agreement with the data protection authority of Burkina Faso. The DPC has also expressed her interest to engage into similar cooperation agreements with other African countries namely Tunisia, Ghana and South Africa.

### (b) Participation with international organisations

#### i. African Union (AU)

The AU, within the framework of implementation of the Policy and Regulation Initiative for Digital Africa (PRIDA) project, has developed a new methodology and tool to measure the extent of harmonisation of Policy, Legislations and Regulations across the continent. The strategic objective is to create an enabling environment that paves the way for the establishment of an African Digital Common Market.

Data Protection & Localisation was identified as one amongst the areas of common interest that require continental harmonisation. The AU Commission developed a Monitoring and Evaluation (M&E) Prototype with associated harmonisation indicators. The prototype was tested in Mauritius and the DPO submitted inputs for 'Testing of M&E Model for the harmonization of data protection and data localisation in Africa' questionnaire and the country report for Mauritius. Moreover, the DPC had several online meetings with the AU Commission regarding the inputs submitted by the office. The AU Commission will examine the inputs and submit a rating for Mauritius.

#### ii. Réseau Africain des Autorités de Protection des Données Personnelles (RAPDP) / Network of African Data Protection Authorities (NADPA)

DPO became a member of RAPDP during the General Assembly held in 2021. The office contributed to a survey on 'International Transfers of Personal Data and International Co-operation.' Thereafter, the RAPDP in collaboration with the CoE organised a thematic workshop on international transfers and international cooperation on 07 April 2021. The DPC participated as speaker in this workshop. The DPO also submitted feedback to the RAPDP regarding WhatsApp's privacy policy update.

### **iii. Association Francophone des Autorités de Protection des Données Personnelles (AFAPDP)**

The office adopted the Financial Report 2019 and provided comments on the registration of new members by written procedure and suggested major topics to be discussed in future webinars.

### **iv. Council of Europe (CoE)**

The DPC participated in the webinar themed 'Data Protection Day 2021 in Africa.' The webinar is available at the following link: <https://www.coe.int/en/web/data-protection/dpd2021-african-region-event>

This office also attended several online meetings organised by the Council of Europe in 2021 and participated in the following surveys:

- Activities on data protection day.
- Major developments in the data protection field in Mauritius.

### **v. Global Privacy Assembly (GPA)**

The GPA has been the premier meeting place of the world's data protection and privacy regulators and enforcers. The Assembly has grown substantially and its membership now extends across many parts of the world.

#### **GPA Newsletter**

DPO received a request from the Global Privacy Assembly (GPA) Secretariat and the Assembly Chair (Information Commissioner of UK) to write an article for the September 2021 GPA Newsletter. The theme of the September edition was: 'Privacy and Data Protection - a human centric approach.'

The office prepared and submitted an article featuring on:

- Legal background of data protection in Mauritius
- Privacy using a human centric approach
- Challenges faced by the office with the expansion of digital societies and emerging technologies
- The requirement for effective governance/enforcement practices
- Innovative practices in data protection in Mauritius.

## Meet our Member

# Drudeisha Madhub, Data Protection Commissioner (DPC), Data Protection Office, Mauritius

Shaping a healthy data protection community  
– a human-centric approach



### Background

The Constitution of Mauritius recognises the right to privacy as a fundamental human right. The Data Protection Office (hereafter referred to as the Office) was established in 2009, under the Data Protection Act (DPA) 2004. In January 2018, the DPA 2004, was replaced by a new legislation known as the DPA 2017, to align with international best practices, such as the EU GDPR and the Council of Europe Convention 108 and 108+.

The Office operates with complete independence and impartiality and has the mandate to strengthen the control and personal autonomy of individuals over their personal data. Each year, the Office lays down an annual report of its activities to the National Assembly.

Mauritius has also taken various international commitments on data protection, such as being party to Convention 108 since 1 October 2016, the ratification of Convention 108+ on 4 September 2020, and the ratification of the Malabo Convention on 14 March 2018. Our country is also party to the UN Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention on Cybercrime (Budapest Convention).

### From small building blocks to a full-fledged regulator

At a glance, the 12 years transformative journey of the Office has been progressive. We began operation at a time when many people in Mauritius were not

aware of their privacy rights and the protection provided to them by law. Moreover, the procedures, templates and processes had to be developed from scratch. Each function had its own specificities and competence, and versatile officers were required in order to build the foundations of the Office. Gradually, we learnt and adapted to innovative strategies, and we are now recognised as an efficient regulator and a leading authority in Africa.

**“Privacy is almost equal to rarity in our algorithmic world – we are regularly defeated by modernity and technology – but Privacy being intrinsic in our nature, will always be called Privacy – it’s a gift not to be sold off.”**

### Data protection is all about people. A human centric approach is supreme to our mission

Our initiatives have always been people oriented, providing guidance to organisations on their obligations and on ways to enhance transparency in their processing operations. Trust between organisations and individuals is a prerequisite for business success. The public and the private sectors, as well as the public in general, solicit advice from the Office every day.

