



PERSONAL DATA
PROTECTION SERVICE

ACTIVITY STATISTICS OF THE
PERSONAL DATA PROTECTION SERVICE
FOR 6 MONTH OF 2022



/March-August/



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CONTROL OF THE LAWFULNESS OF PERSONAL DATA PROCESSING

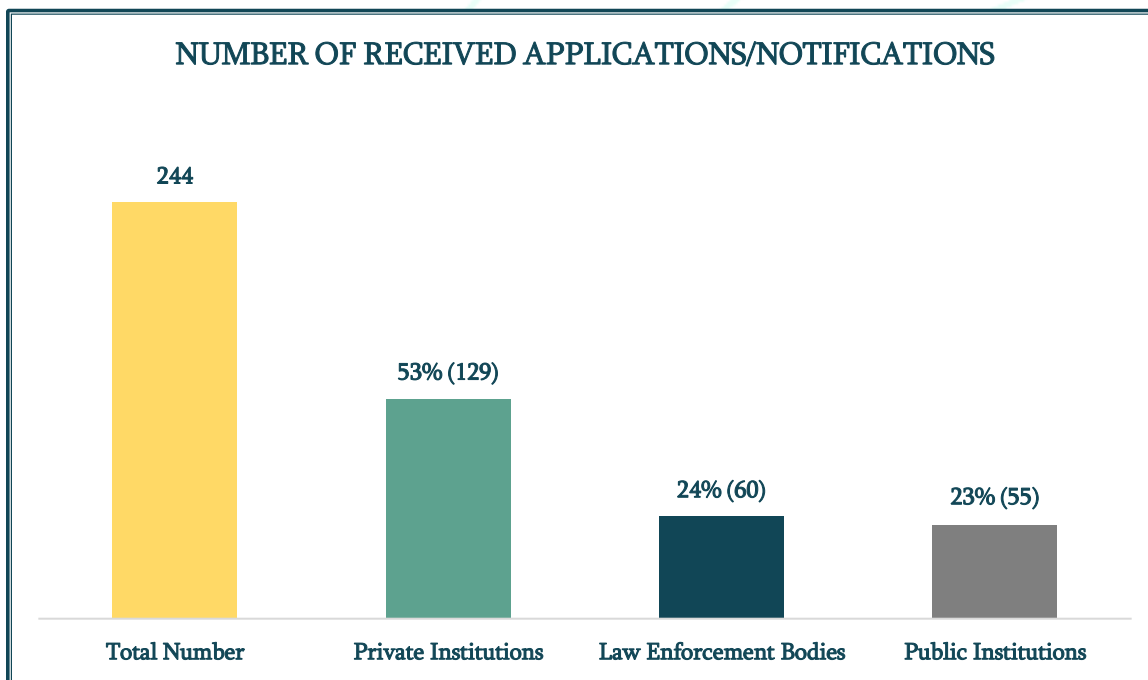
To control the lawfulness of personal data processing, the Personal Data Protection Service studies the lawfulness of personal data processing by private and public institutions upon its initiative in the scopes of planned and unplanned inspections, including on the basis of the notification of interested parties and applications of the citizens. When responding to illegal data processing facts, the Service is not focused only on imposing administrative penalties but also on eliminating the deficiencies found during the data processing. To correct the revealed shortcomings, the Service issues recommendations and mandatory instructions.

The Service implements preventive measures, including, rendering consultations to interested parties, raising public awareness, holding informational meetings and training, issuing advisory guidelines and preparing an annual report on the state of data protection, and monitoring covert investigative actions and activities carried out at the central databank of electronic communications identification data.

The Service has three independent departments (Public Sector Oversight Department, Private Sector Oversight Department, and Law Enforcement Sector Oversight Department) dealing with sectoral data protection issues.

