

ANSWERS FROM THE CYPRIOT SUPERVISORY AUTHORITY

Chapter V

1. **Has any stakeholder raised with your authority any particular question or concern regarding any of the adequacy decisions adopted under the 1995 Directive (with the exception of the EU-US adequacy decision which is not covered by this evaluation process)?**

No.

2. **Does your authority have any information on the developments of the data protection system of any of the countries/territories subject to a Commission adequacy decision under the 1995 Directive that you would consider relevant for the Commission's evaluation?**

No.

3. **In your view, should any third country or international organisation be considered by the Commission in view of a possible adequacy decision?**

No.

Chapter VII

1. Cooperation Mechanism

1.1. OSS – Article 60

- a. **Has your DPA been involved in any OSS cases? If so, in how many cases since May 2018?**

Our Office acted as lead authority in 20 OSS cases and as concerned authority in 290.

- b. **Did you encounter any problems/obstacles in your cooperation with the lead/concerned DPA?
If yes, please describe them**

No.

- c. **How would you remedy these problems?**

N/A.

- d. **Is your national administrative procedure compatible with the OSS? (e.g. do you identify a clear step which can be referred to as a “draft decision”? Are the parties heard before you produce such draft decision?)**

We have not encountered any problems insofar.

- e. **Were you in the situation of the application of the derogation provided for in Article 56(2) GDPR (so-called “local cases”, i.e. infringements or complaints relating only to an establishment in your Member State or substantially affecting data subjects only in your Member State)?**

Yes. From May 25th 2018 till Nov 1st 2019, we received 593 (local) complaints, 173 of them concerning spam.

- f. **Is the OSS living up to its expectations? If not, what would you identify as its shortcomings? How can they be remedied?**

We have not encountered any problems insofar.

1.2. Mutual assistance – Article 61

- a. **Did you ever use this tool in the case of carrying out an investigation?**

Yes, once (the Bradford system case). Also, in 25 other cases, we received requests for mutual assistance from other authorities to which we responded.

- b. **Did you ever use this tool in the case of monitoring the implementation of a measure imposed in another Member State?**

No.

- c. **Is this tool effectively facilitating your work? If yes, how? If not, why?**

Yes in the case of the Bradford system (see answer to Q. 1.2(a)), the replies we had received from other SAs helped us understand how they approach similar cases and enabled us to reach to a decision.

- d. **Do you encounter any other problems preventing you from using this tool effectively? How could they be remedied?**

No.

1.3. Joint operations – Article 62

- a. **Did you ever use this tool (both receiving staff from another DPA or sending staff to another DPA) in the case of carrying out an investigation?**

No.

- b. Did you ever use this tool in the case of monitoring the implementation/enforcement of a measure imposed in another Member State?**

No.

- c. Is it effectively facilitating your work? If yes, how? If not, why?**

N/A

- d. Did you encounter any problems (e.g. of administrative nature) in the use of this tool? How could they be remedied?**

We have not encountered any problems.

2. Consistency mechanism

2.1 Opinion - Article 64 GDPR

- a. Did you ever submit any draft decision to the Board under Art 64(1)?**

Yes, for the list of processing activities that require a DPIA.

- b. Did you ever submit any draft decision to the Board under Art 64(2)?**

No.

- c. Did you have any problems by complying with the obligations under Article 64(7) GDPR, i.e. taking utmost account of opinion of the EDPB? If so please describe them.**

No.

- d. Was the “communication of the draft decision” complete? Which documents were submitted as “additional information”?**

The communication was complete; there was no need for submitting additional information.

- e. Were there any issues concerning the translations and/or any other relevant information?**

No.

- f. Does that tool fulfil its function, namely to ensure a consistent interpretation of the GDPR?**

Yes.

2.2 Dispute resolution - Article 65 GDPR

- a. Was this procedure used? If yes, what was your experience during the process?**

We have not used this procedure.

b. Which documents were submitted to the EDPB?

N/A

c. Who prepared the translation, if any, of that documents and how much time did it take to prepare it? Were all the documents submitted to the EDPB translated or only some of them?

N/A

2.3 Urgency Procedure – Article 66

a. Did you ever adopt any measure under urgency procedure?

No.

3. Exchange of information: Standardised communication

a. What is your experience with the standardised communication through the IMI system?

While useful, there could be room for improvement for making it more user-friendly.

4. European Data Protection Board

a. Can you provide an indicative breakdown of the EDPB work according to the tasks listed in Article 70?

b. *For the EDPB Secretariat:* Can you provide an indicative breakdown of the EDPB Secretariat work and allocation of resources (full-time equivalent) according to the tasks listed in Article 75?