Moreover, as an increasing

number of individuals have become empowered on their privacy and data protection rights, our Office leaves no stone unturned to continually raise awareness through media channels, workshops and seminars. Various publications, such as guides, information sheets and informative videos have been published to facilitate the understanding and application of data protection legal provisions.

There is no one-size-fits-all solution to address our endeavours to safeguard the right to privacy and data protection, but similar to technology being an indispensable tool in our daily lives, innovative practices in data protection can solve many of our everyday difficulties.

A self-learning training toolkit has been developed by the Office and is easily accessible on our website to assist any individual or organisation to understand data protection. An in-house capacity building programme for Data Protection Officers has been introduced to train operators from various sectors in Mauritius. Our office is also working in collaboration with the Ministry

The office also participated in the following surveys from GPA:

- The GPA 2021 Covid-19 Working Group Survey on Emerging Privacy Issues.
- 43<sup>rd</sup> GPA 2021 Conference INAI, Mexico host authority 'Survey on hybrid format for the event!'
- Policy Strategy Working Group 1: Global frameworks and standards - Questionnaire on government and public authority access to personal data.
- Questionnaire on cross-border transfer mechanisms.
- Survey on Face Recognition Technology (FRT).
- Survey on authorities' capacity and expertise in addressing ethical and data protection issues in AI systems applications.
- Survey on Experience and Best Practices in Response to Covid-19.
- GPA Future of the Conference, Member Consultation Questions on the Funded Secretariat.

#### **vi. Common Thread Network (CTN)**

The CTN organised 'Informal Socials' to discuss data protection issues and share experiences amongst data protection authorities. An officer participated in the CTN informal social on 08 April 2021. The DPC also participated on 11 May 2021 and made a presentation of the Mauritius Data Protection Act 2017.

The office also participated in a survey from CTN which aimed at collecting data on:

- Mapping the networks and organisations.
- Analyse the accomplishments of the CTN, and what it can achieve next.
- Analyse the performance and examine room for improvement within the network.

#### **vii. World Bank**

The DPC participated in a panel discussion organised by World Bank on 17 May 2021 regarding 'Unraveling Data's Gordian Knot - Enablers and Safeguards for Trusted Data Sharing!'

#### **viii. Center for Global Development (CGDEV)**


#### **Blog**

The DPC published a blog on crossborder data flows to stimulate the right thinking on reaping the benefits of the digital economy in this connected world and its implications for African countries.



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# Kickstarting Africa’s Efforts to Tap into the Global Digital Economy Through Sound Data Regulation

SEPTEMBER 30, 2021

Drudeisha Madhub

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*This blog is part of CGD’s [Governing Data for Development](#) project, which explores how governments can use data to support innovation, development, and inclusive growth while protecting citizens and communities against harm. Drudeisha Madhub, the Data Protection Commissioner of the Data Protection Office of Mauritius, is a member of the working group that guides the project.*

Tapping into the value that cross-border data flows create has become a prerequisite for businesses worldwide. To take part in the global digital economy, countries must enact policies that seek to balance the benefits and risks created by data flows.

## **CGDEV Note**

The DPC contributed as a working group member under the CGDEV project, “Governing Data for Development,” led by Michael Pisa and Ugonma Nwankwo, along with project co-chairs Pam Dixon and Benno Ndulu (in memoriam). The theme of the note is: “Why Data Protection Matters for Development: The Case for Strengthening Inclusion and Regulatory Capacity”

### **ix. United Nations World Data Forum**

The DPC is often solicited to participate as speaker and expert at the UN World Data Forum on topics such as data governance, trust in data (balancing quality, privacy and transparency) and ways that countries can improve national data governance policy and efforts.

## **x. GSMA**

The GSMA is a global organisation unifying the mobile ecosystem to discover, develop and deliver innovation foundational to positive business environments and societal change. DPO is invited annually to attend the GSMA Ministerial Programme. The Ministerial Programme 2021 focused on 'Connected Impact', showcasing how the right policy frameworks can strengthen digital infrastructure, foster innovation and accelerate economic recovery, even in times of crisis.

## **xi. ID4 Africa**

ID4Africa is an NGO that accompanies African nations on their journeys to develop robust and responsible Identity ecosystems in the service of development and humanitarian action. The DPC has represented Mauritius on privacy issues.

## **xii. Africa Data Leadership Initiative (ADLI)**

ADLI is a peer network designed for and by African policymakers, consumer rights advocates, and private sector stakeholders. In 2021, the DPC participated in a roundtable discussion and hangout session on mechanisms of engaging civil society in data policies and practice organised by ADLI.

