

ANNUAL ACTIVITY STATISTICS OF THE PERSONAL DATA PROTECTION SERVICE

2023

/January-December/



პერსონალურ მონაცემთა
დაცვის სამსახური

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CONTROL OF THE LEGALITY OF PERSONAL DATA PROCESSING

To control the lawfulness of personal data processing, the Personal Data Protection Service of Georgia studies the legality of personal data processing by private and public institutions upon its initiative, in the scopes of planned inspection, and unplanned inspection, including on the basis of the notification of interested parties and applications of the citizens.

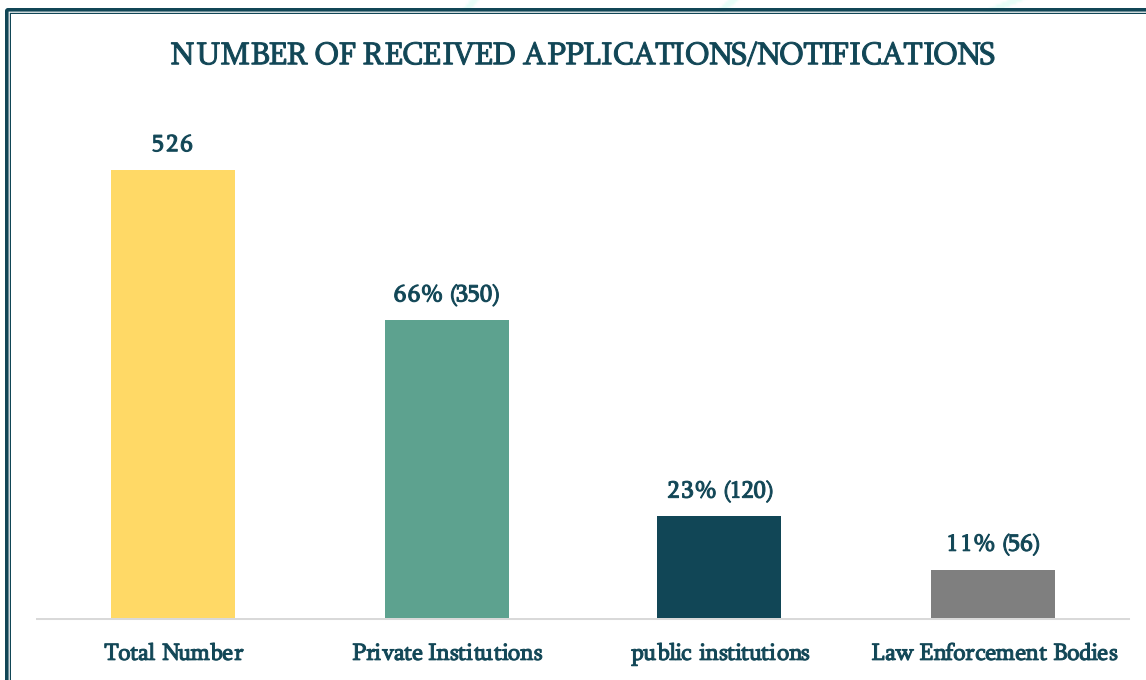
When responding to illegal data processing facts, the Service is not focused only on imposing administrative penalties but also on eliminating the deficiencies found during the data processing. To correct the revealed shortcomings, the Service issues recommendations and mandatory instructions.

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.

In order to control the lawfulness of personal data processing, the Service has four departments (Public Sector Oversight Department, Private Sector Oversight Department, Law Enforcement Sector Oversight Department, and Department of Planned Inspections) dealing with sectoral data protection issues.

