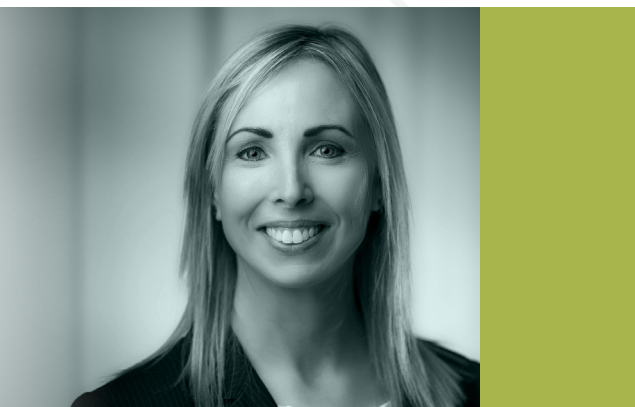


Data Protection Commission

Statement of Strategy

Safeguarding data protection rights by driving compliance through guidance, supervision and enforcement

2019



Foreword by the Commissioner for Data Protection

I am pleased to present the Data Protection Commission's Strategy Statement for the year 2019. This Statement outlines our key objectives for the first full calendar year of regulatory action under the General Data Protection Regulation.

The new EU legal regime for data protection has been a game-changer for all EU data protection authorities. In Ireland, the Data Protection Commissioner, established under the Data Protection Act 1988, has been replaced with a new statutory body, the Data Protection Commission (DPC), which is the supervisory authority under the new EU data protection legal regime. The DPC has significant new powers and duties and the ability to deliver effective outcomes in terms of driving higher standards of data protection. Closer cooperation with our EU counterparts is part of our daily activity, backed up by monthly plenary meetings in Brussels of the European Data Protection Board.

Throughout 2018, we focussed on continued strategic organisational restructuring alongside new recruitment and our staffing levels have now grown to 133, comprising specialist investigators, lawyers, technologists, managers and communications professionals. Telephone and electronic queries, requests for consultation with the office, numbers of concerns lodged, media requests, inquiries and investigations opened and pursued have all increased in number and the objective of the DPC is to handle each of them with fairness, excellence and care. To do this, we must continue to invest in internal training and fine-tuning of our processes and procedures, as well as continuing to recruit further specialist skills to our expanded team. 2019 will also see an emerging picture arising from the UK 2016 decision to exit the EU and the DPC will remain agile and vigilant to advise all stakeholders of changing compliance requirements, in particular in relation to transfers of personal data.

This transformational change the DPC continues to deliver would not be possible without significant government investment in the DPC, the continuation of which is essential to ensuring that we can carry out our functions as a well-funded, independent and internationally respected data protection regulator.

I look forward to working closely with current and future colleagues, stakeholders and my EU counterparts in delivering on the objectives of this Strategy and continuing to uphold the EU fundamental rights of individuals to data protection.



Helen Dixon

Commissioner for Data Protection

Introduction

The Data Protection Commission (DPC) is the national independent authority in Ireland responsible for upholding the fundamental right of individuals¹ in the European Union (EU) to have their personal data protected. Accordingly, the DPC is the Irish supervisory authority responsible for monitoring the application of the General Data Protection Regulation (GDPR)², and we also have functions and powers related to other regulatory frameworks, including the Irish ePrivacy Regulations (2011)³ and the EU Directive known as the Law Enforcement Directive (LED)⁴. The statutory powers, duties and functions of the DPC are as established under the Data Protection Act 2018, which gives further effect to the GDPR, and also gives effect to the LED.⁵

The DPC's previous Statement of Strategy covered the period from 2017 to 2018. As planned, that Statement of Strategy was reviewed towards the end of 2018, to evaluate our progress against our strategic objectives and to assess the continuing relevance of our mission, vision and values.

The period from 2017 to 2018 has been a time of huge transformation, both for the DPC as an organisation and for the landscape in which we regulate. That transformation and learning is continuing in 2019, as we transition towards our longer-term regulatory role and environment.

This document sets out our Statement of Strategy for 2019 - we are now developing our new Strategy to cover 2020 to 2025.

Having assessed the previous 2017-2018 Statement of Strategy, and having also considered the still rapidly-changing context, the DPC has concluded that a comprehensive and wide-ranging analysis of the DPC's long-term strategy is vital. This strategic analysis will help to ensure that our transition to our longer-term regulatory role is purposeful and thoughtful, rather than reactive. This long-term strategy will ultimately be our guide in how we fulfil our obligations, how we prioritise our statutory and non-statutory work, and how we strategically balance competing demands in the exercise of our regulatory powers to maximise the protection of personal data rights for all.

For our long-term strategy to be effective, that strategic analysis and reflection must also take into account the views of our diverse external stakeholders, the contributions of relevant experts, and the perspectives of the individuals whose data protection rights we seek to uphold. Therefore, an extensive consultation process, that is iterative and transparent, must be central to our analysis, deliberation and conclusions on our enduring strategy.

Our ultimate strategy will continue to place citizens at the centre of how the DPC carries out its

1 - Deriving from Article 8 of the Charter of Fundamental Rights of the European Union

2 - Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC

3 - Statutory Instrument No. 336/2011 - European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011

4 - Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA

5 - The Data Protection Act 2018 also amended the Data Protection Act 1988 for certain purposes, provided for the amendment of certain other enactments, and provided for related matters

statutory functions. In addition, the strategy will set out the DPC's regulatory priorities and give insight and greater certainty to organisations and individuals on how the DPC intends to regulate.