## **(c) Virtual meetings**

DPO participated in numerous prestigious international virtual meetings with the active participation of the DPC who shared the Mauritius data protection experience and journey. Her interviews, presentations and valuable insights have been deeply appreciated by foreign counterparts. Officers from the Data Protection Officer's unit have done substantial research on topics discussed on the international forefronts and have assisted the DPC in the preparation of materials and briefs for DPC's interviews and presentations. The office attended the below virtual meetings in 2021:

Date / Time	Subject	Organizer	Remarks
18 January 17h00-17h30	Africa's Data Opportunity? Cross-Border Data Flows and IoT	GSMA	Brief call on Platform Speaker - DPC
20 January 14h00-16h00	Africa's Data Opportunity? Cross-Border Data Flows and IoT	GSMA	Speaker - DPC
3 February 14h00	Country Progress Report	ID4 Africa	Speaker - DPC
8 February 18h00-18h30	High Level Event on Data Stewardship	UNSC	Prep Call with DPC
10 February 17h00-19h00	Event on Data Stewardship and the role of National Statistical Offices in the Changing data landscape	UNSC	Speaker - DPC
11 February 17h30-19h30	Spotlight on Mauritius Identity Ecosystem	ID4 Africa	Speaker - DPC
18 February 17h00	Technical Architecture for Data Sharing - Africa Data Leadership Initiative	ADLI	Speaker - DPC
19 February	Cybersecurity Assessment Report Launch Event	AUDA-NEPAD	Attended by Data Protection Officer's Unit
23 February 10h00	Testing of the M&E model on harmonization of Data Protection & Localisation regimes that was developed within the framework of implementation of PRIDA project.	African Union	Speaker - DPC
28 January	Data Protection Day in Africa	Council of Europe	Speaker - DPC
09 March 17h00-17h45	ADLI DPA Roundtable	ADLI	Prep Call - DPC
16 March As from 16h00	ADLI Peer Roundtable	ADLI	Speaker - DPC
18 March 20h00- 22h00	Internet and Jurisdiction Policy Network (I&JPN) Virtual Conference Addressing Concrete Challenges to Digital Cooperation: Launch of I&JPN Toolkits	African Telecommunications Union (ATU)	Attended by Data Protection Officer's Unit

24 March 17h00 - 18h00	Meeting 6: GPA COVID-19 Working Group Meeting	GPA	Attended by Data Protection Officer's Unit
24 - 26 March	Convention 108 - Committee - 52nd Bureau meeting	Council of Europe	Attended by Data Protection Officer's Unit
07 April	Thematic Workshop International Transfers of Personal Data and International Co-operation	RAPDP-COE	Speaker - DPC
08 April	An international policy roundtable on Vaccination Certificates & Identity Management	Id4 Africa	Attended by Data Protection Officer's Unit
09 April 15h00	Technical Test - PL&B webinar South Africa and Mauritius	Privacy Laws & Business	Prep Call Speaker - DPC
15 April 16h00	Hang out Session Data Protection Authorities	ADLI	Discussion - DPC
22 April 15h00	An online Event with the Mauritius DPC and a Member of South Africa's Information Regulator	Privacy Laws & Business	Speaker - DPC
06 May 15h00	Q & A Session	Privacy Law & Business	Discussion - DPC
11 May 17h00	CTN Quarterly Call Webinar GDPR-oriented privacy laws in South Africa and Mauritius - relevance to CTN Members	CTN	Speaker - DPC
17 May 16h30	Unravelling Gordian's Knot Enablers and Safeguards for Trusted Data Sharing	World Bank	Speaker - DPC
19 May 19h00	National Regulations and International Challenges	International Forum on Privacy and Data Protection	Speaker - DPC
27 May 18h00	Navigating the Challenges to Enforcement of Data Protection in Developing Economies	Internews	Speaker - DPC

09 June 14h30	Digital Identification & Strong Customer Authentication	Lead Author British Standards Institute	International Call attended by DPC
09 June 20h00	Global Data Transfers After Schrems II	The Brookings Institutions	Speaker - DPC
10 June 1300-15h30	Experience of Mauritius on Privacy and Data Protection (Challenges and prospects)	Centre for Human Rights University of Pretoria	Speaker - DPC
10 June	Invitation: policy dialogue on Mauritius and South Africa	Facebook	Attended by Data Protection Officer's Unit
18 June 15h00-16h30	Side Event on Africa Digital Single Market  Continental Meeting on Harmonization of ICT & Digital Frameworks	African Union	Speaker - DPC
22 June 2021	The General Assembly	RAPDP	Attended by Data Protection Officer's Unit
24 June 16h00-18h00	Digital Trade Rules, Digital Policy Norms and Consequences for Economic Development	Center for Global Development	Speaker - DPC
25 June 15h00-17h00	On-line session on implementation of the M & E Model on Harmonization of "Data Protection & Localisation"	African Union	Speaker - DPC
28 June 12h30-15h00	Frontiers of Digital Economy: Data Protection in an Interconnected World  Regulatory and Policy Challenges of Cross Border data flows, privacy and other aspects related to data protection	LIRNEasia	Speaker - DPC
28 – 30 June 12h30-15h00	41st Plenary meeting of the Committee of Convention 108	Council of Europe	Attended by Data Protection Officer's Unit