CITIZENS' APPLICATIONS

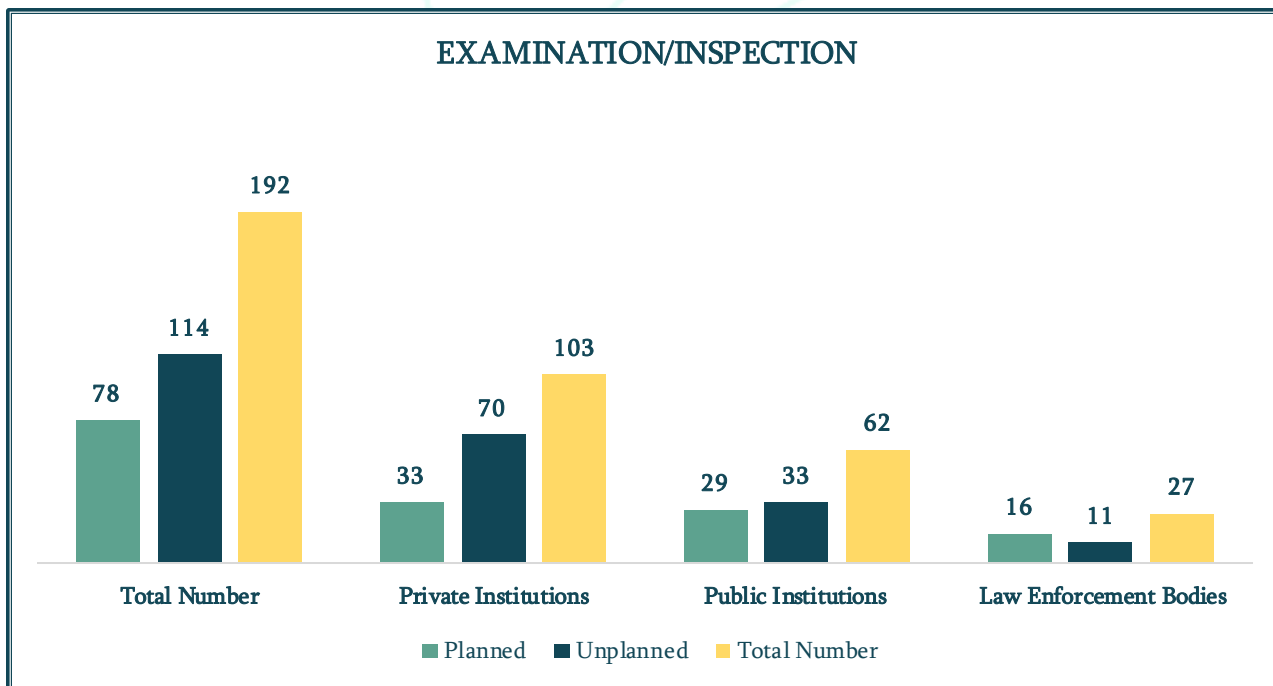
The Service received 526 applications/notifications. 350 (66%) applications/notifications related to data processing in private institutions, 120 (23%) — in public institutions, and 56 (11%) — in law enforcement bodies.



EXAMINATION OF THE LAWFULNESS OF DATA PROCESSING (INSPECTION)