This comprehensive strategic analysis and extensive public consultation will be completed during 2019, resulting in a DPC Regulatory Strategy that is expected to have a five-year lifetime. In the meantime, the DPC's current mission, vision, values and strategic objectives, as set out in the 2017-2018 Statement of Strategy, are still relevant. By extending and adapting the previous 2017-2018 Statement of Strategy, the DPC can continue to learn from this current transitional period in terms of the future strategic decisions and choices we face.

Therefore, this 2019 Statement of Strategy is effectively a continuation of the 2017-2018 Strategy, with revisions and updates as appropriate.

Context

What we do at the DPC

The DPC has a very broad and multi-layered remit, in terms of the range of its supervisory, advisory, enforcement and awareness-raising functions, and also in terms of its scope in monitoring the compliance of processing of personal data by every type of organisation based in Ireland, in both a national and international context⁶. Our tasks and activities under the GDPR are set out in Article 57, with our functions further specified in Section 12 of the Data Protection Act 2018. The DPC also has specific functions and enforcement powers set out in the Irish ePrivacy Regulation S.I. No. 336 of 2011, with ComReg holding other regulatory functions and responsibilities under that Statutory Instrument, and functions under the Law Enforcement Directive, as transposed in the Data Protection Act 2018. In addition to specific data protection legislation, there are in the region of 20 other pieces of legislation, spanning a variety of sectoral areas concerning the processing of personal data, where the DPC must perform a particular supervisory function assigned to it under that legislation.

Amongst other tasks, the DPC handles complaints received from individuals⁷ and examines notifications of personal data breaches⁸ received from data controllers⁹, using our statutory powers. The DPC conducts inquiries and investigations into potential infringements of data protection legislation, including statutory inquiries commenced by the DPC of its own volition¹⁰, and takes enforcement action where necessary.

As part of its role in proactively upholding the data protection rights of individuals, the DPC also assesses compliance and risks to personal data protection in a variety of public and private sector organisations through consultation and engagement with those organisations that process personal data. This work includes consultations in the context of data protection impact assessments that indicate that the organisation's intended processing would result in high residual risk¹¹, where we endeavour to advise organisations on how to avoid or further mitigate those risks while still pursuing innovation and technology advances. We are also consulted by Government Departments during the preparation of legislation related to the processing of personal data.¹²

The DPC seeks to drive improved awareness and compliance with data protection obligations through the publication of high-quality guidance, proactive engagement with public and private sector organisations, and, ultimately, enforcement action where necessary. The DPC also promotes awareness amongst individuals of their data protection rights, with a particular focus in 2019 on understanding and increasing the awareness levels amongst children in Ireland of their rights, and generally amongst all stakeholders in relation to the rights of children and the specific protections which apply when processing children's personal data.

6 - GDPR Article 3 sets out the territorial scope of the Regulation

7 - GDPR Article 57(1)(f); Data Protection Act 2018 Sections 109 and 122

8 - GDPR Article 33

9 - GDPR Article 4 (7)

10 - Data Protection Act 2018 Sections 110 and 123

11 - GDPR Article 36 (1)

12 - GDPR Article 36 (4)

As an EU data protection supervisory authority, the DPC is a member of the European Data Protection Board (EDPB)¹³, which ensures the consistent application of the GDPR across the EU¹⁴. The DPC's active participation in the EDPB involves DPC staff preparing for and attending over 80 in-person meetings in Brussels each year, as well as delivering on commitments as lead and co-rapporteur for certain EDPB guidelines and policy positions. Under the GDPR, the DPC cooperates and collaborates with other data protection authorities on matters of legal interpretation and on specific cases, and acts as the lead supervisory authority¹⁵ at an EU level for organisations that have their main EU establishment¹⁶ in Ireland.

During 2019, as part of our analysis towards our longer-term DPC Regulatory Strategy, we will be examining our approach to all of our activities and functions; that is, we will be analysing, probing and concluding on what we do and how we do it, including all obligatory and discretionary aspects of our work. We will be seeking input on these questions as part of our public consultation on our new strategy.

New EU Data Protection Legal Framework

The new EU data protection legal framework came into effect across the EU on 25 May 2018, replacing the 1995 Data Protection Directive¹⁷ with a modernised code that was more reflective of the evolving technological climate. The new framework comprises the GDPR and the Directive known as the Law Enforcement Directive, which concerns personal data processing in a law enforcement context.

The GDPR enhances the data protection rights of individuals, giving them greater control over how their personal data is collected and processed by organisations. The Regulation also increases very significantly the obligations on organisations that process personal data, requiring greater levels of accountability and transparency in respect of their data processing operations. Significantly, the territorial scope of the GDPR also extends to organisations based outside of the EU in circumstances where they monitor the behaviour (i.e. gather personal data) on individuals within the EU, or provide goods and services to individuals in the EU. The GDPR also confers much wider powers and obligations on EU Member State data protection supervisory authorities.