5. Human, technical and financial resources for effective cooperation and participation to the consistency mechanism

a. How many staff (full-time equivalent) has your DPA? Please provide the figures at least for 2016, 2017, 2018, 2019 and the forecast for 2020.

Position	2018	2019	2020	Needed
Commissioner	1	1	1	1
Senior Administrative Officer	1	1	1	1
Administrative Officer A	2	2	2	2
Administrative Officer	5	4	2	4
Personal Data Protection Officer	X	6	6	6
Information Technology Officer	1	1	1	2
Secretarial Officer A	1	1	1	1
Assistant Secretarial Officers	6	6	6	8
Auxiliary Staff	2	2	2	2
Total	19	24	22	27

b. What is the budget of your DPA? Please provide the figures (in euro) at least for 2016, 2017, 2018, 2019 and the forecast for 2020.

Year	2016	2017	2018	2019
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Budget allocated	235.619	270.719	376.815	503.855
Budget executed	223.505	241.875	271.530	

- c. Is your DPA dealing with tasks beyond those entrusted by the GDPR? If yes, please provide an indicative breakdown between those tasks and those entrusted by the GDPR.

Yes. In accordance with the national Freedom of Information Law, the Data Protection Commissioner is also Freedom of Information Commissioner. Also, in accordance with the national Law transposing the ePrivacy Directive, our Office is responsible for examining spam complaints.

- d. How would you assess the resources from your DPA from a human, financial and technical point of view?

Relatively adequate in relation to human and financial responses.

- e. More specifically, is your DPA properly equipped to contribute to the cooperation and consistency mechanism? How many persons work on the issues devoted to the cooperation and consistency mechanism?

We do not have a fixed number of colleagues that deal only with cooperation and consistency mechanism cases. Any colleague may be assigned such a case.

6. Enforcement

- a. How many complaints (excluding request for information) did you receive since May 2018? What kind of communication with you/request do you qualify as a complaint?

460 general complaints relating to GDPR and 180 complaints relating to spam, in total, 640 complaints.

- b. Which corrective powers did you use since May 2018?

The corrective powers referred to in Art. 58(2)(a), (b), (c), (d) and (i).

- c. Are you resolving any possible infringements of the Regulation with the help of so-called “amicable settlements”?

The national Law implementing the GDPR does not provide procedures for amicable settlements. However, if a case permits it, we may employ such settlement.

- d. How many fines did you impose since May 2018? Please provide examples.

Number of Decisions imposing fines till Dec 2019: 25

Total amount of fines: close to €152.000

- e. Which attenuating and or aggravating circumstances did you take into account?

The circumstances referred to GDPR Art. 83(2).

7. Additional requests

7.1 Data Breaches

- a. How many personal data breaches were notified to the SAs?

From May 2018 till December 2019, our Office received 92 data breach notifications.

7.2 Initiatives for SMEs

- a. What are the national initiatives to give guidance to SMEs or any other specific support to the SMEs?

In addition to written guidance to SMEs, for example, as regards CCTVs in restaurants or use of biometric (fingerprint) systems in gyms and tailored-cut workshops for specific fields, like the media, the Commissioner delivered several sector related presentations/ speeches to professional associations, represented mainly by SMEs. Please find below an indicative list of presentations/ speeches, which are available on our Office's website:

- Regulation and Enforcement in the Digital Age (REDA): Speech at the University of Nicosia on 22/11/2019
- The GDPR in the field of insurance: Speech at the Insurance Institute on 07/11/2019
- The GDPR in the field of start-ups: video to members of Domina Plus, in Nicosia on 29/07/2019
- The GDPR in the field of real estate: Presentation at the Cyprus Chamber of Commerce on 27/06/2019
- The GDPR in the field of beauty salons: Presentation at the Beauty Salons Association on 07/03/2019
- The GDPR in the field of Internal Auditing: Presentation at the Internal Auditors Association on 20/02/2019
- The GDPR in the field of Dieticians and Nutritionists: Presentation at the 10th International Conference of Dieticians and Nutritionists, in Nicosia, on 25/11/2018
- The GDPR in the field of Opticians and Optometrists: Presentation at the 17th Conference of Opticians and Optometrists, in Nicosia on 24/11/2018
- The GDPR in the field of Fiduciary Services: Address of the Commissioner at the Cyprus Fiduciary Association on 27/06/2018
- The GDPR in the field of Travel Agencies: Presentation at the Cyprus Chamber of Commerce on 02/03/2018
- The GDPR in the field of Commercial Maritime: Speech to members of the Cyprus Maritime Chamber in Limassol, on 11/12/2017
- The GDPR in the field of International Investments: Speech to members of the Association of Cyprus International Investment Firms (ACIIF), in Limassol, on 05/12/2017
- The GDPR in the field of international business: Speech to members of the Cyprus International Business Association (CIBA), in Limassol in November 2017