



Data Protection System of Georgia

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Legal Framework

INTERNATIONAL INSTRUMENTS

CoE 108 Convention

AP on Supervisory Authorities and Trans-Border Data Flows

NATIONAL LEGISLATION

Law on Personal Data Protection

Statute of the Inspector



Georgian Data Protection Law

Principles of Data Processing

Grounds for legitimate data processing

Specific Regulations

Obligations of Data Controller and Data Subjects' Rights

Transborder Data Flow



Administrative Responsibility

Violations of the PDP Law

Specific Chapter prescribing sanctions for particular violations

- **Processing of data in the absence of the legal grounds**
- **Violation of the principles of the processing of data**
- **Failure to comply with the requirements on data security**
- **Violation of the rules on using data for the direct marketing purposes**
- **Violation of video surveillance rules**
- **Violation of rules for data transfer to another state and international organisation**
- **Failure to fulfil requirements of the Inspector**



Criminal Responsibility

Criminal Code of Georgia

Illegal collection, storage, usage, dissemination or disclosure of personal data causing serious damage - imprisonment up to **3** years term

Aggravating circumstances

Imprisonment up to
4 years term

Imprisonment up to
5 years term

Imprisonment
from **4** to **7** years
term

Office of the Personal Data Protection Inspector

Data Protection Supervisory Authority was established on July 1, 2013

Supervise Lawfulness of Data Processing

Implement Data Protection Legislation

Mandate of the Inspector

Public Sector

Law-Enforcement

Private Sector



Appointment Procedure

3 Stage Selection Process

1

Special Competition Commission

2

Prime-Minister of Georgia

3

Parliament of Georgia

Term of Office - **3** years.



Immunities

Inviolability of the Inspector and Immunity from criminal proceedings

in flagrante delicto

Consent of the Parliament



Independence and Accountability of the Inspector

Any influence or interference with the Inspector's activities – punishable by law

Right to refuse to testify

Submission of Annual Report – Parliament and Government



Financial and Organizational Independence

Structure, rules of procedure and the distribution of powers
– Order of the Inspector