The GDPR provides for a harmonious approach to the interpretation and implementation of the new legal framework by supervisory authorities through various cooperation and consistency mechanisms¹⁸. The DPC acts as the lead supervisory authority at an EU level in respect of many of the technology, internet and social media companies that have their European headquarters

13 - GDPR Article 68

14 - GDPR Article 70

15 - GDPR Article 56

16 - GDPR Article 4 (16)

17 - Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

18 - GDPR Chapter VII

in Ireland. This places the DPC in a very central role in safeguarding the data protection rights of many millions of individuals across the EU. Under the GDPR's new One-Stop-Shop mechanism, the DPC is required to take account of the views of other EU data protection supervisory authorities, particularly as we finalise our findings on statutory inquiries related to cross-border processing¹⁹.

The Law Enforcement Directive (LED) was transposed into Irish law on 25 May 2018 with the enactment of the Data Protection Act 2018. Processing of personal data for law enforcement purposes is broadly covered in the Act in Part 5 (Sections 69 to 104) and Chapter 3 of Part 6 (Sections 118 to 128), in addition to other parts of the Data Protection Act 2018 which cover both the GDPR and the LED.

In broad terms, the LED applies where a data controller is a "competent authority" and the processing of personal data is carried out for the purposes of the prevention, investigation, detection or prosecution of criminal offences, or the execution of criminal penalties. In the Irish legal system, many public authorities and bodies have law enforcement functions which will be covered under the LED when discharging those, but only those, functions. Otherwise, the GDPR will apply.

In addition, the European Commission published a proposed new Regulation on Privacy and Electronic Communications in January 2017, known as the ePrivacy Regulation. The draft ePrivacy Regulation proposes further additional and significant changes to the law, aimed at enhancing the security and confidentiality of individuals' online activities, including email and internet based instant messaging. Although the text of the draft ePrivacy Regulation has not yet been agreed and the date for its introduction has not yet been set, there will be a future impact to the functions of national data protection supervisory authorities, including the DPC, in terms of monitoring and enforcement responsibilities.

Although the DPC regulates under the new legal framework, we must continue to apply the 1988 and 2003 Data Protection Acts when we handle complaints and manage investigations into potential infringements that relate to the period before 25 May 2018, as well as in relation to complaints and infringements which relate to certain limited other categories of processing, irrespective of whether that processing occurs before or after 25 May 2018²⁰.

¹⁹ - GDPR Article 4 (23)

²⁰ - These other categories of processing are set out in Section 8(1)(a) and (b) of the Data Protection Act 2018

2019 – A Year of Transformation and Transition

2018 was a momentous year for data protection and for the DPC.

As part of the complete change of legal framework in May 2018, the DPC took on new responsibilities, gained additional powers and consequently has been undergoing a major organisational transformation programme. Our staff numbers grew by about 60%, from about 80 staff at the start of 2018 to just over 130 staff in situ at the beginning of 2019. Several new organisational units were created during the year to deliver our new responsibilities to the public, to supervise new obligations such as breach notifications, and to manage the increased casework volumes. The DPC invested significant effort in analysing how our obligations must be taken into account in our internal procedures, in completing the initial design of a new case management system, and in launching a new website. We also engaged extensively with our EU data protection authority colleagues in what was the Article 29 Working Party²¹ which was transformed into the EDPB under the GDPR. All of this GDPR preparatory activity and change was executed while maintaining operational continuity in our supervisory, advisory and information activities, including extensive pre-GDPR consultation with organisations and a significant awareness-raising campaign for members of the public.

However, even with that momentous year of change and progress behind us, we expect 2019 to be a year of further significant transformation and transition for the DPC.

- The DPC is continuing to grow in size, with staff numbers by the end of 2019 projected to increase to circa 170. We are continuing to manage this growth carefully, in terms of recruitment, induction, training and management oversight.
- As we continue to grow and as our casework volumes settle to new norms, we will have ongoing decisions during the year on how to best deploy our resources and organise our teams for the best overall effectiveness in delivering our statutory functions. The efficiencies created by the implementation of our new case management system will also be measured and taken into account in these ongoing decisions.
- We will continue to define and implement our standard procedures, and apply a quality improvement approach so that we continue to ensure that they are fair, robust, consistent and efficient, and with consideration of our new powers and duties. We will take account of our procedural obligations set out in the Data Protection Act 2018 and consider how best to apply Section 12 (8) of the Act which allows the DPC to regulate its own procedures²². We will also continue to engage with our EDPB colleagues on the procedural interplay between DPC procedures and on how the GDPR cooperation and consistency mechanisms need

21 - The Article 29 Working Party was established by EU Directive 95/46/EC and was composed of representatives of the supervisory authority or authorities designated by each EU Member State and of a representative of the authority or authorities established for the Community institutions and bodies, and of a representative of the EU Commission.

22 - Section 12 (8) of the Data Protection Act 2018 states that "Subject to this Act, the Commission shall regulate its own procedures."

to be taken into account. We will continue to be as measured as possible in the definition and implementation of our procedures, while also aiming to be clear to organisations and individuals on what they can expect. Learning from how we apply and refine these procedures will ultimately influence our priorities and our choices on deployment of resources.