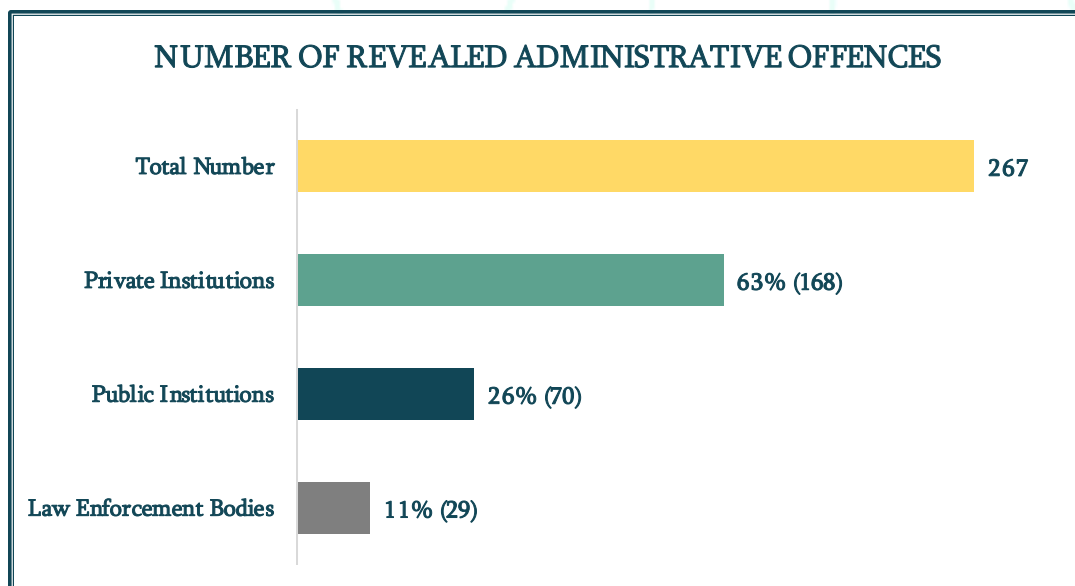
The Service inspects the lawfulness of data processing by public and private institutions, law enforcement bodies via planned and unplanned inspections. According to order N°01/20, January 31, 2023, of the President of the Personal Data Protection Service, “On the Approval of the 2023 Plan for the Planned Examinations (Inspection) of the Lawfulness of Personal Data Processing”, the planned examination (inspection) of the lawfulness of data processing is carried out in line with the annual plan of inspections approved by the individual legal act of the President of the Service. Whereas the unplanned examinations (inspections) of the lawfulness of data processing are conducted by the Service on its own initiative or based on the received notifications of the interested persons.

In the reporting period, the Service initiated 192 examinations (inspections) of data processing lawfulness, out of which 41% (78) were planned, whereas 59% (114) were unplanned inspections.

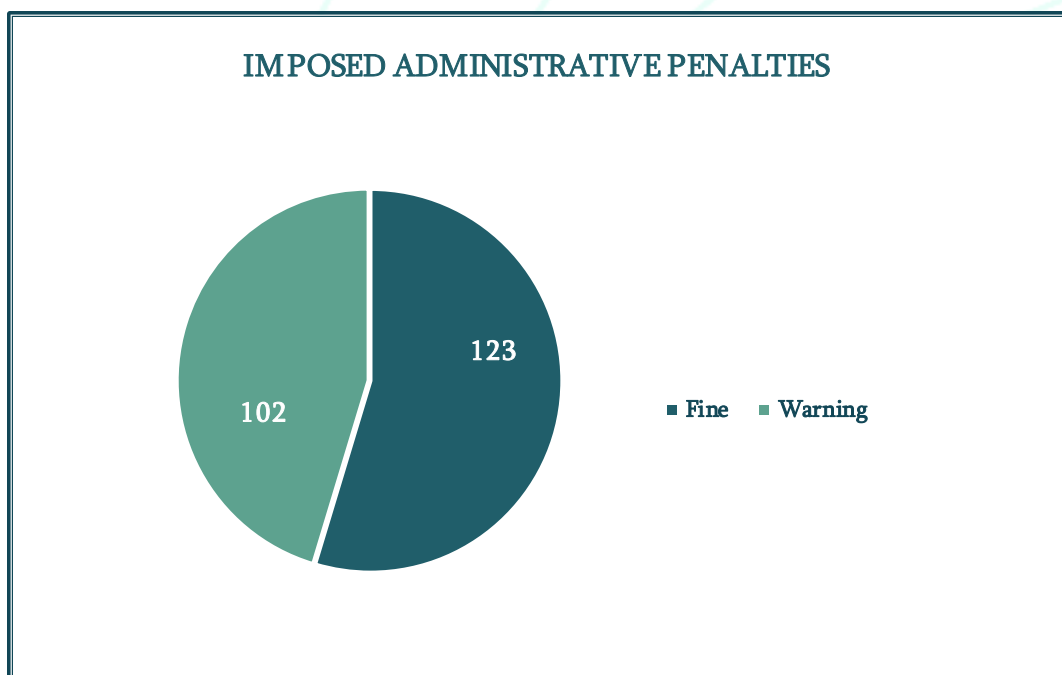


REVEALED ADMINISTRATIVE OFFENCES

The Service identified 267 cases of unlawful processing of personal data, out of which 39 cases were studied in the scope of the examinations (inspections) initiated in 2022 and conducted (completed) in the reporting period, while 228 cases were studied in the scope of the examinations (inspections) initiated and conducted in 2023. 63% (168) of administrative offences revealed by the Service related to unlawful data processing in the private sector, 26% (70) — in the public sector, and 11% (29)— in law enforcement bodies.