05 July 15h00	Digital Policy for Economic Growth	Lawyers Hub, Kenya Africa Law Tech Festival	Opening remarks - DPC
15 July 15h00	Orientation meeting Questionnaire Monitoring and Evaluation of Data Protection and Data Localization Policies, Legislation and Regulation Harmonization in Africa	African Union	Discussion - DPC
09 August 14h00	Data Governance in Africa Pathways for Strengthening Confidence in the Digital Economy	CSEA Centre for the Study of the Economies of Africa	Speaker - DPC
08 September 10h30	Regulator Survey: ADRH Strategic Review Discussion	Strategy Bureau	Speaker - DPC
22 September 16h00	Data transfer policies and technologies conducive to MSME ecommerce: business and policy perspective on models around the world	USAID African Union	Speaker - DPC
05 October 11h00	Data Governance	UN World Data Forum The Open Institute and Hewlett Foundation	Speaker - DPC
05 October 15h15	Trust in Data: Balancing quality, privacy and transparency	UN World Data Forum	Speaker - DPC
08 October 16h00	The New Challenges of Data Privacy	ICA International Compliance Association	Pre-discussion - DPC
15 – 16 September	Mauritius - Validation Workshop on draft data policy framework	African Union Commission	Attended by Data Protection Officer's Unit

25 October 11h00	Building the World's Pandemic and Epidemic Intelligence Ecosystem  The need to develop a global data ecosystem to make information available for public health surveillance in the wake of the COVID-19 pandemic	World Health Summit	Speaker - DPC
27 October 16h00	Data Governance and Economic Development Final Working Group	CGDEV	Speaker - DPC
28 October 13h15	The New Challenges of Data Privacy	ICA International Compliance Association	Speaker - DPC
28 October 17h30	Data Protection Regulators Dialogue  Discuss the challenges faced by regulators	Internews	Speaker - DPC
05 November 13h00	The Road to Compliance: The wins and challenges	Data Protection Africa Summit	Speaker - DPC
28 - 30 September	53 <sup>rd</sup> Bureau meeting of the Committee of Convention 108	Council of Europe	Attended by Data Protection Officer's Unit
17 - 19 November	42 <sup>nd</sup> Plenary meeting of the Committee of Convention 108	Council of Europe	Attended by Data Protection Officer's Unit
23 November 14h00	Orientation meeting on the implementation of M&E Model on Harmonization	African Union	Speaker - DPC
20 - 21 December	54 <sup>th</sup> Bureau meeting of the Committee of Convention 108	Council of Europe	Attended by officers

### III. Participation in surveys

The office participated in the following surveys:

- Cyber4Dev - Cyber Resilience for Development: Improvements, Changes, and Challenges.
- Digital Education Working Group (DEWG) - Questionnaire on the efficiency of awareness-raising initiatives among young people.
- MITCI - Human Rights Council Resolution 42 / 15 on the right to privacy in the digital age.
- MITCI - A consultancy study on the contribution of development to the enjoyment of human rights.
- PRB - Work-from-Home questionnaire.
- International Trade Division - UNCTAD survey on electronic commerce legislation.

### IV. Sensitisation

One of the functions of this office is the taking of such measures as may be necessary to bring the provisions of the DPA to the knowledge of the general public. The below sensitisation activities were done during the year 2021.

#### (a) Press Communiqués/Interviews

- **Radio/TV broadcast**

- » The DPC was interviewed on the WhatsApp New Privacy Policy which was aired on Mbc radio news on 14.01.2021 and 24.02.21. The interview was also broadcasted on MBC TV news on 03 March 2021. On 16 May 2021, the DPC spoke again on MBC on "WhatsApp : Les Nouvelles Conditions D'utilisation Entrent En Vigueur".
- » An officer participated in a live Koolfm programme themed 'Ansam avec CSU – data protection and cybercrime' on 10 July 2021 in line with the new calendar of the communication campaign 'Ansam avec CSU' which was approved by Government on 10 June 2021. A representative of the Mauritius Police Force also participated in the programme on Cybercrime matters.





## (b) Invitation as Guest Speaker

- The DPC participated as guest speaker in a workshop organised by the Mauritius Institute of Directors (MloD) on 25 February 2021 at Le Labourdonnais Waterfront Hotel.
- The DPC also participated in a monthly talk series organised by the Gymkhana Club on 03 March 2021.

**DPO**  
Data Protection Office

**MAURITIUS GYMKHANA CLUB**

**DATA PROTECTION IN ACTION**

MAURITIUS GYMKHANA CLUB,  
VACOAS, WEDNESDAY 3<sup>RD</sup> MARCH 2021  
@ 19.00 HRS

**Drudeisha MADHUB, Data Protection Commissioner**  
Data Protection Office (DPO), Mauritius

Drudeisha MADHUB is the Data Protection Commissioner at the Data Protection Office since August 2007. She has a legal professional background and practiced for 6½ years at the Attorney General's Office as State Counsel, prior to becoming Commissioner. Drudeisha is a member of various international networks such as the AFAPDP, RAPDP, the Council of Europe, UN, amongst others. In 2011, Drudeisha was appointed data protection and human rights expert by Interpol and has been a member of the Commission for the Control of Interpol Files for 7 years. Moreover, she has published various articles in international journals and guidelines on data protection which are available on the website of the Data Protection Office at the following URL: <http://dataprotection.govmu.org/English/Publications/Pages/Publications.aspx>. Drudeisha is passionate about her work and has cultivated an inner steady source of motivation which constantly drives her to do the best.