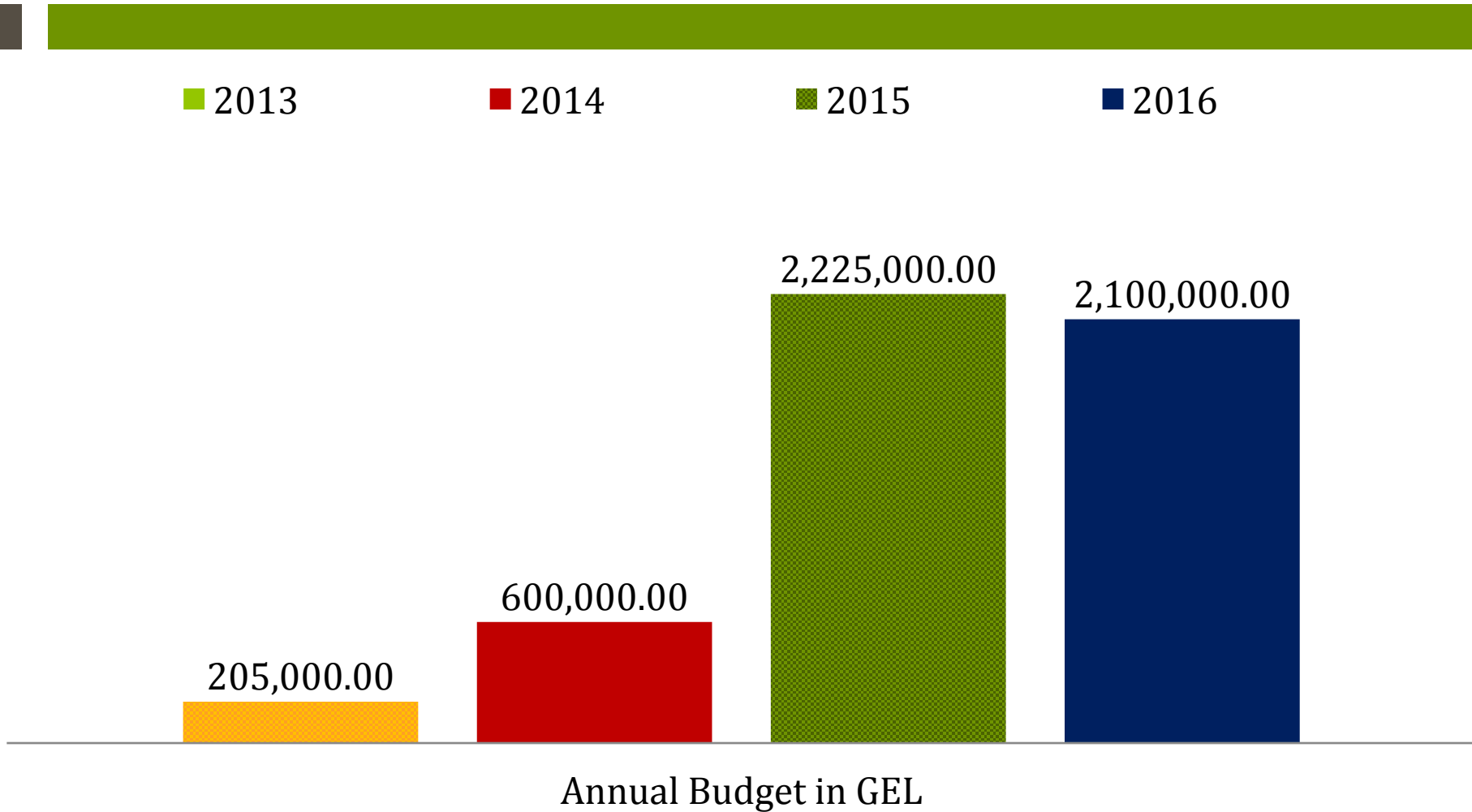
Separate Office Space

Funding – State Budget / Donor
Assistance

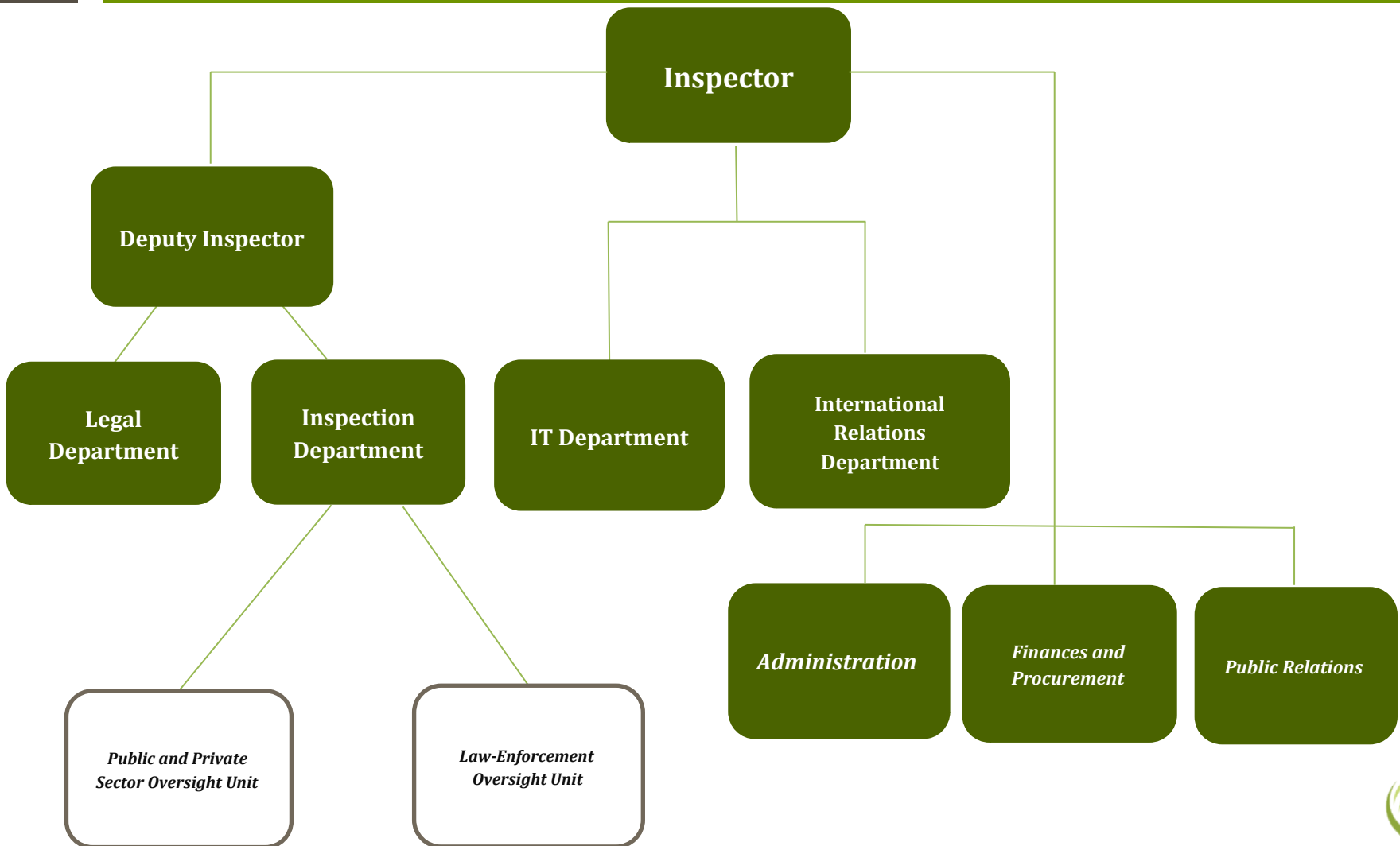
Draft budget presented to the Ministry of Finance