The Service imposed fines and warnings as administrative penalties in 225 cases. 19 out of the 123 fines were imposed in the scope of the examinations (inspections) initiated in 2022 and conducted (completed) in the reporting period, while in 104 cases the fines were imposed in the scope of the examinations (inspections) initiated and conducted in the reporting period. 15 out of 102 warnings referred to the examinations (inspections) initiated in 2022 and conducted (completed) in the reporting period, while in 87 cases the warnings were imposed in the scope of the examinations (inspections) initiated and conducted in the reporting period. One of the data controllers was exempted from the imposition of an administrative fine by the Service and instead received a verbal admonition.



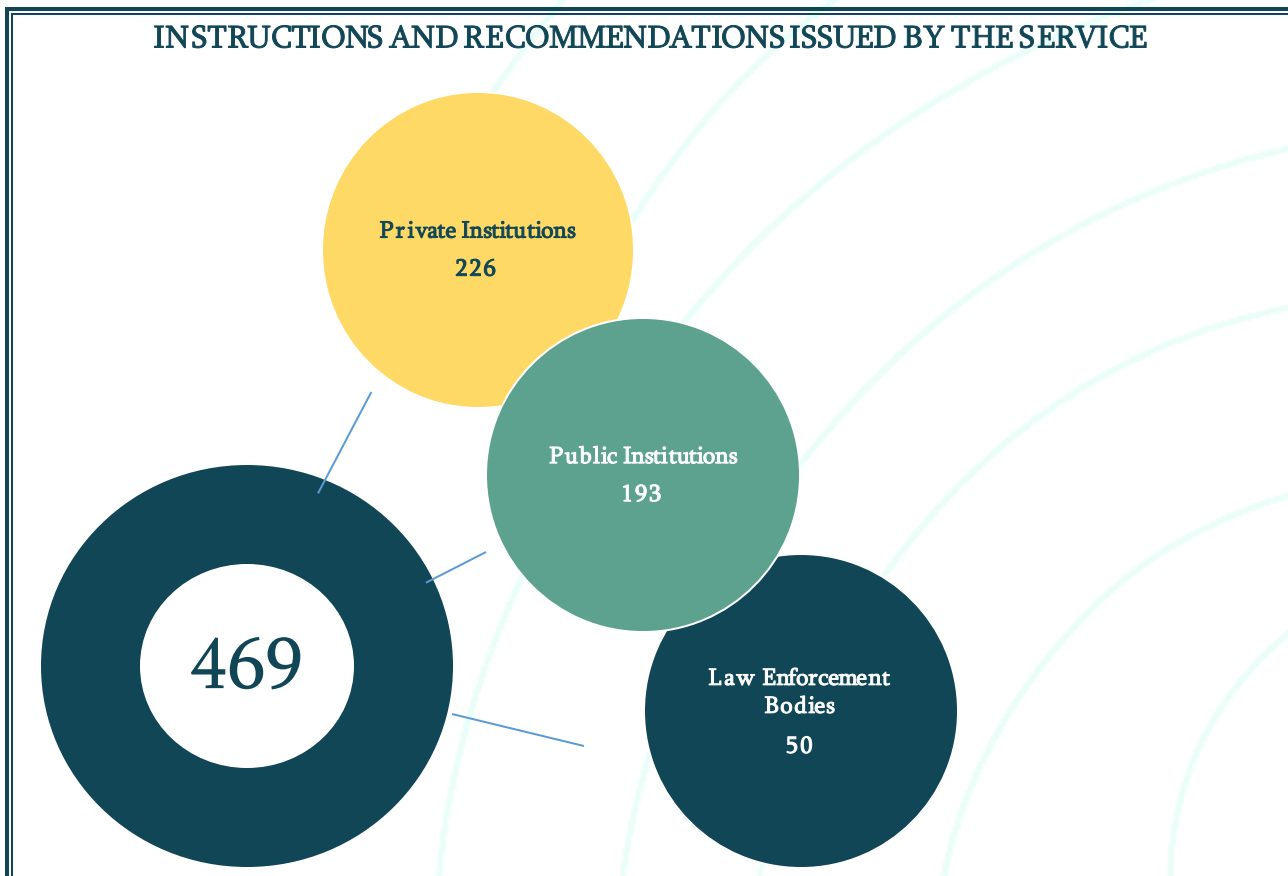
INSTRUCTIONS AND RECOMMENDATIONS ISSUED BY THE SERVICE

Except for the administrative penalties, to eliminate the deficiencies found and rectify the revealed deficiencies, the Service has been issuing mandatory instructions¹ and recommendations.² The Service issued 469 instructions and recommendations. Out of the 456 instructions issued, 63 were directed to the examinations (inspections) initiated in 2022 and conducted (completed) in the reporting period, while 393 instructions referred to the examinations (inspections) initiated and conducted in the reporting period. Out of issued 13 recommendations 1 referred to the examination (inspection) initiated in 2022 and conducted (completed) in the reporting period, while 12 issued recommendations were

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.

initiated and conducted in the reporting period. 48% (226) out of the issued 469 instructions and recommendations related to private institutions, 41% (193) — public institutions, while 11% (50) concerned to law enforcement bodies.



CONSULTATIONS PROVIDED BY THE SERVICE

The Service provides consultations on issues of personal data processing. Consultations are provided both orally (via telephone communications and in-person meetings) and in writing. Consultations issued by the Service concern monitoring of the lawfulness of personal data protection (5106 consultations).



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.

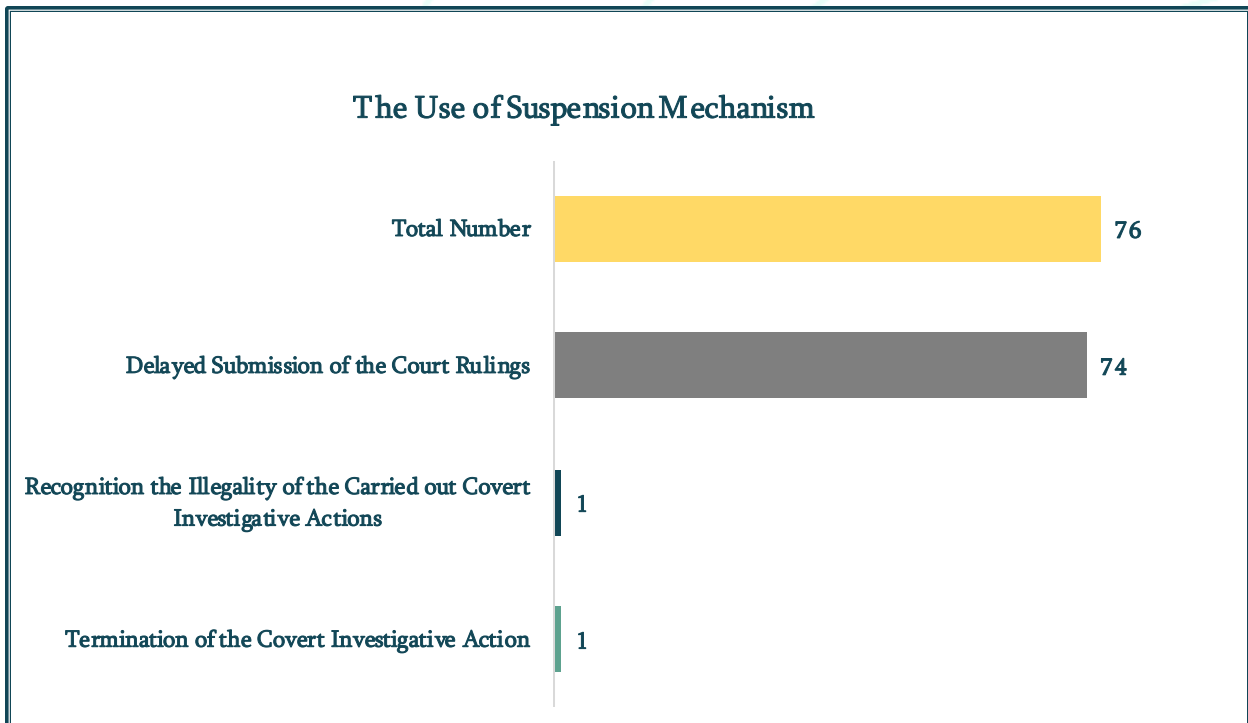
In order to control covert investigative actions and activities carried out at the central databank of electronic communications identification data, the Service receives court rulings round-the-clock on granting authorization to carry out a covert investigative action, prosecutor's resolutions on conducting 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