CITIZENS' APPLICATIONS

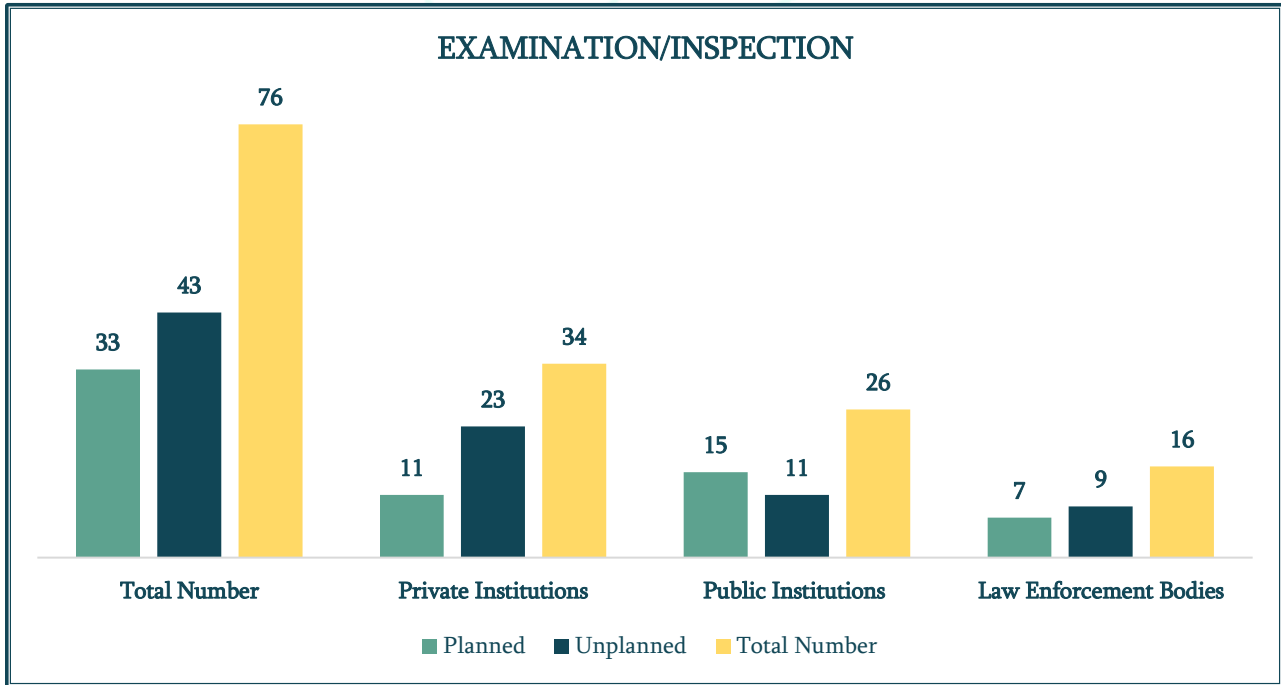
The Service received 244 applications/notifications. 129 (53%) applications/notifications related to data processing in private institutions, 55 (23%) — in public institutions, and 60 (24%) — in law enforcement bodies.



EXAMINATION OF THE LAWFULNESS OF DATA PROCESSING (INSPECTION)