- During 2018, the DPC commenced a significant number of statutory inquiries and we expect to start issuing decisions and exercising enforcement powers as appropriate during the first half of 2019, following the completion of fair and rigorous investigations. The conclusion of this first wave of inquiries is providing us with further operational insights into the delivery of our statutory role and the scope for strategic choices within that. For those inquiries that relate to cross-border processing, we are learning more about the practical and procedural implications of implementing the GDPR cooperation mechanisms for real cases, along with our EDPB colleagues.
- During 2019, the DPC will continue to operationalise new areas of responsibility introduced by the GDPR, for example, relating to certifications²³ and codes of conduct²⁴. Through interactions with other data protection authorities and by leading in the production of practical guidance by the EDPB in these areas, we will develop our understanding during this year of how our operational responsibilities in those areas should be executed and the options we have for how we deploy resources to those areas.
- The DPC is continuing to manage cases under two parallel legal frameworks: 1) the framework of the 1988 and 2003 Data Protection Acts for complaints and potential infringements that relate to the period before 25 May 2018; and 2) the new EU legal framework. We expect to reduce this operational complexity significantly during 2019 through the resolution of cases under the previous legislative regime.
- During 2019, the EDPB will continue to develop guidelines and positions on its interpretation of specific elements of the GDPR and LED, as part of its role to ensure the consistent application of the new legal framework across the EU. These guidelines will be an important factor in the overall “bedding-down” of the GDPR and LED in terms of how compliance will be monitored and enforced across the EU.
- The DPC’s work during 2019 and beyond will be heavily impacted by external factors. For example, we expect that, during 2019, we will get a much clearer understanding of the impact to personal data transfers to the UK, and the impact to the supervisory work of the DPC, brought about by Brexit.
- Finally, we are undertaking a significant programme of organisational change during 2019 in advance of the DPC taking on direct accountability for its statutory financial and human

23 - GDPR Articles 42 and 43

24 - GDPR Articles 40 and 41

resource operations with effect from January 2020. In doing this, the DPC will move away from its current model of relying on financial and HR service provision from the Department of Justice & Equality. During 2019, the DPC will need to engage with the Department of Public Expenditure & Reform and the new National Financial Shared Service to prepare for the transfer of the “Accounting Officer” functions to the DPC in order for the DPC to hold its own vote.²⁵

During this transitional year, the DPC’s work will continue to be guided by our current mission, vision, values and strategic objectives, as set out in the 2017-2018 Statement of Strategy, with revisions and updates as appropriate.

Our continued learning, progress and experience gained during 2019 will provide critical inputs to our strategic analysis towards our long-term Regulatory Strategy.

DPC Regulatory Strategy

Given the extended breadth of our statutory and non-statutory work, and given the rapidly changing context for that work, the DPC is faced with many competing demands in how we apply our resources, on an ongoing basis. In performing our statutory role to uphold the data protection rights of individuals, we also have numerous and varied stakeholders with diverse perspectives, along with growing public awareness of data protection rights and of our role in upholding those rights. These perspectives are critical to the DPC’s understanding of the context in which we regulate and the ways in which we can be most effective.

As outlined in the Introduction, this is an appropriate point for the DPC to develop a longer-term Regulatory Strategy so that full and thoughtful consideration is given to our renewed mission and role, our priorities, the outcomes we seek to achieve, what we deliver and how we deliver it. Our approach to developing the Regulatory Strategy will be comprehensive, highly consultative and inclusive, reflective, iterative, and conclusive. This Regulatory Strategy will be citizen-centred in approach and guide our work in the coming years, while giving our stakeholders insight and input into our activities.

The DPC has commenced a significant project to develop the DPC’s Regulatory Strategy, with the new Regulatory Strategy intended to apply for a five-year lifetime. The scope of this review covers all of the DPC’s current, planned and potential activities, both obligatory and discretionary, and examines both our core and supporting functions. The Strategy will be framed²⁶ in terms of:

- DPC’s Mission
- DPC’s Vision

²⁵ - Data Protection Act 2018 Section 25

²⁶ - As referenced in the Department of Public Expenditure and Reform’s 2016 Code of Practice for the Governance of State Bodies 2016, Section 1.17

- Outcomes we seek to achieve
- Strategic Objectives and priorities over the five-year period towards achieving that Mission, Vision and Outcomes
- Implementation Plan to achieve those strategic objectives

The project and approach will be comprehensive in its breadth and scope. We will be highly consultative and inclusive in terms of the stakeholders with whom we consult. We will be reflective in terms of examining the key questions deeply. Our approach will be iterative in terms of defining and refining the Strategy, and consulting as we iterate. Finally, we will be conclusive in terms of the priorities we set.

This strategy initiative will run through several months in 2019 and the first main round of public consultation will be based on a preliminary consultation paper that will set out some of the key questions to be addressed in the DPC Regulatory Strategy. As part of the DPC's strategic analysis, detailed consideration will be given to the DPC's obligations under the Human Rights and Equality Commission Act 2014, particularly to ensure our full compliance with Section 42 of that Act.

In advance of the longer-term DPC Regulatory Strategy being finalised during this year, this 2019 Statement of Strategy sets out the mission, values and strategic objectives that will continue to guide the DPC's work in 2019.

Our Mission

Safeguarding data protection rights by driving compliance through guidance, supervision and enforcement.

Our Vision

The DPC will be a fully fit-for-purpose independent, internationally respected and trusted supervisor and enforcer of EU data protection law.

We will at all times demonstrate professionalism, competence and expertise in performing our enhanced role under the GDPR as a lead supervisory authority for many of the world's largest technology, internet and social media companies as well as being the supervisory authority for Irish domestic companies and organisations, in both the public and private sector.