In the reporting period, the Service used the suspension mechanism of covert wiretapping and recording of telephone communications (via electronic control system) in 76 cases, which was caused by the delayed submission of the court rulings (74 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

-  The court considered 859 motions for covert wiretapping and recording of telephone communications, of which 87% (744) were approved, 9% (80) were not approved, and 4% (35) were partially approved.
-  The court considered 228 motions regarding the extension of the period of covert wiretapping and recording of telephone communications, of which 87% (199) were approved, 9% (21) were partially approved, and 4% (8) were not approved.
-  The court considered 1024 motions regarding covert video and/or audio recording, photo-taking, of which 93% (952) were approved, 6.6% (68) were not approved, and 0.4% (4) were partially approved.
-  The court considered 120 motions regarding the extension of the period of covert video and/or audio recording, photo-taking, of which 87% (105) were approved, 11% (13) were not approved and 2% (2) were partially approved.
-  The court considered 3 motions on covert investigative action - removal and fixing of information from the communication channel, computer system, of which 1 was approved, while 2 were not approved.
-  The court considered 1 motion regarding the ongoing collection of Internet traffic data, which was approved.
-  The Service received the prosecutor's decrees on the conduct of covert investigative actions with urgent necessity. Out of the 92 decrees received 83% (76) were related to covert video recording and/or audio recording, photo-taking, and 17% (16) were related to covert wiretapping and recording of telephone communications.
-  The Personal Data Protection Service of Georgia received the court rulings and the decrees of the prosecutor occasioned by the urgent necessity to carry out the investigative actions, the request for the document or information pursuant to Article 136 of the Code of Criminal Procedure. Out of the submitted documents in relation to Article 136 of the Code, the prosecutor's decrees were 2%, while 98% were court rulings. The Service was submitted 1490 court rulings. Additionally, the Service received 34 decrees from the prosecutor on the urgent necessity to conduct investigative actions in accordance with Article 136 of the Code.
-  The LEPL "Operative-Technical Agency of Georgia" (through electronic monitoring system) was informed 6 times about the ambiguity-inaccuracy in the permits issued by the court and in prosecutors' decrees for the covert wiretapping and recording of telephone communications.
-  No incidents were detected through the 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 71 times.



No deficiencies or incidents have been revealed as the result of the monitoring of 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 12 drafts of international agreements. 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.

LEGAL EXPERTISE OF THE PROJECTS OF INTERNATIONAL AGREEMENTS/COVENANTS

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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 62 meetings with 3158 attendees, represented by the data subjects as well as data controllers.

