



THIRD

ANNUAL REPORT

FOR THE PERIOD COVERING
JANUARY - DECEMBER 2011

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.

Foreword by the Commissioner

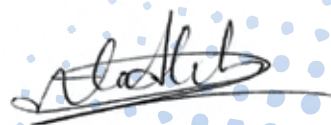
In this digital age, the collection and storage of personal information, which is referred to as “processing” in the Data Protection Act, are fundamental. Data is used by all businesses and in government. We have all realised by now that data is a vital component of world economies. Terabytes of personal information are transferred and exchanged every day, around the world at rocket speed.

The Year 2011 has been the architect of tremendous changes in the current data protection and privacy landscape in Mauritius. Major efforts have been displayed by our tiny team to meet huge challenges such as the conduct of timely investigations into personal data breaches resulting into six decisions which are also posted on our website and the carrying out of regular site visits by our three investigators in various organisations resulting in the production of timely reports on the current level of data protection in the institutions concerned. Posters have been designed for distribution to all registered data controllers and a set of guidelines on online behavioural advertising, social networking sites and search engines have been prepared by the Commissioner as part of our sensitisation campaign to increase awareness on data protection in Mauritius. Fruitful cooperation has also been established with Symantec Corporation for the right data protection tools to be developed.

Being a member of the Francophone Association of Data Protection Authorities (AFAPDP), I also had the opportunity of delivering a presentation in Dakar (Senegal) on 21 September 2011 on the jurisdictional implications of data transfers as follows:- “La problématique juridictionnelle et les enjeux du transfert de données personnelles dans les opérations d’externalisation”. Major resolutions on the importance of the independence of Francophone Data Protection Commissioners and the carrying out of fruitful sensitisation campaigns were passed. I also participated in the 33rd International Conference of Data Protection Commissioners in Mexico City in November 2011 with the assistance of the AFAPDP.

Several other presentations were made to various sectors such as the ICT-BPO, banking, insurance and other public and private sectors as part of our awareness campaign. A generic video on data protection principles has been developed by the office for training purposes. Around 6 transfers of personal data abroad have been approved by this office after a detailed assessment carried out of the level of data protection in the country to which the data is being transferred to. Legal advice on the Data Protection Act is regularly tendered to all parties concerned.

In December 2011, a workshop funded by the European Union was organised on the proposed amendments to our Data Protection Act and European Union’s Accreditation which was launched by the Honourable Attorney-General, the Minister of Information and Communication Technologies and the Ambassador of the European Union in Mauritius. The aim of the workshop was to secure the views of different stakeholders on the changes to be made to the law.



DRUDEISHA MADHUB (BARRISTER-AT-LAW)
DATA PROTECTION COMMISSIONER

The Data Protection Office:-

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

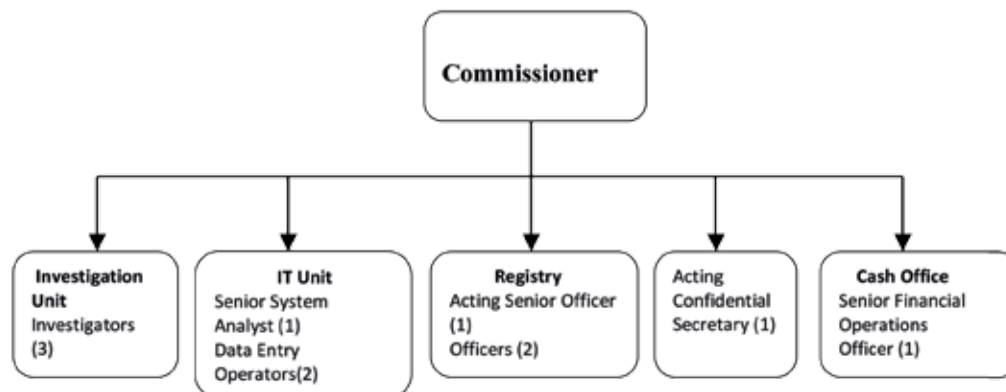
Phone: 201 3604

Fax: 201 3976

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

Email: pmo-dpo@mail.gov.mu

Organisation Structure



Activities in 2011

Promoting Awareness

The Commissioner made the following presentations:-

- “The Data Protection Office in Mauritius - The Challenges Ahead” on 5 October 2011 to ICT-BPO Forum
- “Video on Data Protection” on 12 August 2011 to International Card Processing Ltd and others
- “Data protection from an employment perspective” on 05 July 2011 to Groupe Mon Loisir Ltd
- “How to incorporate data protection rules to safeguard shareholders’ personal data of the sugar investment trust” on 25 March 2011
- “Making Sense of it:- What is Data Protection?” on 09 March 2011 to the Truth and Justice Commission
- “How to Ensure Effective Compliance with the Data Protection Act” on 18 January 2011 to Lamco Insurance Ltd

Guidelines

A set of guidelines - “Data Protection- Online Behavioural Advertising, Social Networking Sites and Search Engines: What is the Connection?” has been produced. The connection between these intertwined concepts - online behavioural advertising, social networking sites and search engines, has given rise to major concerns both locally and internationally with regard to the concrete and potential risks entailed to the right to privacy and protection of personal data of all internet users or to use a strong expression, the addicts of the virtual world. This guide tries to explain these 3 concepts from a data protection perspective for a judicious and cautious use of these facilities in the future and is targeted to those data controllers, processors and subjects using them.

Registration of Data Controllers

4200 new registrations were received for year 2011. Together with renewals for the previous year, a total of 7874 applications have been processed. Around 300 notices were sent to Data Controllers in 2011 as reminder for outstanding payments for renewals. Most of the notices have been positively responded to by data controllers.

The online registry system has helped our registry officers for a proper and up to date recording and movement of files. The first phase of computerisation of the DPO by the CISD has been completed with the implementation of the Registration Module wherein all registration information are inputted.

Investigations and Complaints

With the growing awareness of the existence of data protection laws, the Investigation Unit has received 11 complaints as at end of December 2011. The Investigators have successfully investigated 4 suspected cases of data breach.

The complaints received relate to the following cases:

- Unauthorised disclosure of email address to third parties
- Illicit disclosure of credit card information
- Excessive data collection by CCTV coverage
- Unauthorised publishing of Curriculum Vitae online
- Unauthorised disclosure of phone number through direct marketing
- Illegal issue of document
- Unlawful disclosure of confidential information
- Illegal transfer of sensitive information to third party
- Unauthorised transfer of information for personal use

The Investigation Unit has effected 32 site visits (either preliminary security checks or compliance audits) and investigated 350 cases relating to non-compliance to the Data Protection Act. For 2011, the details below explain the type of interventions performed by the investigators:-

- Gathering of evidence on potential data protection breaches
- Enquiry on the alleged dormant status of companies as claimed by data controllers
- Analysis of information systems
- Random confirmation of the information submitted in application forms for registration
- Enquiry on whether targeted organisations fall within the definition of 'data controller' or 'data processor'
- Requests for information from data controllers as regards the processing of personal data on information systems
- Enforcement notices for data controllers who do not respond to requests concerning their obligation to register and for non-compliance to data protection laws.

Revenue Collected

The Data Protection office has collected a total revenue of Rs 6.97 million in 2011.

