



Data Protection Office

PRIME MINISTER'S OFFICE

FOURTH ANNUAL REPORT

for the period covering
JANUARY – DECEMBER 2012

2012



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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.



Foreword by the Data Protection Commissioner

Year 2012 has been the pioneer of major challenges for the Data Protection Office. Despite constraints, the office has prioritised both its activities and resources to strengthen its endeavour to build confidence for both local and foreign investors in secure processing of personal data in Mauritius.

It is certain that the level of awareness on data protection is moving in the right direction. Lots of efforts have been made by our officers in 2012 to sensitise people on data protection. Data Protection Officers, previously known as Investigators, have from July onwards initiated a mass sensitisation campaign of moving towards people, explaining to them the importance of data protection and the need to be registered as data controllers. 55 enforcement notices have been issued to unregistered data controllers in 2012. Data Protection Officers have also presented a programme on data protection on MBC TV to sensitise the public in general. Moreover, publications have been made in newspapers. The office has also organised a workshop in December 2012 inviting ministries, private and parastatal bodies together on one platform to participate and share ideas on issues regarding data protection and technology.

The office has also improved its service to the public through the setting up of a new 24 hour helpdesk service. Year 2012 has also been marked by the issuing of certificates signed by the Data Protection Commissioner to registered data controllers. The office has already issued around 2340 certificates of registration.

Year 2012 has also witnessed a shift in the type and nature of complaints registered resulting from a change in the data protection landscape in Mauritius. We have moved from the traditional complaint related to unfair use of personal data to a more technology driven one with more people concerned about their privacy infringements.

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 this office.



Drudeisha Madhub (Barrister-at-Law)
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.

Phone: 201 3604

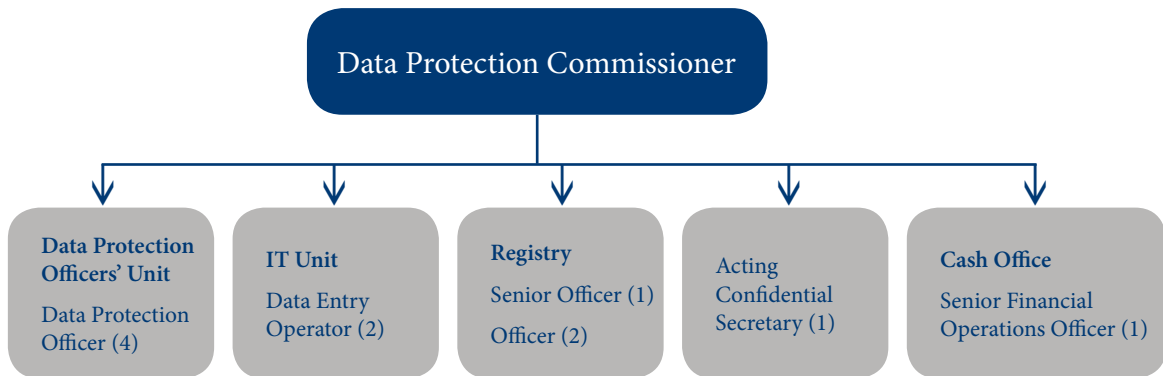
Fax: 201 3976

Website: <http://dataprotection.gov.mu>

Email: pmo-dpo@mail.gov.mu



Organisation Structure





Activities in 2012

1. Sensitisation

The Data Protection Office has carried out the following sensitisation activities:-

(a) Presentations:

- “Guidelines on Cloud Computing, Social Networking and Online Behavioural Advertising” presented by the Data Protection Commissioner on 17.12.12 at the Data Protection Office Workshop 2012.
- “Data Protection Fundamentals” presented by Data Protection Officers on 09.11.12 at Mauritius Qualifications Authority.
- “Roles of the Data Controllers & General Public” presented by Data Protection Officers on 26.09.12 at St Croix Welfare Committee.
- “Data Protection Regime In Relation To Health Records - What is the connection?” presented by the Commissioner on 21.09.12 to Ministry of Foreign Affairs.
- “Data Protection Fundamentals for the Banking Sector” presented by the Commissioner on 26.04.12 to Barclays Bank.
- “Overview of the Fundamental Aspects of the Right of Access” presented by the Commissioner on 20.04.12 to Mutual Aid Association Staff.

