



FIFTH ANNUAL REPORT

**FOR THE PERIOD COVERING
JANUARY - DECEMBER 2013**

PRIME MINISTER'S OFFICE

DATA PROTECTION OFFICE



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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 data controllers and data processors.

FORWARD

BY THE DATA PROTECTION COMMISSIONER

The Data Protection Office has persevered in diversifying its services through sensitisation, education, new registrations, investigation on complaints, audit and security checks and providing timely advice to organisations.

The office has continuously improved its services by providing a number of facilities to the public. We have carried out a major audit and security check on a private financial organisation. We have also provided timely advice on many important public and private projects. We have already issued around 4199 certificates of registration.

The office has been accredited to the 'International Conference for Privacy and Data Protection Commissioners' on 23 September 2013 in Warsaw, Poland at its 35th session.

This year was also very challenging as the number of applications, requests for advice, complaints and investigations have remarkably increased. Despite constraints, this office has been able to provide optimum service to its stakeholders to build more confidence in the credibility of the Data Protection Office.

Finally, I thank all the staff of this office for their continuous hard work during the year and for maintaining their positive commitment to serving the needs and challenges of our institution.



Mrs Drudeisha MADHUB

DATA PROTECTION COMMISSIONER

THE DATA PROTECTION OFFICE

The Data Protection Office, headed by the Data Protection Commissioner, is located on the 4th Floor of Emmanuel Anquetil Building, Port Louis.

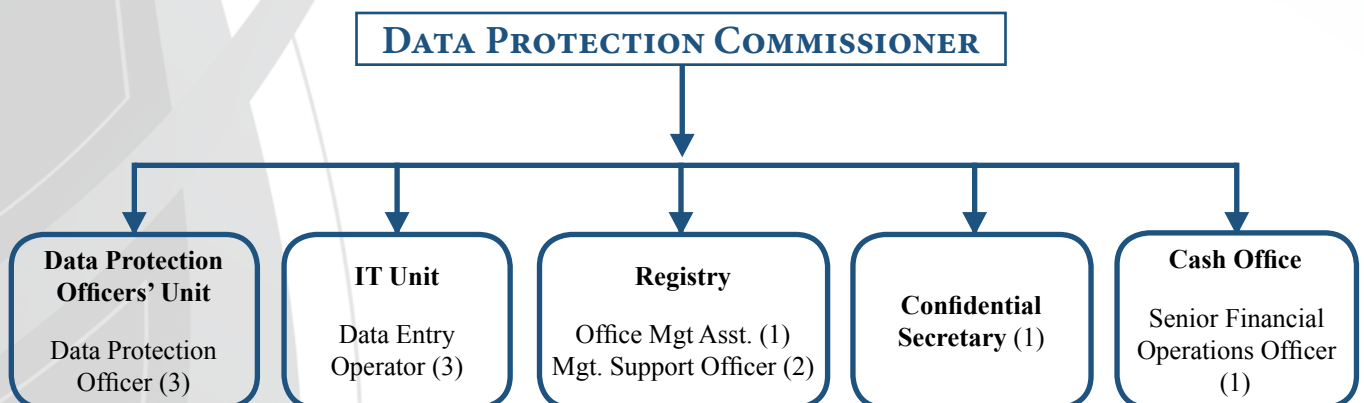
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Organisation Structure



ACTIVITIES IN 2013

1. SENSITISATION

a. Presentations

The Data Protection Office participated as resource persons in trainings and workshops organised by different Ministries/ departments and organisations as follows:-

1. Training on “**Data Protection Fundamentals**” organised by a private company, Froid des Mascareignes, for senior staff on 16th January 2013.
2. Training on “**Fundamentals of Data Protection**” organised by the Ministry of Social Security, National Solidarity and Reform Institutions on 21st May 2013.
3. Workshop on “**The Data Protection Reform for Mauritius**” organised by the Institute for Judicial and Legal Studies on 14th September 2013.
4. Training on the “**Overview of Data Protection**” organised by the Mauritius Institute of Training and Development (MITD) on 4th October 2013 for its officers.
5. Workshop on “**Cyber Security and Data Protection: An Open, Safe and Secure Cyberspace**” organised by Symantec and the Ministry of Information and Communication Technology on 28th October 2013.