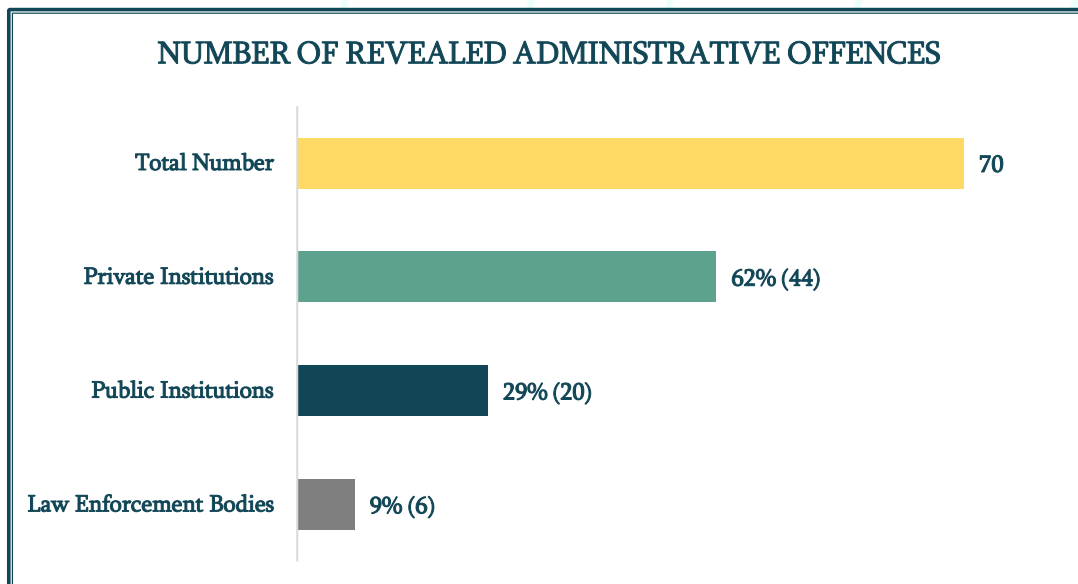
The Service inspects the lawfulness of data processing by public and private institutions, law enforcement bodies via planned and unplanned inspections. According to order №04, March 2, 2022, of the Head of the Personal Data Protection Service, “On the Approval of the Rules for Studying the Legality of Personal Data Processing”, the planned examination (inspection) of the legality of data processing is carried out in line with the annual plan of inspections approved by the individual legal act of the Head of the Service. Whereas the unplanned examinations (inspections) of the legality of data processing are conducted by the Service on its own initiative or based on the received notifications of the interested persons.

The Service conducted 76 investigations (inspections) of data processing legality, out of which 43% (33) were planned, whereas 57% (43) were unplanned inspections.

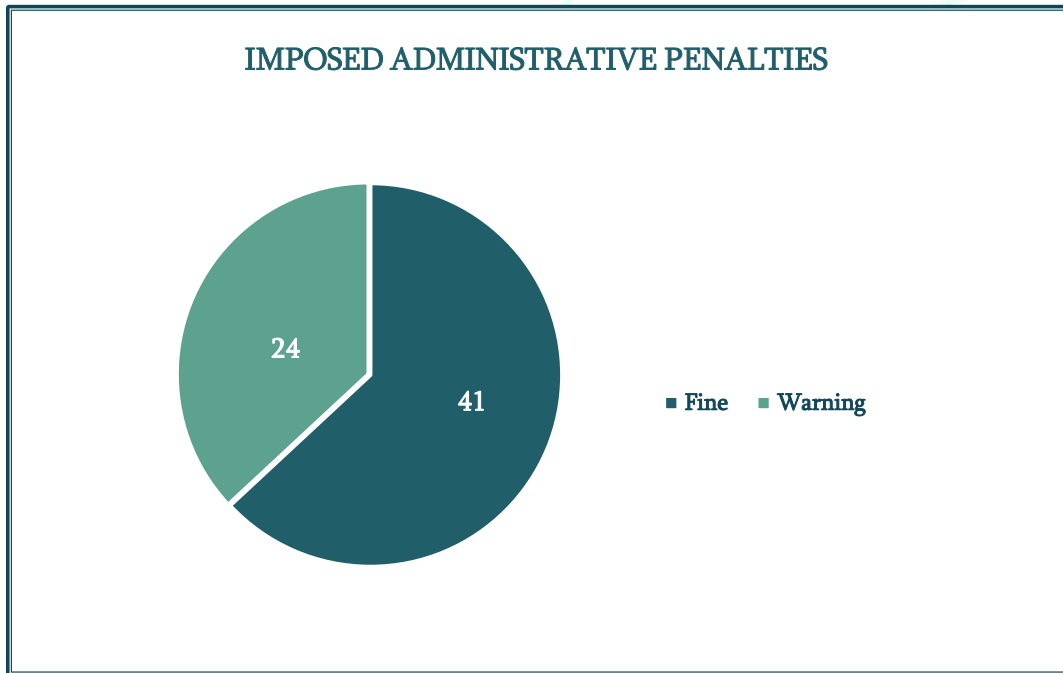


REVEALED ADMINISTRATIVE OFFENCES

The Service identified 70 cases of unlawful processing of personal data. 62% (44) of administrative offences revealed by the Service related to unlawful data processing in the private sector, 29% (20) — in the public sector, and 9% (6) — in law enforcement bodies.