(b) Sensitisation Workshop

In December 2012, the Data Protection Office organised a workshop, funded by the European Union, on Data Loss Prevention Software, Cloud Computing, Social Networking and Forensic Investigations. The workshop was launched by the Minister of Information and Communication Technology and involved the participation of different stakeholders in the private and public sector including Symantec. The aim of the workshop was to sensitise people on social networking issues and emerging technologies such as cloud computing from a data protection perspective.

(c) **Broadcast Programme on MBC TV**

Data Protection Officers prepared and presented a programme on MBC TV channel in creole language to explain to the public the roles, functions and services provided by the Data Protection Office. The Data Protection Commissioner also presented a programme on data protection at the Mauritius College of the Air.

(d) **24 hour Helpdesk**

The Data Protection Office has set up an automated 24 hour helpdesk facility on 2039076. The helpdesk became operational as from August 2012 and assists anyone seeking information on the role and mission of the office, and their respective obligations and rights under the Data Protection Act.

(e) **Communiqué de Presse**

The office has made publications in 4 newspapers explaining the functions of the office via a comprehensive poster during the period March-April 2012.

(f) **Guideline**

A guideline on 'Practical Notes on Data Sharing Good Practices for the Public and Private Sector' has been produced by the Data Protection Commissioner to assist organisations in understanding the implications of data sharing both within and between organisations to enhance the protection of individual privacy.

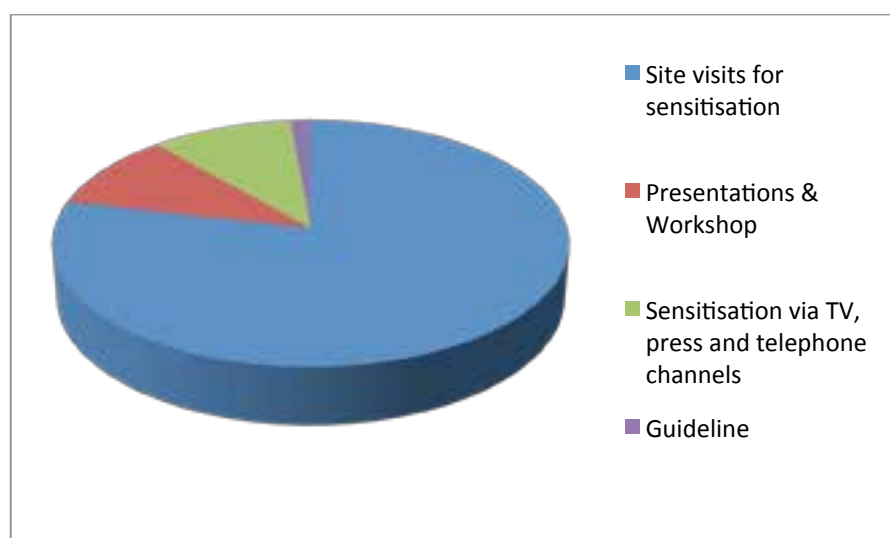


Figure 1: Sensitisation Activities

2. Participation in International Workshops

The Commissioner attended a workshop on SADC Harmonised Legal Cyber Security Framework for Southern Africa, held on 27 Feb to 02 March 2012 at Gaborone, Botswana. The workshop relates to the drafting of model laws on Electronic Transaction, Data Protection, Consumer Protection, Child Online Safety, Cyber Crime, E-Commerce and E-Government to be implemented in respective countries.

The Commissioner participated in a three day conference in Monaco in November 2012 for the Annual Conference of Francophone Association of Data Protection Authorities (AFAPDP), of which the Data Protection Office is a member. Among the various topics discussed, the Commissioner expressed her intention to set up a research data protection laboratory with the assistance of the Canadian counterpart and to host the annual francophone data protection conference for 2014 in Mauritius.

3. Complaints and Investigations

During 2012, the Data Protection Office opened 11 complaints for investigation pertaining to:-

- Photocopy and disclosure of personal sensitive data to unauthorised persons
- Invasion of privacy through the use of CCTV cameras
- Unauthorised access of personal email account
- Copyright infringement on E-Call Shop Facebook Account
- Removal of profile picture on Google Image and Search Engine
- Unauthorised disclosure of personal data
- Use of fingerprint for attendance
- Fidelity card issued to data subjects