Where necessary and proportionate, and in accordance with Irish and EU law, we may apply sanctions, such as administrative fines, against any company or organisation which has infringed the law. We will exercise our prosecution powers under the Data Protection Act 2018 and under S.I. No. 336 of 2011 in a fair and transparent manner.

As required by the new data protection legal framework, we will handle complaints from individuals who believe their data protection rights have been infringed and take appropriate action in handling complaints.

The skills profile of our staff, our structure and size, our procedures and our budget will reflect our expanded domestic and international functions and responsibilities.

The DPC will continue to progressively build stronger international collaborative relationships with data protection authorities and consumer protection regulators across the globe, participating as members of international networks such as the International Conference of Data Protection and Privacy Commissioners, the Conference of European Data Protection Authorities and the Global Privacy Enforcement Network. We will work in cooperation with all EU data protection supervisory authorities, as a member of the European Data Protection Board, as required under the new legal framework, and fully participate in the continued implementation of a harmonised data protection regime throughout the EU.

Our Values

We are committed to demonstrating the following values in performing our functions and fulfilling our responsibilities, and in all of our interactions with individuals, organisations, statutory and regulatory bodies, and other stakeholders:

- Fairness
- Expertise
- Collaboration
- Professionalism
- Transparency
- Independence
- Accountability

Our Strategic Objectives

1. Continue to build the capacity and capabilities of the DPC to reflect our enhanced role under the new EU Data Protection Legal Framework

The GDPR and the Law Enforcement Directive represented a fundamental overhaul of the EU's data protection legal regime, with further significant changes to the legal framework likely to be introduced in the future with the final ePrivacy Regulation. For the DPC, the new regime has already meant unprecedented organisational change, and it has increased very significantly our supervisory role and tasks, as well as increasing our day-to-day engagement levels with our fellow EU data protection supervisory authorities. The DPC is transitioning from a legal framework in which the DPC has exclusive competence, to a framework that requires a harmonised approach to the application of data protection rights and obligations across the EU.

In preparation for regulating under the new regime, we reviewed our organisational structures, capacity and capabilities in detail during 2017 and 2018. We completed a detailed assessment of the potential casework volumes under the GDPR and modelled the likely resource impact. This allowed us to define an optimal and scalable organisational structure.

We also completed a rigorous and extensive analysis of the processes and procedures that would be needed under the new legal framework, initially using an assumptions-based approach and then returning to revise those processes and procedures once the Data Protection Act 2018 had been enacted and the procedural implications for the DPC emerged. This analysis has allowed us to further refine our anticipated casework resource needs and organisational structures, and it has

also been a critical input to the specification of our new case management system which will be implemented during 2019.

During 2018, almost 50 additional staff joined the DPC team and completed various training and induction programmes. By the end of 2019, our staff numbers will be over five times their level in 2014, reaching nearly 170 staff, with specialists in technology, law, investigations and communications continuing to join our team. The provision of significant additional government funding for 2019 and the ongoing governmental commitment to the DPC's resourcing has been essential to enabling the DPC to fulfil our regulatory obligations and to meet the high standards expected of us. As one of the world's most prominent data protection supervisory authorities, we need to continue to safeguard and enhance our reputation, at national, EU and international levels.

We will continue to strengthen the DPC's capacity and capabilities as part of the continued transition to our expanded supervisory role, through the following priority actions for 2019:

- I Engage proactively with Government to ensure that we have the required financial and other resources, including staff and appropriate accommodation, to enable us to do our job effectively and efficiently. The identification and procurement of suitable permanent accommodation for our Dublin-based team is a particular priority for the DPC in 2019.
- II Conclude work on redeveloping our structures, processes and systems to ensure our continued effectiveness under the new data protection regime. Our internal procedures will be finalised and implemented, our new case management system will be deployed, and our new website, which we successfully launched in 2018, will be further expanded and leveraged as a key tool for engagement.
- III Enhance our expertise and capacity through the ongoing training, development and upskilling of staff, and the continued targeted recruitment of staff with specialist skills, including building the technological expertise and capacity of the DPC.
- IV Deliver on the DPC's obligations to encourage the use of the new mechanisms for Certification and Codes of Conduct, as set out in the GDPR and in the EDPB guidelines²⁷ due for final adoption during 2019. A new operational function to coordinate the DPC's activities on these new mechanisms will be fully mobilised this year.
- V Drive an organisational change programme to take over direct accountability for the DPC's financial, human resource management, information communications and technology needs, internal audit, and governance functions. Engage with the Department of Public Expenditure & Reform, the new National Financial Shared Service and other organisations to prepare for the transfer of the "Accounting Officer" functions to the DPC in order for the DPC to hold its own vote.

²⁷ - EDPB guidelines that have already been adopted or that have been published for public consultation are available on the EDPB website at: https://edpb.europa.eu/our-work-tools/general-guidance/gdpr-guidelines-recommendations-best-practices_en

2. Continue to closely collaborate and partner with EU and international data protection supervisory authority counterparts

The new EU data protection legal framework has introduced a new era in cooperation between EU data protection supervisory authorities. As a member of the EDPB, we share responsibility with other EU data protection supervisory authorities to ensure the consistent application of the GDPR and LED. DPC staff have contributed to the development of guidelines, working materials and draft operational procedures across all EDPB subgroups. We have taken a leadership role in the development of some key EDPB outputs as lead or co-rapporteur, for example, for the Guidelines on Transparency and the Guidelines for Codes of Conduct, and we were appointed co-coordinator of the newly-formed Social Media expert subgroup during 2018.