In 41 cases, fine was applied as an administrative penalty, whereas in 24 cases warning was issued.



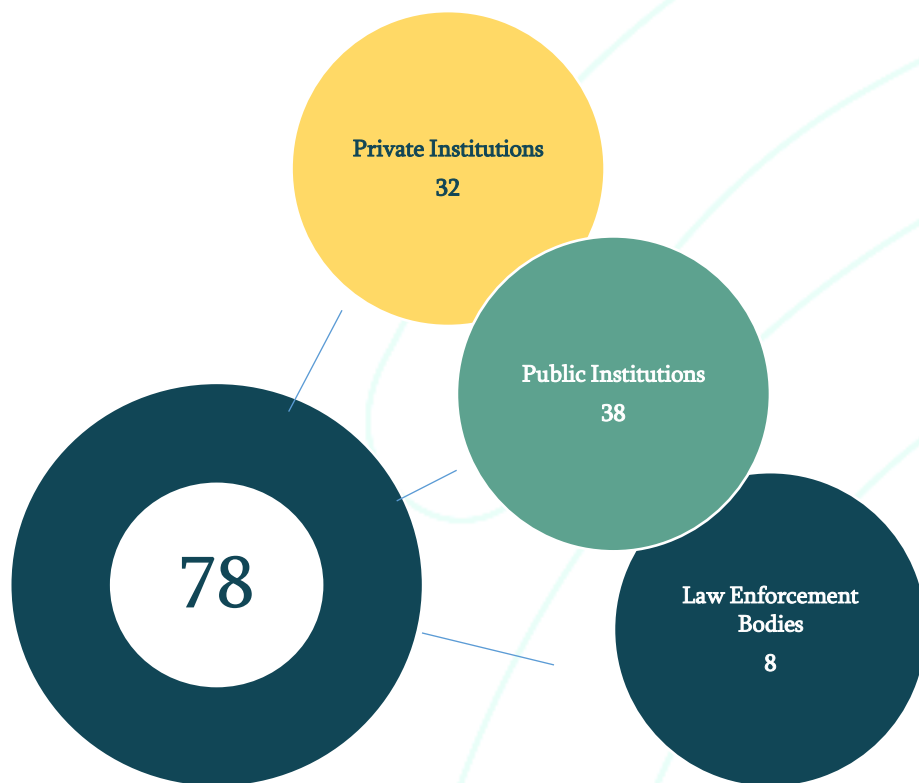
INSTRUCTIONS AND RECOMMENDATIONS ISSUED BY THE SERVICE

Except for the administrative penalties, to eliminate the deficiencies found in the institutions and rectify the revealed deficiencies, the Service has been issuing mandatory instructions¹ and recommendations.² The Service issued 78 instructions and recommendations, out of which 41% (32) related to the private institutions, 49% (28) — public institutions, while 10% (8) concerned to law enforcement bodies.

¹ The instruction is a mandatory order issued by the Service to the data controller or/and the data processor in written form in order to implement the measures provided by Article 40¹⁴, paragraph 1, subparagraphs “a”-“d” of the Law of Georgia “On Personal Data Protection”.

² The recommendation is a written advice issued by the Service to the data controller or/and the data processor in order to reduce the risks of violations during the data processing.