RSVP: 660 1884

## (c) Training

- Institute of Judicial and Legal Studies (IGLS)

The DPC provided a training organised by IGLS on 16 June 2021 to legal professionals on 'Data protection enforcement practices in Mauritius'. The training helped the participants from the legal background to understand the provisions laid down in the DPA as well as the role of the office as an enforcement authority. DPO prepared an elaborate presentation with a case law digest for the DPC's intervention.

- Mauritius Police Force Training

Criminal law enforcement of the DPA is applied with the collaboration of the Mauritius Police Force in Mauritius. The Police Training School in collaboration with the Office of the Director of Public Prosecutions, Ministry of Gender Equality and Family Welfare, Ministry of Health & Welfare and Attorney General Office organised a Train-the Trainers Course for the benefit of 30 police officers. The trainers would dispense training to other police officers after completion of the training. An officer from DPO acted as resource person and delivered a training on 06 August 2021 at the Police Training School on the subject "Train the Trainer" on Data Protection Act 2017.



#### (d) Distribution of Data Protection Training Toolkit DVDs

DPO has distributed more than 9000 DVDs in 2021 to registered controllers/processors to assist them understand and comply with the provisions of the DPA.

### V. Capacity Building

In 2021, officers of DPO attended the following capacity building sessions:

Title	Date	Organised by
Training on Website updates - all templates	18, 19, 20, 22 January 2021	Central Information Systems Division
Fundamentals of Organisational Resilience	28 April 2021	Civil Service College
Self Online Training on Intrapersonal and Interpersonal Skills	Available from 18 February to 30 April 2021	Civil Service College
Awareness Session on Gender- Based Violence	3rd August 2021	Ministry of Gender Equality and Family Welfare

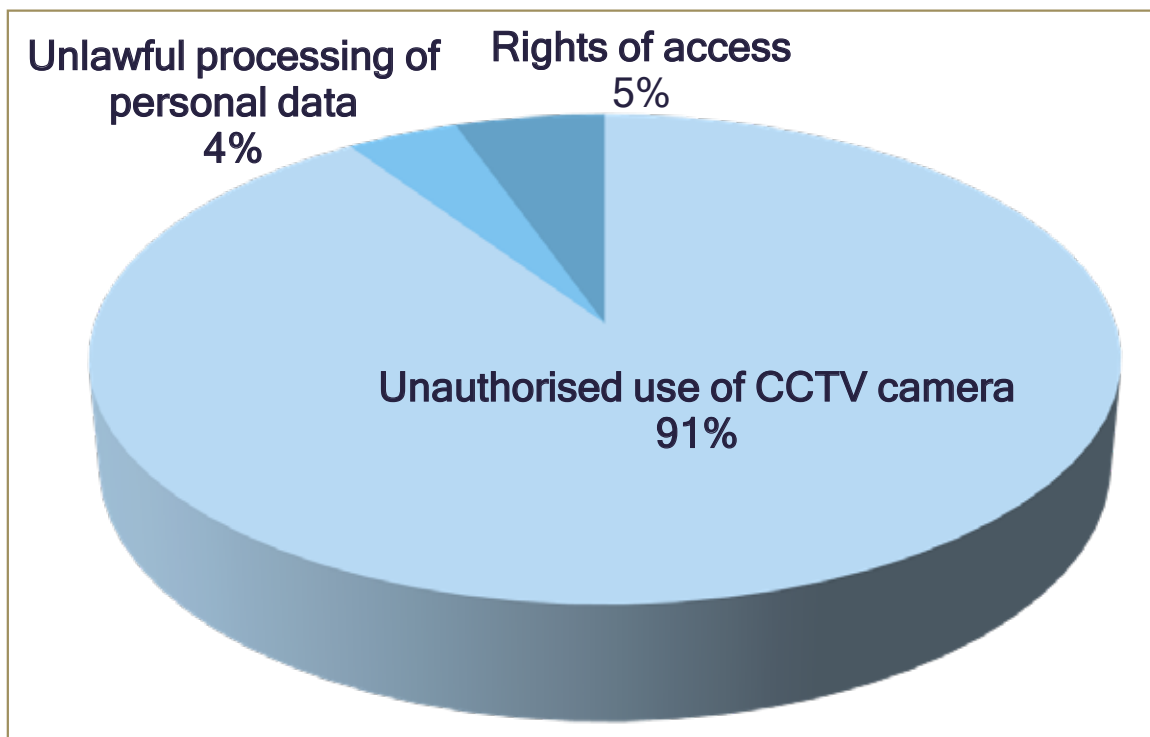
## VI. Enforcing Data Protection

### (a) Investigation on Complaints

During the period January to December 2021, DPO received **seventy four (74)** new complaints regarding investigations on the subjects below, among others:

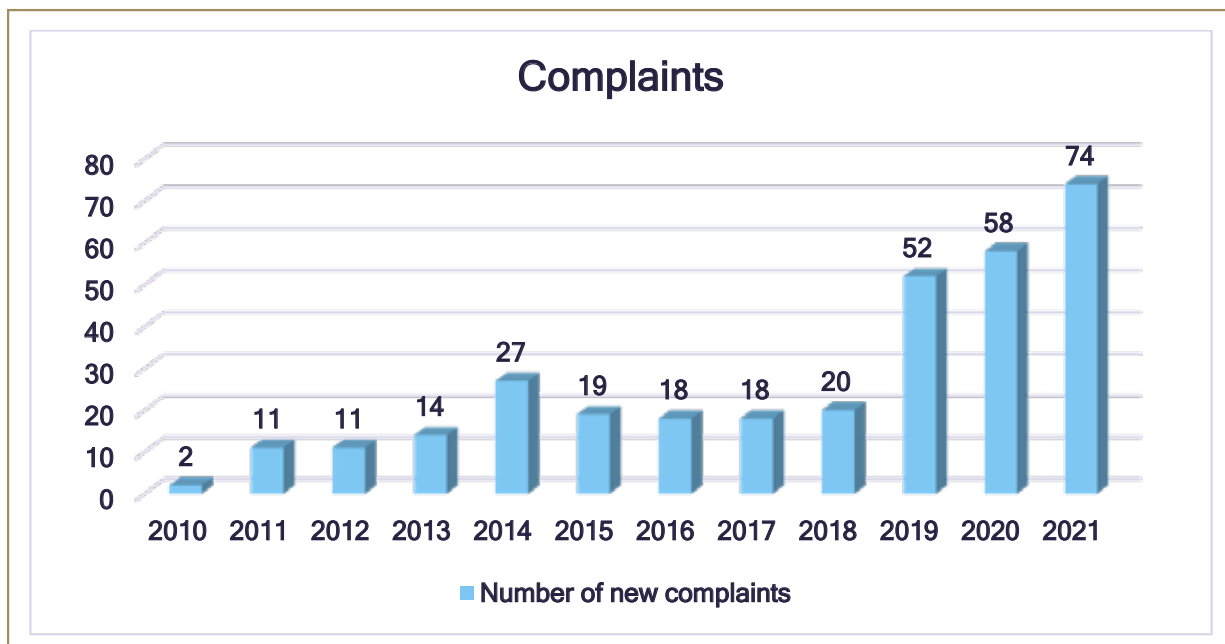
- Unauthorised use of CCTV camera
- Unlawful processing of personal data
- Rights of access

91% of the total number of cases pertained to CCTV camera as depicted below.



The duration of any investigation which is on a case to case basis depends on the complexity of the case and collaboration/response from all concerned parties including complainant and respondent.

The diagram below illustrates the total number of new complaints received during the past few years.



#### (b) Decisions on Complaints

In 2021, the DPC provided **three (3)** decisions following investigation carried out by this office. A summary of the decisions is available on DPO's website.

#### (c) Complaints Closed

The office closed **nineteen (19)** complaints in 2021 as provided below. **Six (6)** cases were resolved through amicable resolution.

### VII. Improving Legal Protection

By virtue of section 51 of the DPA, any person aggrieved by a decision of the Commissioner under the DPA may, within 21 days from the date when the decision is made known to that person, appeal to the Tribunal.

#### (a) Supreme Court Cases

- DPO was Co-Respondent in a case on data subject access request before the Honourable Judge in Chambers. The case has been set aside by the Supreme Court.
- DPO was Co-Defendant in a case regarding data subject access request. The Plaintiff withdrew the case.
- In addition, DPO is Co-Respondent in a CCTV case before the Honourable Judge in Chambers.

#### (b) ICT Appeal Tribunal

In 2019, an appeal was lodged at the ICT Appeal Tribunal against the decision of the DPC regarding unlawful use of camera surveillance in lorries. The case is ongoing.

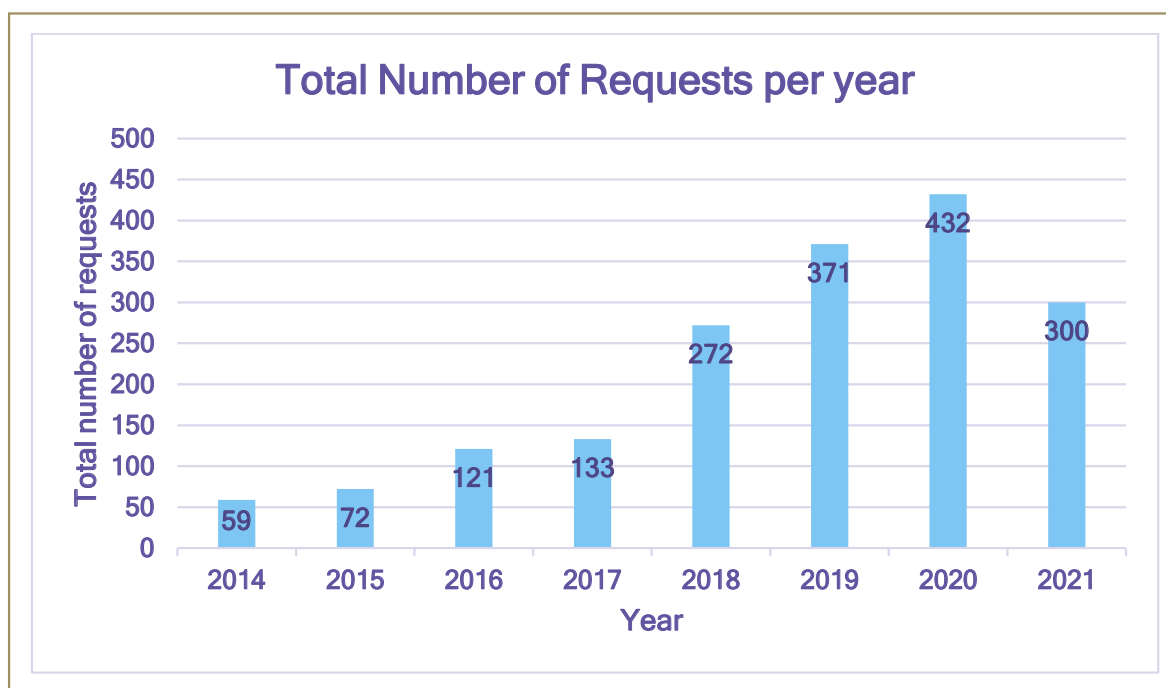
## VIII. Registration of Controllers and Processors

