

Helen Dixon
Data Protection Commissioner
Data Protection Commission

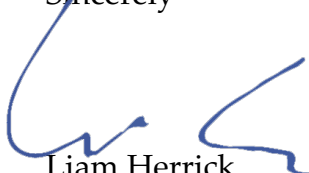
2 March 2022

Annual report and remarks on the occasion of its launch

Dear Commissioner,

1. My letter to you of 14 December noted that the DPC has not published statistics on its cross-border case backlog.
2. Since then, the DPC published its annual report on 24 February. That report notes that the Commission has “concluded” 626 of the 969 cross-border complaints it received since May 2018, and that 5 were the subject of draft or final decisions in 2021. However, there was no information in that report about what concluded means.
3. I also note again that we have been unable to obtain from the DPC detailed statistics about the number of times it has used its powers to investigate Big Tech (See a selection of unanswered questions in annex 1, below).
4. Therefore, I repeat my request to you for detailed statistics about the DPC’s cross-border case backlog, including cases that originate in Ireland but have a cross-border dimension, and a breakdown of measures taken in each case, and the number of separate complaints or matters where cases have been combined.
5. I also repeat my request to you for information about the DPC’s process for handling complaints and investigations.

Sincerely



Liam Herrick
Executive Director

Annex 1: selected unanswered questions

1. How many times has the DPC used its powers with respect to 'big tech' under the GDPR "to order the controller and the processor, and where applicable, the controller's or the processor's representative to provide any information it requires for the performance of its tasks" in the formal meaning of Article 58(1)a?
2. How many times has the DPC used its powers with respect to 'big tech' under the GDPR "to carry out investigations in the form of data protection audits" in the formal meaning of Article 58(1)b?
3. How many times has the DPC used its powers with respect to 'big tech' under the GDPR "to obtain, from the controller and the processor, access to all personal data and to all information necessary for the performance of its tasks" in the formal meaning of Article 58(1)e?
4. How many times has the DPC used its powers with respect to 'big tech' under the GDPR "to obtain access to any premises of the controller and the processor, including to any data processing equipment and means, in accordance with Union or Member State procedural law" in the formal meaning of Article 58(1)f?
5. How many times has the DPC used its powers with respect to 'big tech' under the GDPR "to issue warnings to a controller or processor that intended processing operations are likely to infringe provisions of this Regulation" in the formal meaning of Article 58(2)a?
6. How many times has the DPC used its powers with respect to 'big tech' under the GDPR "to issue reprimands to a controller or a processor where processing operations have infringed provisions of this Regulation" in the formal meaning of Article 58(2)b?
7. How many times has the DPC used its powers with respect to 'big tech' under the GDPR "to order the controller or the processor to comply with the data subject's requests to exercise his or her rights pursuant to this Regulation" in the formal meaning of Article 58(2)c?
8. How many times has the DPC used its powers with respect to 'big tech' under the GDPR "to order the controller or processor to bring processing operations into compliance with the provisions of this Regulation, where appropriate, in a specified manner and within a specified period" in the formal meaning of Article 58(2)d?

9. How many times has the DPC used its powers with respect to 'big tech' under the GDPR "to order the controller to communicate a personal data breach to the data subject" in the formal meaning of Article 58(2)e?
10. How many times has the DPC used its powers with respect to 'big tech' under the GDPR "to impose a temporary or definitive limitation including a ban on processing" in the formal meaning of Article 58(2)f?
11. How many times has the DPC used its powers with respect to 'big tech' under the GDPR "to order the rectification or erasure of personal data or restriction of processing pursuant to Articles 16, 17 and 18 and the notification of such actions to recipients to whom the personal data have been disclosed pursuant to Article 17(2) and Article 19" in the formal meaning of Article 58(2)g?
12. How many times has the DPC used its powers with respect to 'big tech' under the GDPR "to impose an administrative fine pursuant to Article 83, in addition to, or instead of measures referred to in this paragraph, depending on the circumstances of each individual case" in the formal meaning of Article 58(2)i?
13. How many times has the DPC used its powers with respect to 'big tech' under the GDPR "to order the suspension of data flows to a recipient in a third country or to an international organisation" in the formal meaning of Article 58(2)j?
14. The most recent document for each of the following years: 2017, 2018, 2019, and 2020, that sets out for DPC staff what the DPC's process for handling complaints is, including any rules that specify how a case progresses from one stage to another.