INSTRUCTIONS AND RECOMMENDATIONS ISSUED BY THE SERVICE



CONSULTATIONS PROVIDED BY THE SERVICE

The Service provides consultations on issues of personal data processing. To that end, representatives of the private and public sectors and the citizens address the Service. Consultations are provided both orally (via telephone communications and in-person meetings) and in writing. The provided consultations concern the monitoring of the lawfulness of personal data protection (1627 consultations), as well as other legal issues (19 consultations).

TOTAL NUMBER OF CONSULTATIONS PROVIDED

1646

MONITORING OF THE COVERT INVESTIGATIVE ACTIONS AND THE ACTIVITIES CARRIED OUT AT THE CENTRAL DATABANK OF THE ELECTRONIC COMMUNICATION IDENTIFICATION DATA

One of the functions of the Service is to monitor covert investigative actions and activities carried out at the central databank of electronic communications identification data. The Service supervises the covert investigative actions defined by the first part of Article 143¹ of the Criminal Procedure Code of Georgia, also in terms of observing the clauses and mandatory norms provided by Chapter XVI¹ of the mentioned code.

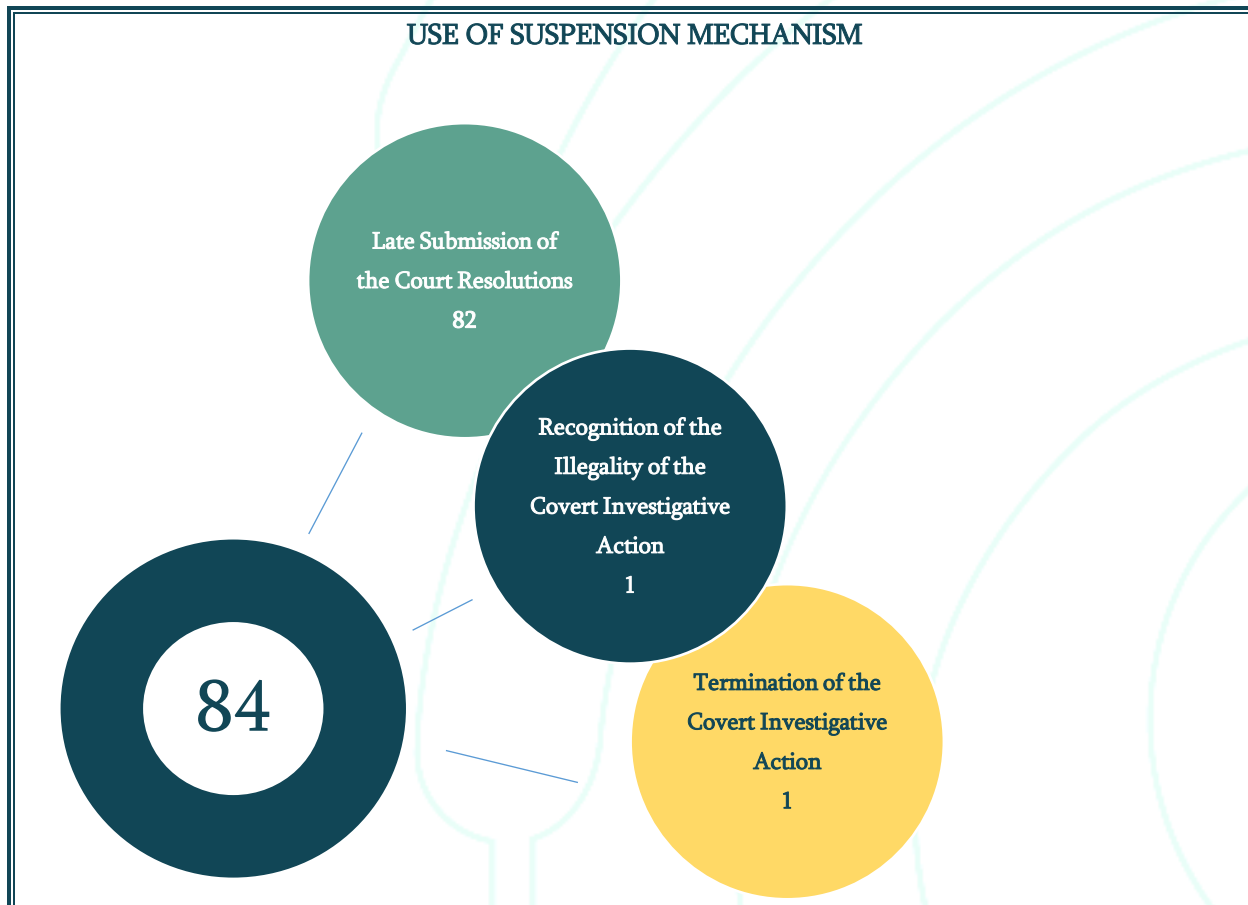
In order to control covert investigative actions and activities carried out at the central databank of electronic communications identification data, the Service receives court rulings round-the-clock on granting authorization to carry out a covert investigative action, prosecutor's resolutions on conducting covert investigative actions due to urgent necessity, and records in writing from law enforcement bodies on covert investigative actions. The Service also receives notifications from electronic communication companies about transferring the electronic communication identification data to law enforcement authorities.