In May 2018, the DPC became the lead supervisory authority for a large number of the world's biggest technology, internet and social media companies with their European headquarters established in Ireland. This means that the DPC is now directly responsible for safeguarding the data protection rights of many millions of individuals across the EU that use the services of those companies. In performing this important role, we are engaging in even closer cooperation with other EU data protection supervisory authorities on matters of legal interpretation, and are now cooperating on specific cases. Under the GDPR cooperation mechanism, for cases related to cross-border processing of personal data, we are obliged to consult with other EDPB data protection supervisory authorities concerned²⁸ by the processing of that personal data when we make decisions in relation to such cases.

We are also continuing to engage with international data protection authorities outside the EU to share knowledge and regulatory experience.

We will achieve our objective of close collaboration and partnership with our EU and international counterparts, through the following priority actions for 2019:

- I Engage proactively in, and contribute as a co- or lead-rapporteur when possible to, the development of guidelines and interpretation of the new legal framework by the EDPB, and also continue to provide practical input and recommendations to the ongoing implementation of procedures, workarounds and improvements to the Internal Markets Information (IMI) system used to underpin the GDPR cooperation and consistency mechanisms.
- II As the lead supervisory authority for many large technology companies, consult and collaborate as constructively as possible with concerned supervisory authorities on specific cases being managed by the DPC, such that the EDPB collectively makes strong progress towards bedding down the cooperation mechanisms of the GDPR and developing common positions that are credible, robust and fair.

28 - GDPR Article 4 (22)

- III Continue to participate in the work programmes of the EU Supervisory Bodies for large-scale EU IT systems such as Europol, Eurodac, Customs Information System (CIS), IMI system and the Joint Supervisory Body of Eurojust, as well as being observers to the coordinated supervision of the Schengen and Visa information systems (SIS II and VIS). [Note: Ireland's application to participate in certain non-border aspects of the Schengen acquis is currently under consideration at EU level as part of a series of evaluations including a data protection evaluation carried out in November 2018.]
- IV Develop strong and effective relationships with other EU counterparts and regulatory bodies, including through the European Data Protection Supervisor's Digital Clearing House Initiative bringing together Competition, Consumer and Data Protection Regulators.
- V Continue to foster relationships with international data protection supervisory authorities through forums such as the Global Privacy Enforcement Network, the Conference of European Data Protection Authorities and the International Conference of Data Protection and Privacy Commissioners.
- VI Promote bilateral cooperation and information sharing by hosting delegations from EU and international data protection supervisory authorities.

3. Drive increased data protection awareness and build insight into the context in which we regulate via strategic consultation

Direct Engagement

For organisations, our consultation and supervision activities are central to driving their compliance by helping them to better understand their obligations under the law, particularly under the new legal framework. By engaging directly with organisations and sectoral groups, and by providing high-level advice and non-binding guidance on their GDPR compliance activities in advance of issues arising, we can achieve better results for data subjects leading to fewer incidences of systemic bad practices and serious infringements of the law.

During 2017 and 2018, we engaged in such consultation and supervision activities with many public and private sector organisations on their GDPR preparations. As well as receiving positive feedback on the usefulness of our advice, this type of engagement has been critical to the DPC's understanding of the practical challenges faced by organisations in being compliant. Under the GDPR, our direct engagement with individual organisations now includes mandatory consultation in the context of data protection impact assessments that indicate that an organisation's intended processing would result in high residual risk.

In 2019, we will also continue to provide expert guidance and assistance to government policy makers and legislators as part of our new mandatory consultation functions on legislative and regulatory measures which relate to the processing of personal data so that future laws and

policies are compliant with data protection requirements from the outset. We will also start to engage directly with the relevant bodies and sectoral groups on the introduction of Certification and Codes of Conduct, based on our priority action at 1(IV) above.

Guidelines and General Advice

As well as our direct engagement with organisations, the DPC also tries to reach as many organisations as possible, thereby influencing their compliance levels, by publishing guidelines and blogs on areas of data protection law and on specific topical issues.

During 2018, we created further internal capacity for the ongoing production of guidelines, according to a prioritised workplan. These DPC guidelines will continue to be complementary to the extensive guidelines that are developed by the EDPB and which the DPC actively contributes to by way of its roles as members of the expert subgroups of the EDPB and as co-rapporteur and lead rapporteur on a range of issues. The new DPC website²⁹ was launched at the end of 2018 and is a critical tool in the efficient dissemination of information and guidelines for all stakeholders.

During 2019, we will continue to monitor the developing situation on the format of the UK's withdrawal from the EU under Brexit, including the impact to personal data transfers to the UK, and the impact to the supervisory work of the DPC. We will continue to issue specific Brexit-related guidance to organisations during the year and will engage extensively with representative bodies, organisations and stakeholders on the implications.