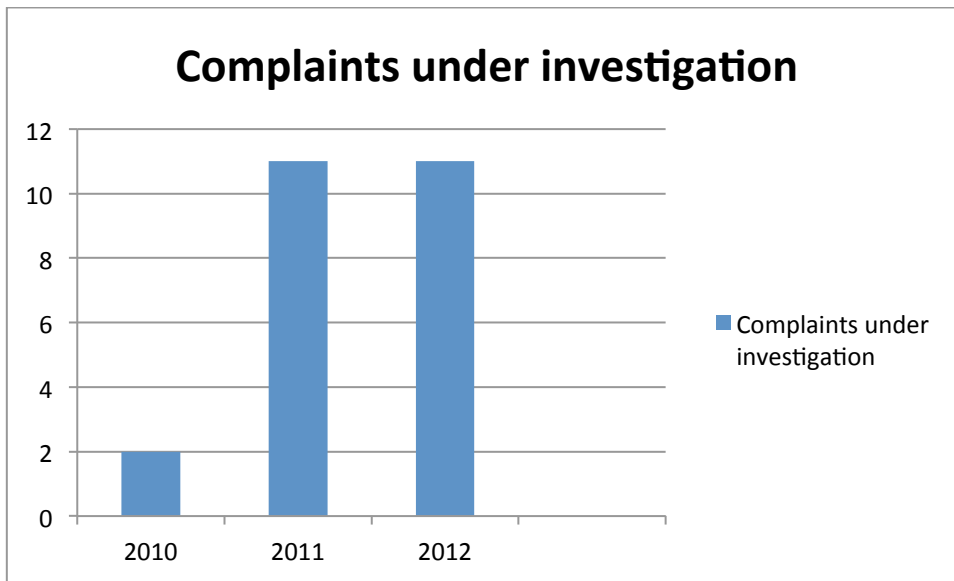


Figure 2: Complaints and Investigations

4. Registration of data controllers

1026 new registrations were received for the year 2012. Together with renewals for the previous year, a total of 11300 applications have been processed. Around 432 notices were sent to Data Controllers in 2012 as reminder for outstanding payments for renewals. Most of the notices have been positively responded to by data controllers.

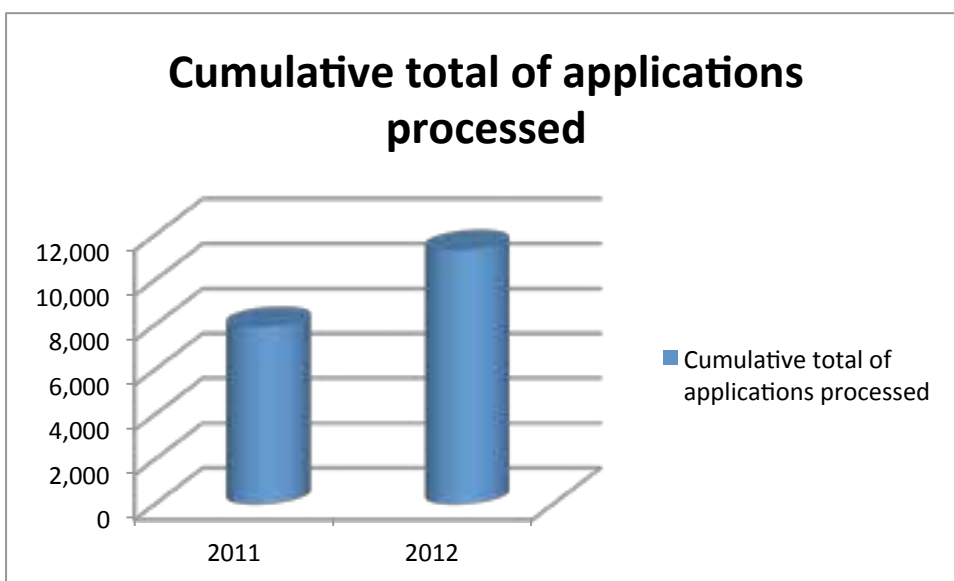


Figure 3: Cumulative total of applications processed

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 ministries. 14 requests have been attended on concerns ranging from protection of personal data in new IT applications, sharing of data among departments, anonymisation of data for surveys, compliance with the Data Protection Act in Bids and the assistance for the development of codes of practice and use of CCTV. The Data Protection Commissioner has also granted authorisation to 3 organisations to transfer data abroad after careful assessment carried out.

6. Public Service Excellence Award

After 2011, the Data Protection Office has again participated in the Public Service Excellence award in 2012 in its endeavour to continuously improve and streamline its processes to deliver quality services to the public.

7. Revenue Collected

The Data Protection Office has collected a total revenue of Rs 6.19 million in 2012.