The Service verifies submitted documents, compares them with the information provided in the electronic systems, and enters the data provided by the documents in the internal electronic system of registration of covert investigative actions and analyses them.

In addition to the mentioned mechanisms, the Service uses electronic and special-electronic control systems to monitor covert wiretapping and recording of telephone communications during the covert investigative actions, whereas for the monitoring of the activities carried out at the central databank of electronic communications identification data the electronic communication system for controlling the central databank of identification data is used.

SUSPENSION MECHANISM

The Service used the suspension mechanism of covert wiretapping and recording of telephone communications (via electronic control system) in 84 cases, which was caused by the delayed submission of the court resolutions (82 cases), due to the recognition by the court of the illegality of the carried out covert investigative actions conducted based on the prosecutor's resolution due to urgent necessity (1 case), and the termination of the covert investigative action (1 case).³



³ The prosecutor's resolution on the termination of the covert investigative action was handed over to the Service before its submission to the LEPL "Georgian Operative-Technical Agency". Accordingly, the Service suspended the covert wiretapping and recording of telephone communications before the agency received the information and terminated the investigative action.

OTHER GENERAL STATISTICAL INFORMATION



In order to control covert investigative actions and activities carried out at the central databank for the electronic communications identification data, the Personal Data Protection Service was provided with 1531 court judgements regarding issuing permits to conducting such activities.



The LEPL “Operative-Technical Agency of Georgia” (through electronic monitoring system) was informed 9 times about the ambiguity-inaccuracy in the permits issued by the court for the covert wiretapping and recording of telephone communications.



No incidents were detected through electronic monitoring system during the covert wiretapping and recording of telephone communications.



According to the information received via the electronic monitoring system of the central databank for electronic communications identification data, based on the permit issued by the court, the LEPL “Operative-Technical Agency of Georgia” disclosed data from the central databank for electronic communications identification data for 45 times.