In 2021, this office has processed approximately **nine thousand one hundred and sixty seven (9167)** applications for registration as controller and **four hundred and two (402)** registration as processor under the Data Protection (Fees) Regulations 2020. **Nine thousand five hundred and sixty nine (9569)** certificates of registration have been issued.

DPO has also attended a voluminous amount of phone calls and mails on registration of controllers and processors.

## IX. Requests for Legal Advice

In 2021, this office received around **three hundred (300)** written requests for advice including legal advice on the interpretation of the DPA.

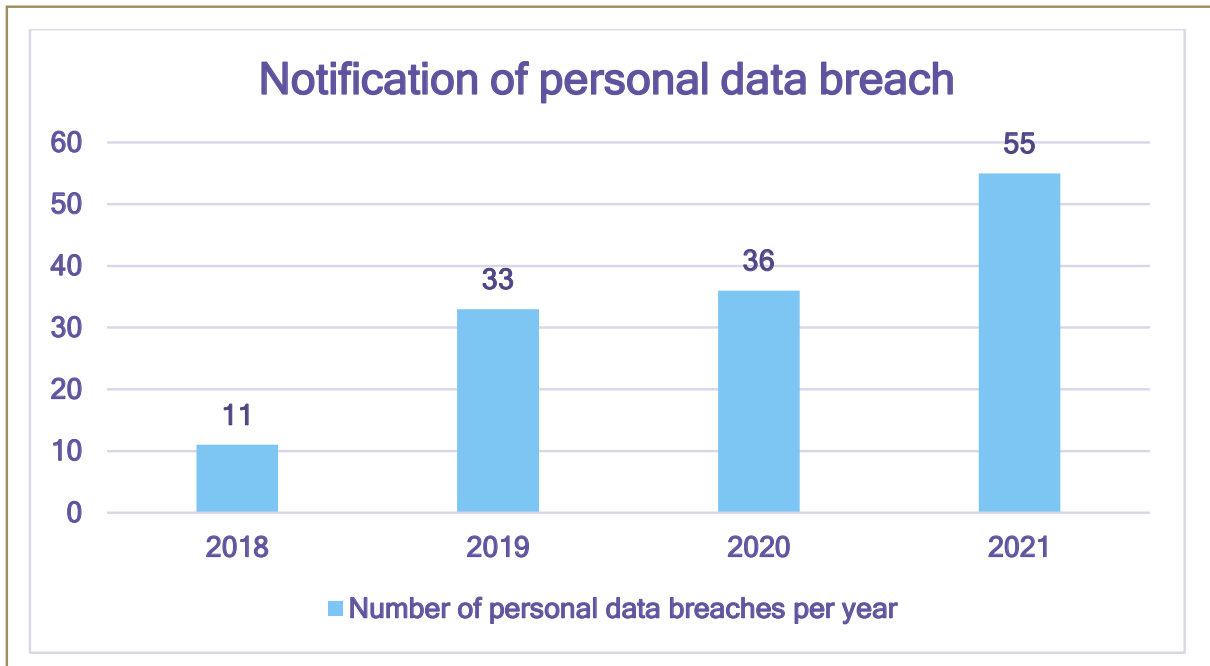


## X. Advisory /Stakeholder Role in Projects

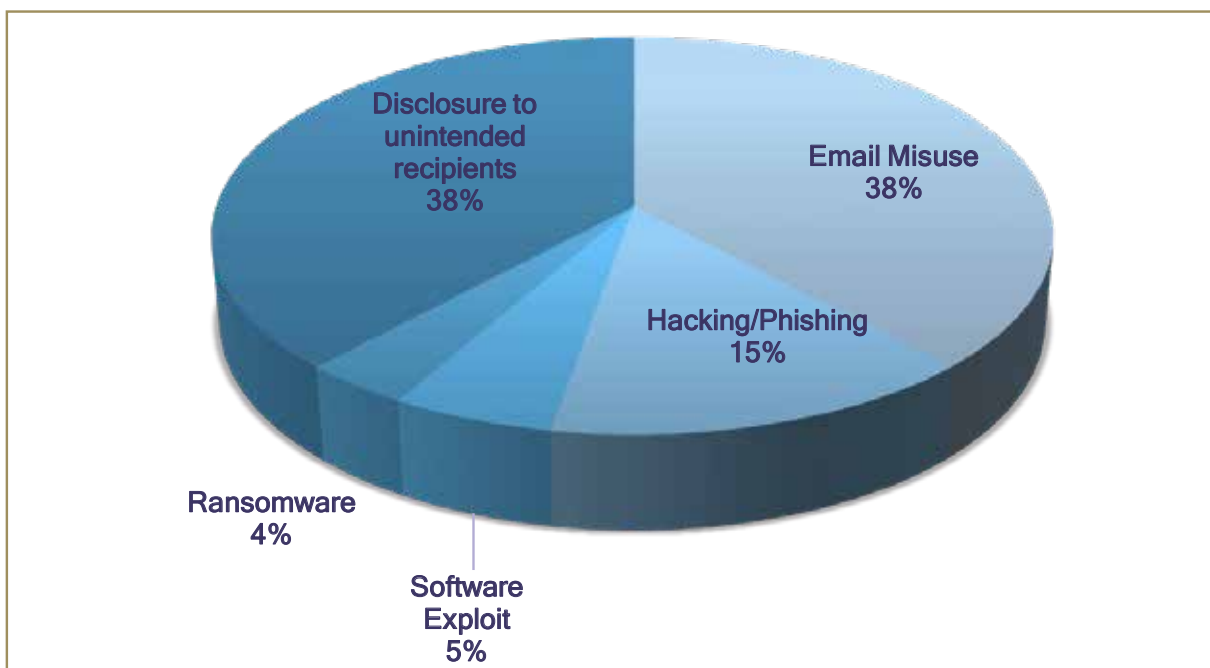
DPO is a major stakeholder in projects involving the processing of personal data. In 2021, the office provided recommendations on many projects from both public and private sectors.

## XI. Personal Data Breach Notifications

In 2021, **fifty five (55)** personal data breaches have been reported to this office. DPO observed an increase in the number of breaches reported compared with previous years.



An analysis of the type of breaches received showed that employee(s) disclosing information to unintended recipient(s) and business email compromise remain the main causes of breaches reported. The following pie chart categorises the types of data breach notifications in 2021.



## **XII. Data Protection Impact Assessments**

Organisations must carry out a data protection impact assessment before deploying high risk processing operations. This assessment represents a comprehensive analysis of privacy aspects in a proposed project with respect to the rights and freedoms of individuals. It also incorporates a risk evaluation approach to minimise privacy infringements to individuals.

In 2021, the office studied and analysed **six (6)** data protection impact assessments carried out by organisations and provided recommendations for good governance in data handling.

## **XIII. Certification**

In 2021, the office received an application from an organisation willing to be certified under section 48 of the DPA. Certification is voluntary and demonstrates transparency and compliance with the Data Protection Act 2017. Any organisation willing to be certified must implement a data protection framework and fill the certification form available on the office website. The certification process is an intensive analysis of the certification form and evidences enclosed with the form. The analysis of the certification received is being finalised.