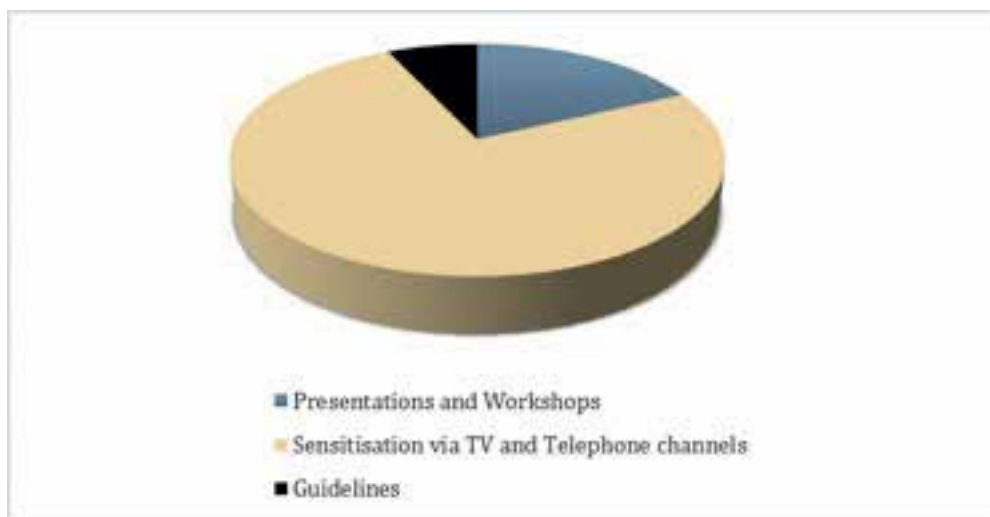
b. Broadcast Programme on MBC/TV

Data Protection Officers/ Senior Data Protection Officers presented 3 programmes on MBC/TV during evening french news bulletin to sensitise the public on the roles, functions and services provided by the Data Protection Office regarding:

- i. Personal Data Sharing and Transfer
- ii. Handling privacy breaches by organisations
- iii. Importance of personal data and security measures to safeguard information by any organisation.

c. Manuals/Guidelines

- One booklet on “fundamentals of Data Protection” has been produced by the Data Protection office to assist primary school students.
- Another guideline on “Protecting the confidentiality of Personal Data by government department(s)” has been published by the Data Protection Office to provide guidance to the public sector.



- A booklet was also prepared to assist teachers in primary schools to educate students on the fundamentals of protecting their personal information which was submitted to the Ministry of Education.

d. Other activities

A total of 36 site visits has been carried out together with a major audit and security check on a private financial organisation.

The office prepared materials on:- Introduction to Data Protection, Direct Marketing, Data Protection – Your Rights, Social Networking (Online behavioral Advertising), Privacy Enhanced Technologies (PETS) including Privacy Impact Assessments (PIA) and Biometrics (CCTV & fingerprints) for the Data Protection Certificate Course of the Open University of Mauritius.

2. PARTICIPATION IN INTERNATIONAL WORKSHOPS

The Data Protection Commissioner delivered three presentations in international workshops, which she attended, as follows:-

- «La sensibilisation des jeunes scolarisés aux usages de l'internet et des réseaux» on 18 September 2013 at a conference organised by Organisation Internationale de la Francophonie in Paris, France.
- A presentation on the “Mauritius ICT Sector and the Data Protection Office” on 23 September 2013 at the 35th International Conference for Privacy and Data Protection Commissioners in Warsaw, Poland.
- “La gestion de la communication par l'autorité mauricienne de protection de données personnelles” on 21 November 2013 at the “7^{ème} Conférence Sur La Protection Des Données Personnelles” in Marrakech, Morocco.