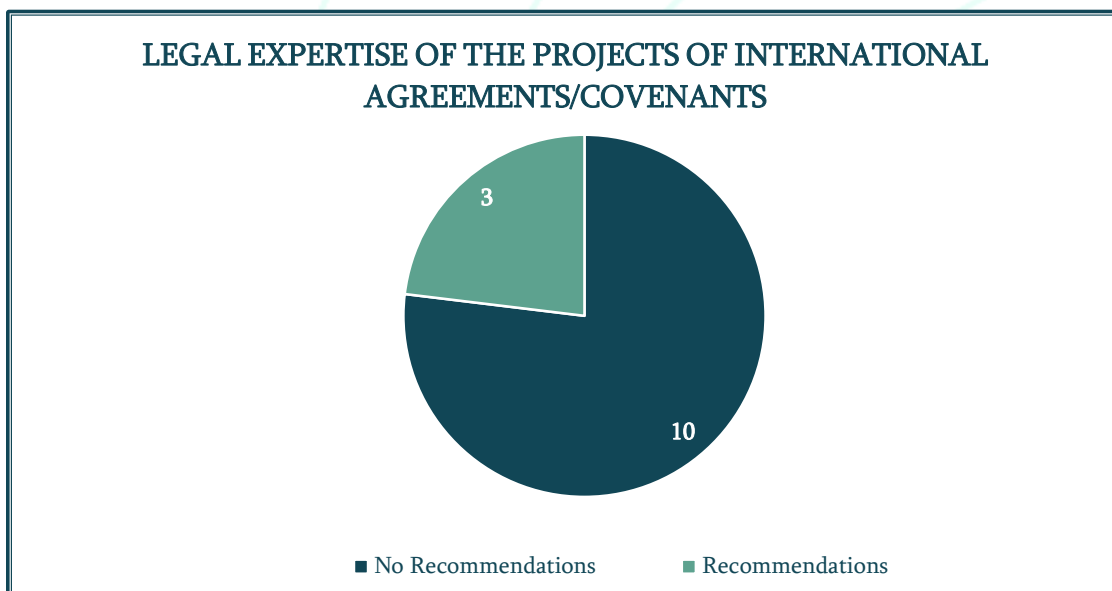


No deficiencies or incidents have been revealed as the result of the monitoring the activities carried out at the central databank of the electronic communication identification data.

INTERNATIONAL RELATIONS

LEGAL EXPERTISE OF THE PROJECTS OF INTERNATIONAL AGREEMENTS AND COVENANTS

In the reporting period, the Service conducted legal expertise of 13 drafts of international agreements concluded on behalf of Georgia, in 3 of which recommendations were issued. As part of the expertise, the Service reviews the draft agreements, the legislative and institutional mechanisms of personal data protection in the State party, and assesses the general risks of human rights violations in data processing, based on which recommendations for amendments are issued.



PUBLIC AWARENESS RAISING, INFORMATIONAL MEETINGS AND TRAINING

The Service actively carries out educational activities on data processing and protection-related topics. In order to raise awareness about personal data protection, the Service systematically conducts public lectures, information meetings and training sessions for representatives of the private and public sectors, law enforcement agencies.

The Service conducted 17 meetings with 610 attendees, represented by the data subjects as well as data controllers.

STATISTICS ON ENSURING ACCESS TO PUBLIC INFORMATION

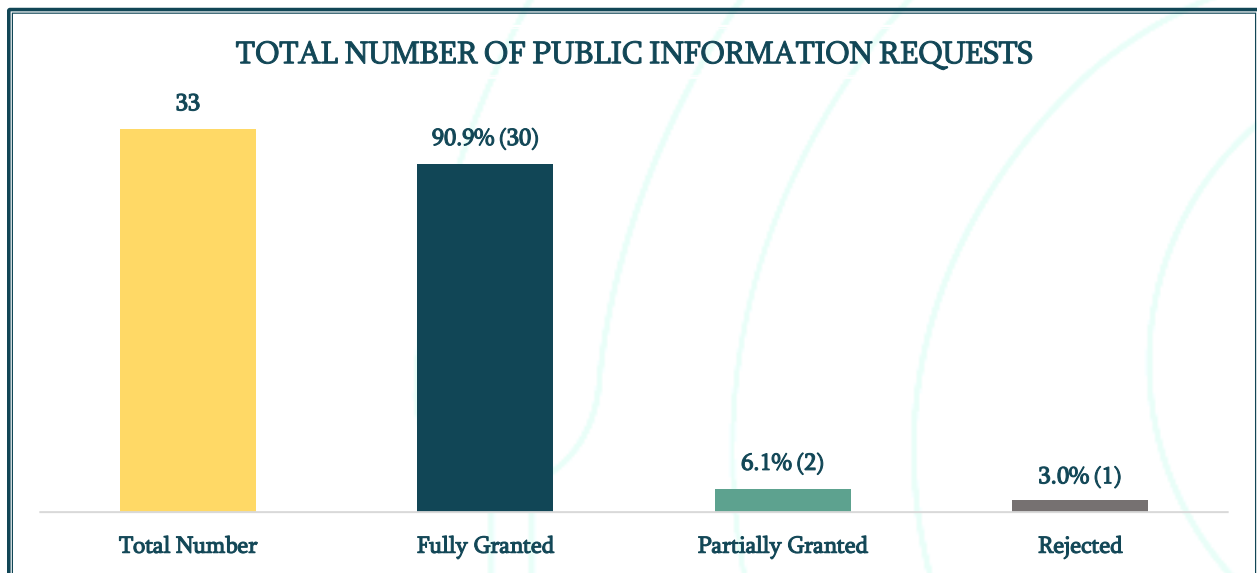
According to Articles 37 and 40 of the General Administrative Code of Georgia, the document contains general statistics on applications regarding access to public information and processing of personal data within the reporting period.