Awareness-Raising Campaigns

Upholding the data protection rights of members of the public, and enabling people to exercise their own rights, is at the heart of the DPC's role. During 2018, the DPC completed a major initiative to raise awareness of the GDPR, 'Preparing Ireland for the GDPR, which identified and coordinated a number of communication streams aimed at raising awareness among a variety of sectors and members of the public. These streams included a broad-based media advertising campaign, direct engagement with members of staff speaking at very many national and international conferences and events, the DPC's gdprandyou.ie microsite and related resources and guidance, the increased digital presence of the DPC on social media, and the DPC's hosting of a conference to provide tailored expert, yet practical, advice to public sector organisations and small to medium enterprises.

The results of national surveys commissioned by the DPC in May 2017, and again in May 2018, demonstrated a doubling of awareness of GDPR in the SME sector during this period. In May 2018, the results of the latter survey confirmed that over 90% of businesses were aware of the GDPR.

Our Communications team will continue to disseminate information through the DPC's social media channels, i.e. Twitter, LinkedIn and Instagram, throughout 2019 to further increase public

²⁹ - The DPC website is available at: <https://www.dataprotection.ie/>

awareness of data protection issues and the work of the DPC. Our Instagram presence will be very beneficial, in particular, for the under-eighteen audience with whom the DPC will be engaging through our public consultation on the processing of children's personal data and the rights of children as data subjects under the GDPR.

Other DPC awareness-raising initiatives for 2019 include the production and broadcast of podcasts and webinars. The Communications team will be analysing lessons learned from the first period of GDPR implementation to help identify focus areas for the DPC's awareness-raising activities throughout the year.

The DPC also plans to establish a Data Protection Officer Network in 2019, in recognition of the critical role of DPOs in building their organisations' awareness of data protection, in making the data protection principles a reality for their organisations, and in their organisations being accountable and compliant. The DPO Network will enable the DPC to engage directly with these key stakeholders and understand their challenges, but more importantly, it will facilitate the sharing of good practice and lessons learned amongst DPOs in the form of peer-to-peer support, with the ultimate aim of improving compliance for the benefit of the public.

Public Consultations

The DPC has numerous and varied stakeholders with diverse perspectives, on a national, EU and international level. There is also a growing public awareness of data protection rights and of the DPC's role in upholding those rights, with members of the public rightly seeking to provide their input into how the DPC performs its functions. These perspectives are critical to the DPC's understanding of the context in which we regulate and the ways in which we can be most effective. The DPC intends to invite input from the full spectrum of stakeholders across a range of issues during 2019, mainly using the new DPC website to facilitate this public consultation.

Having acted as lead rapporteur for the Article 29 Working Party's (the predecessor to the EDPB) development of Guidelines on Transparency that were published at the end of 2017, the DPC led the work on revising these guidelines in the early part of 2018, following extensive EU-wide open consultation. As a member of the EDPB, the DPC continues to strongly support this standard approach whereby a public consultation exercise follows the adoption of every set of EDPB guidelines.

For 2019, the DPC has already commenced an extensive public consultation on the processing of children's personal data and the rights of children as data subjects under the GDPR, with two consultation streams – one aimed at adult stakeholders, and the other aimed directly at children and young people.

The first stream of the consultation, which was addressed to adult stakeholders, was launched in December 2018 and will continue until 1 March 2019. The second stream consists of a special

consultation which aims to engage directly with children and young people through classroom-focused activities. This stream of the consultation is launching in January 2019, via invitations to all schools and Youthreach centres in Ireland to participate. The DPC will use the responses from both streams of its consultation to produce guidance materials, which will include guidance specifically for children and young people, as well as guidance for organisations who process the personal data of children and young people. In addition, following the consultation, the DPC will also work with industry, government and voluntary sector stakeholders and their representative bodies to encourage the drawing up of codes of conduct to promote best practices by organisations that process the personal data of children and young people, in accordance with its specific obligations in this regard under the Data Protection Act 2018.

Also during 2019, the DPC will be undertaking an extensive consultation exercise on the development of our long-term Regulatory Strategy. This consultation process will be iterative and transparent, and will be central to our analysis, deliberation and conclusions on our enduring strategy. The first main round of public consultation will be based on a preliminary consultation paper that will set out some of the key questions to be addressed in the DPC Regulatory Strategy.

We will achieve our objectives of increased data protection awareness amongst organisations and the public, an enhanced citizen-centred approach and greater insight into the context in which we regulate via strategic consultation, through the following priority actions for 2019:

- I Proactively target and directly engage with public and private sector organisations, particularly in areas of highest risk and large-scale systemic data processing.
- II Provide clear, high-quality and timely guidance to data controllers and processors, including by maximising the use of the DPC's new website and via social media channels, including guidance related to Brexit.
- III Deliver a prioritised outreach programme to national, EU and international stakeholders as keynote speakers at conferences and participation in panel and workshop events.
- IV Develop and execute a continuing series of awareness raising campaigns to further increase public awareness of their data protection rights and issues that may affect them, as well as their awareness of the work that the DPC does on behalf of citizens.
- V Promote the DPC's public consultation initiatives, including the consultations on children's issues and on the DPC Regulatory Strategy, so that as wide a range of views as possible are considered, ensuring that the DPC gives full and transparent consideration to submissions received.
- VI Establish a DPO Network, start engaging directly with DPOs to understand their challenges, implement a structure to facilitate the sharing of good practice and lessons learned amongst DPOs, and develop advice and guidance materials specifically for our DPO audience.