3. COMPLAINTS AND INVESTIGATIONS

During 2013, the Data Protection Office opened 14 complaints and investigation has been carried out in the following cases:-

- Unauthorised viewing of personal images through the use of CCTV
- Unauthorised processing of fingerprint for attendance purposes
- Unauthorised access to personal data
- Unauthorised disclosure of personal data
- Unsolicited messages
- Unauthorised processing of personal data through fidelity cards

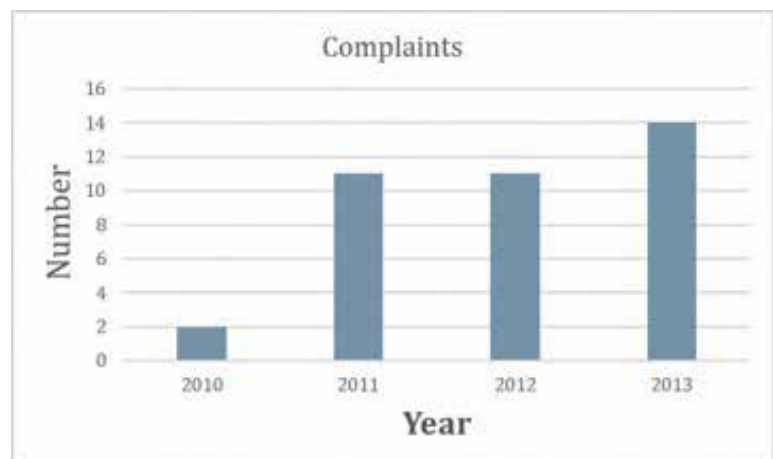
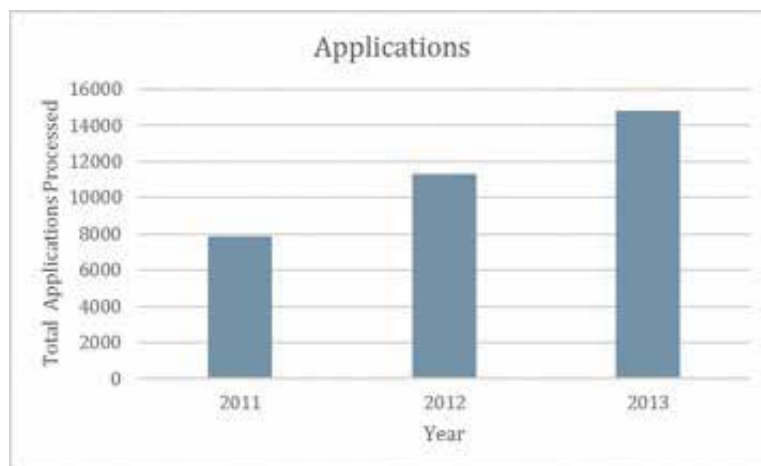


Figure 1: Complaints and Investigations

4. REGISTRATION OF DATA CONTROLLERS

421 new registrations were received for the year 2013. Together with renewals for the previous year, a total of 14,783 applications have been processed. Around 951 notices were sent to Data Controllers in 2013 as reminder for outstanding payments for renewals and missing documents. Most of the notices have been positively responded to by data controllers.



5. REQUESTS FOR ADVICE FROM ORGANISATIONS

Coupled with a rising awareness on data protection, the Data Protection Office has registered an increasing number of requests for advice from organisations including public sector.

This office has received a total of 43 requests for advice comprising of 29 from private bodies and 14 from ministries and governmental departments.

[Advice was provided on the following issues:](#)

- requirements for sharing of data between public and private bodies
- sharing of data among public bodies
- research study in managing conflicts of interests
- use of cloud server with Mauritian Service providers to store data
- requirements for installation of CCTV cameras
- fingerprint legal requirements
- online application for occupation permits
- project on migration of data
- United nations general assembly resolution on the right to privacy in the digital age
- census of economic activities
- enhancement of international cooperation in the field of human rights
- security aspects of speed enforcement camera systems

- legal requirements for processing of personal data regarding speed limit violation from automatic speed enforcement cameras
- derogations to access personal data
- requests for access to personal information.

The Data Protection Commissioner has also granted authorisation to 18 organisations to transfer personal data abroad after careful assessments carried out.

6. REVENUE COLLECTED

The Data Protection Office has collected a total revenue of Rs 6.8 million in 2013. The decrease in revenue is accounted by lesser prescribed fees upon renewals effected.