REQUEST FOR PUBLIC INFORMATION

The Service received 33 requests for public information, out of which, in 2 cases, the request was partially granted because:

- ✓ In 1 case, the case materials were requested together with the decision, and the requesting person was not a party to the proceedings;
- ✓ In 1 case, the requested information was not fully protected/recorded in the Service.

In 1 case, the request was not granted because the processing of the requested information was not within the competence of the Service.



APPEALING REFUSAL TO ISSUE PUBLIC INFORMATION

The Service made one decision on refusal to issue public information – the processing and issue of requested information did not fall within the competence of the Service. The above-mentioned decision was not appealed.

APPLICATIONS TO RECTIFY PUBLIC INFORMATION

The Service did not receive a request to rectify the public information.

GROUNDINGS FOR REFUSAL TO PROVIDE PUBLIC INFORMATION

During the decision-making process on whether to partially grant or reject the request for public information, the Service operated following the General Administrative Code of Georgia and the Law of Georgia "On Personal Data Protection".

INFRINGEMENT OF REQUIREMENTS THE OF GENERAL ADMINISTRATIVE CODE OF GEORGIA

Infringement of requirements of the General Administrative Code of Georgia by employees of the Service was not revealed. Respectively, a disciplinary proceeding was not conducted.

COSTS

- ✓ The costs of processing and issuing public information amounted to 0 GEL (the documents were requested and transmitted in an electronic form).
- ✓ No costs related to the appeal arose.

THE IDENTITY OF THE DECISION-MAKING EMPLOYEE

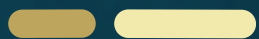
The person responsible for providing public information until May 16, 2022, was the Senior Lawyer of the Legal Department of the Personal Data Protection Service - Shavleg Todua. From May 16, 2022, the person responsible for providing public information is Davit Karashvili, the Head of the Legal Department of the Personal Data Protection Service. Therefore, the Head of the Legal Department decides to grant/reject the request concerning the public information.

Public information can also be requested via e-mail - office@pdps.ge and foi@pdps.ge.

PUBLIC DATABASES AND PERSONAL DATA PROCESSING

- ✓ In accordance with Article 19 of the Law of Georgia On Personal Data Protection, a registry of the filing system's catalogue is placed on the webpage of the Personal Data Protection Service (<https://catalog.pdp.ge/>). On the same webpage, a registry of decisions is allocated (<https://personaldata.ge/ka/decisions>), where decisions are published in a form that does not allow the identification of persons and private law entities.

- ✓ During the process of reviewing applications/permits of natural persons and legal entities and exercising other powers assigned by the legislation of Georgia, the Service processes personal data in accordance with the legal grounds and principles stipulated by the Law of Georgia on Personal Data Protection. Decisions made by the Head of the Personal Data Protection Service, containing the personal data of applicants and the third parties, are transferred to the third parties in a non-identifiable form.



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