4. Deliver effective oversight and exercise our enforcement powers fairly

The GDPR has greatly strengthened the investigative and enforcement (referred to in the GDPR as “corrective”) tools at the DPC’s disposal, including for the first time the power to impose administrative fines up to a maximum of €20 million or 4% of global annual turnover.

Where necessary, we will fully utilise our increased enforcement powers and impose sanctions in a lawful, proportionate and fair manner against any organisation found to be in contravention of the law. We will act consistently while also taking the specific context of each case into account. We will use our enhanced investigative and enforcement powers to target serious and high-risk areas of non-compliance, in particular where it is systemic, and to deter organisations who negligently or deliberately fail to address bad practices or to respect the EU fundamental right to data protection.

We will also continue to use our resources to efficiently handle complaints from individuals who believe their data protection rights have been infringed and to vindicate individuals’ data rights where they have been found to have been infringed.

We will deliver effective oversight and the fair, proportionate and effective use of our enforcement powers, through the following priority actions for 2019:

- I Pursue regulatory action, including the imposition of sanctions such as administrative fines, in a lawful, fair, proportionate and effective manner, taking account of any positions developed at EU level, with the overall objective of driving better compliance and accountability by organisations in upholding their obligations to data subjects.
- II Engage effectively with stakeholders, our EU counterparts and other regulatory bodies to monitor and identify key areas of harmful practice and systemic or high-risk non-compliance, which may require investigatory and enforcement measures. This engagement will include the DPC’s participation in the development and execution of the EDPB Co-ordinated Enforcement Strategy.
- III Drive improved compliance with data protection obligations through efficiently conducting inquiries proactively commenced of the DPC’s own volition, particularly to address systemic, high-risk and large-scale processing of personal data.

Delivering the Strategy

Resources

The additional annual budget resources which have been allocated by Government to the DPC in recent years have provided the means for the DPC to build our capacity and capability to regulate effectively under the new data protection regime. This additional funding has facilitated the recruitment of additional staff, including legal, technical, audit, communications and investigations specialists, as well as policy and administrative staff.

Our 2019 budget allocation of €15.2 million will continue to be invested in additional staff resources, the implementation and refinement of our new structures, processes and systems, the continued development, upskilling and training of our staff, and effective communications with organisations and the public, all with the ultimate purpose of enabling us to carry out our statutory functions to best effect.

Continued Government funding beyond 2019 will be crucial to the DPC fulfilling the broad scope of its regulatory remit, meeting the standards and efficiencies expected of the DPC commensurate with our internationally prominent supervisory role, and operating effectively as an independent regulatory body.

Communications

We will communicate clearly and effectively, and in a timely fashion, with our stakeholders and the public in relation to our activities, strategies and positions using the most appropriate and efficient communications methods, including via our website, our helpdesk service, by use of social media tools, through direct engagement with stakeholders and by participating as speakers in key regional, national and international events and conferences. We will continue to raise awareness of data protection rights and obligations and the promotion of compliant practices, including by publishing clear and concise guidance and by listening to our stakeholders in relation to their views on particular compliance areas where the development of policy positions and guidance is being sought.

Performance Measurement

This Strategy Statement is a high-level document reflecting the key objectives and priority actions currently identified for the DPC for 2019. These objectives and priority actions are not exhaustive and will be added to and amended as necessary during 2019, particularly in the context of submissions received as part of our planned public consultation initiatives.

The priority actions and detailed key deliverables which underpin the achievement of our strategic objectives will be set out in the annual DPC organisational business plan which is founded upon divisional business plans and the individual goals of staff members. Progress in implementing

our strategic objectives and priority actions is monitored on an ongoing basis by our Senior Management Committee and by individual Heads of Units.

Accountability and Transparency

While the DPC is an independent body, our governance and administrative oversight processes and arrangements are aligned with the governance requirements applicable to public sector bodies as set out in the Code of Practice for the Governance of State Bodies³⁰. Our relationship with the Department of Justice and Equality, through which we are funded and by which we are administratively accountable to the Oireachtas, will continue to be governed for 2019 by a Corporate Governance Assurance Agreement agreed between the DPC and the Department of Justice and Equality. From January 2020, this relationship will change with the Commissioner for Data Protection becoming the accounting officer in relation to the appropriation accounts of the DPC.

In accordance with Section 24 of the Data Protection Act 2018, the DPC prepares an annual report for the preceding year by 30 June each year, which is laid before the Houses of the Oireachtas. A report for 2018 will be prepared during the first quarter of 2019. This report will cover the seven months from 25 May 2018 to 31 December 2018, the DPC having already prepared and laid before the Houses of the Oireachtas (in accordance with Section 66 of the Data Protection Act 2018) the final annual report of the Data Protection Commissioner which covered the period from 1 January 2018 until 24 May 2018. Further external financial and accounting oversight and governance is observed through the annual submission of the DPC's financial accounts to the Comptroller and Auditor General.

The DPC is also partially subject to the Freedom of Information Act 2014 in relation to records relating to the general administration of the office, and specifically those created after 21 April 2008. Details of our FOI Publication Scheme can be found at www.dataprotection.ie.

³⁰ - Code of Practice for the Governance of State Bodies (Revised), Department of Public Expenditure & Reform 2016