STATISTICS ON ENSURING ACCESS TO PUBLIC INFORMATION

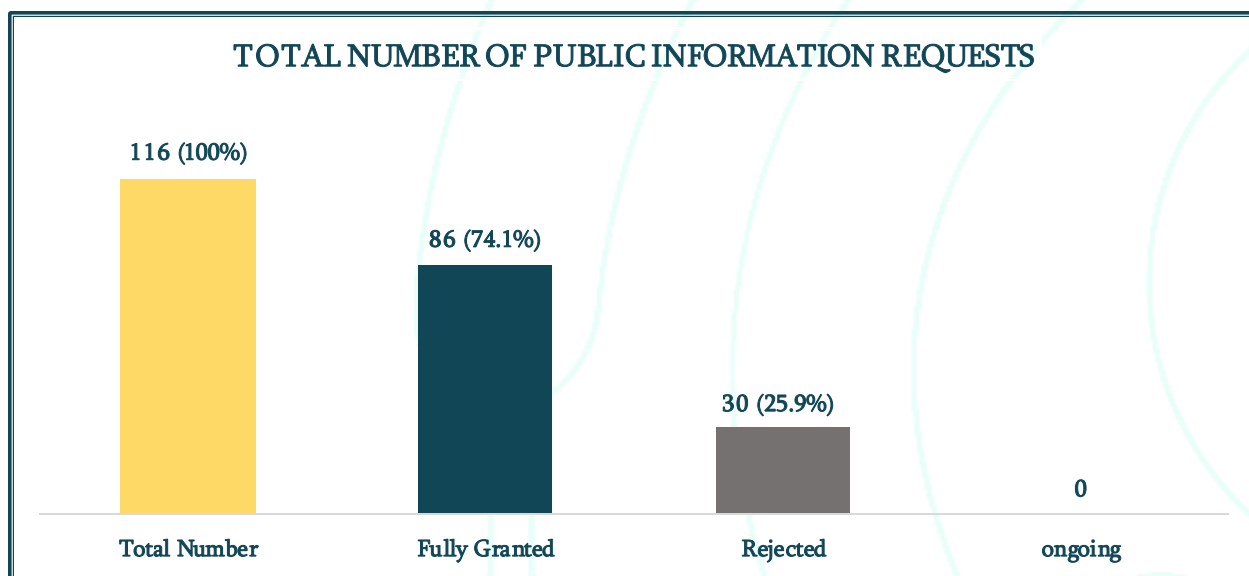
/December 11, 2022 - December 10, 2023/

According to Article 49 of the General Administrative Code of Georgia, the document contains information regarding the provision of public information and personal data processing by the Personal Data Protection Service of Georgia from December 11, 2022, to December 10, 2023.

REQUEST FOR PUBLIC INFORMATION

From 11 December, 2022 to December 10, 2023, the Personal Data Protection Service of Georgia received 116 requests for public information, out of which 86 were fully granted, and 30 were not granted, because:

- In 16 cases, the requested information was not documented by the Personal Data Protection Service of Georgia;
- In 14 cases, the requested information was not preserved in the Personal Data Protection Service of Georgia.



APPEALING REFUSAL TO ISSUE PUBLIC INFORMATION

From 11 December 2022 to December 10, 2023, the Personal Data Protection Service of Georgia made a decision to refuse 30 requests for public information, none of which was appealed.

APPLICATIONS TO RECTIFY PUBLIC INFORMATION

From 11 December, 2022 to December 10, 2023, the Service did not receive a request to rectify the public information.

GROUND FOR REFUSAL TO PROVIDE PUBLIC INFORMATION

During the decision-making process on granting the request for public information, the Service operated following the General Administrative Code of Georgia, the Law of Georgia "On Personal Data Protection" and the Order № 07 of the President of the Personal Data Protection Service of Georgia of March 16, 2022 - "Standard for requesting public information in electronic form in the Personal Data Protection Service".

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

From May 16, 2022, to October 31, 2023, the person responsible for providing public information was the head of the legal department of the Personal Data Protection Service of Georgia - Davit Karashvili, and from November 1, 2023, until now, the person responsible for providing public information is the acting head of the legal department of the Personal Data Protection Service - Shavleg Todua. 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.pdps.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 Georgian On Personal Data Protection. Decisions made by the President of the Personal Data Protection Service of Georgia, containing the personal data of applicants and the third parties, are transferred to the third parties in a non-identifiable form.