## **XIV. Transfers of Personal Data Abroad**

The DPC authorised **forty (40)** requests to transfer personal data outside Mauritius with proof of appropriate safeguards as required under section 36 of the DPA.

## **XV. EU Adequacy**

Following the proclamation of the DPA, the next milestone is to achieve EU adequacy so that Mauritius can be recognised as a safe and adequate country in data protection.

Our parent Ministry invited proposals through restricted international bidding for the services of an expert consultant to carry out a complete assessment and evaluation of the existing data protection law in Mauritius, its application and provide an opinion on the adequacy of Mauritius with the European Union.

Furthermore, the DPC held an online meeting with representatives of the European Commission. After discussion, this office is preparing a report which would be submitted to the European Commission for the assessment of Mauritius as an adequate country for the safe transfer of personal data.

# PROJECTS IN THE PIPELINE

## **I. New Computerised System**

DPO provided the user requirements concerning the new computerized system after several meetings chaired by the Chief Technical Officer of MITCI. Subsequently, the bidding exercise was completed and the selected supplier was awarded the contract to develop and implement a new computerized information system which will allow for online registration and e-payment from controller/processor applications, the automatic generation of certificates of registration and the electronic submission of other forms such as for complaints, transfers of personal data abroad, data protection impact assessments and data breach notifications.

## **II. Input for the Chatbot system**

This office has prepared input for the Chatbot system on common questions asked by organisations and the public in general regarding data protection in three different languages mainly English, French and Creole. This project will provide first level information to the general public on a 24/7 basis.

## **III. Collaboration with the Police to regulate unregistered controllers and processors**

This office has written to the Commissioner of Police to seek collaboration on how to undertake prosecutorial actions against unregistered controllers and processors under section 14 of the DPA. A meeting was scheduled in early January 2022 to discuss the way forward with the Mauritius Police Force.