Budget



Structure



Staff of the Georgian DPA

43

Management

Auditors

**International
Relations**

**Public Relations
and Awareness
Raising**

Lawyers

**Database
Specialists**

**Research and
Analysis**

Administration

Data Security

**Information
Technologies**

**Projects and
Trainings**

**Accounting and
Procurement**

Functions of Georgian DPA

Complaints handling

Consulting public and private bodies

Carrying out investigations

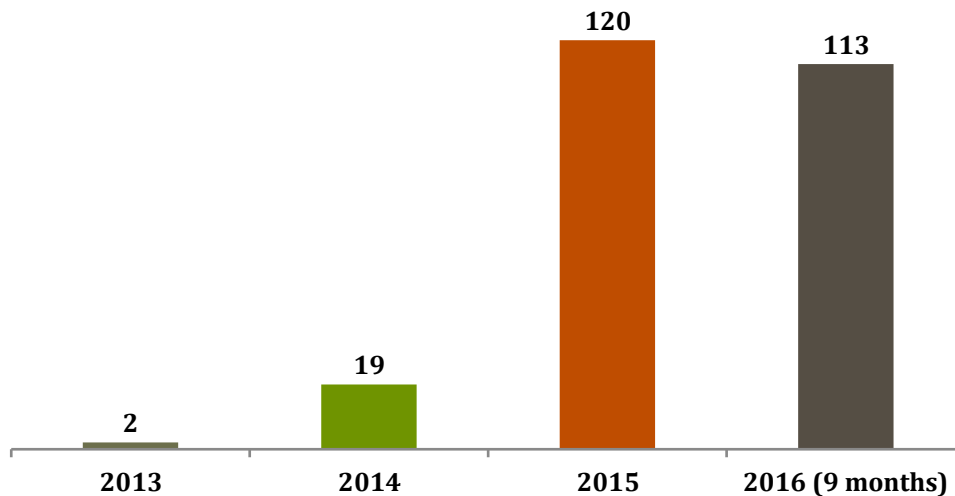
Raising public awareness

Participating in legislative process



Complaints Handling

Total Number of Complaints - **254**



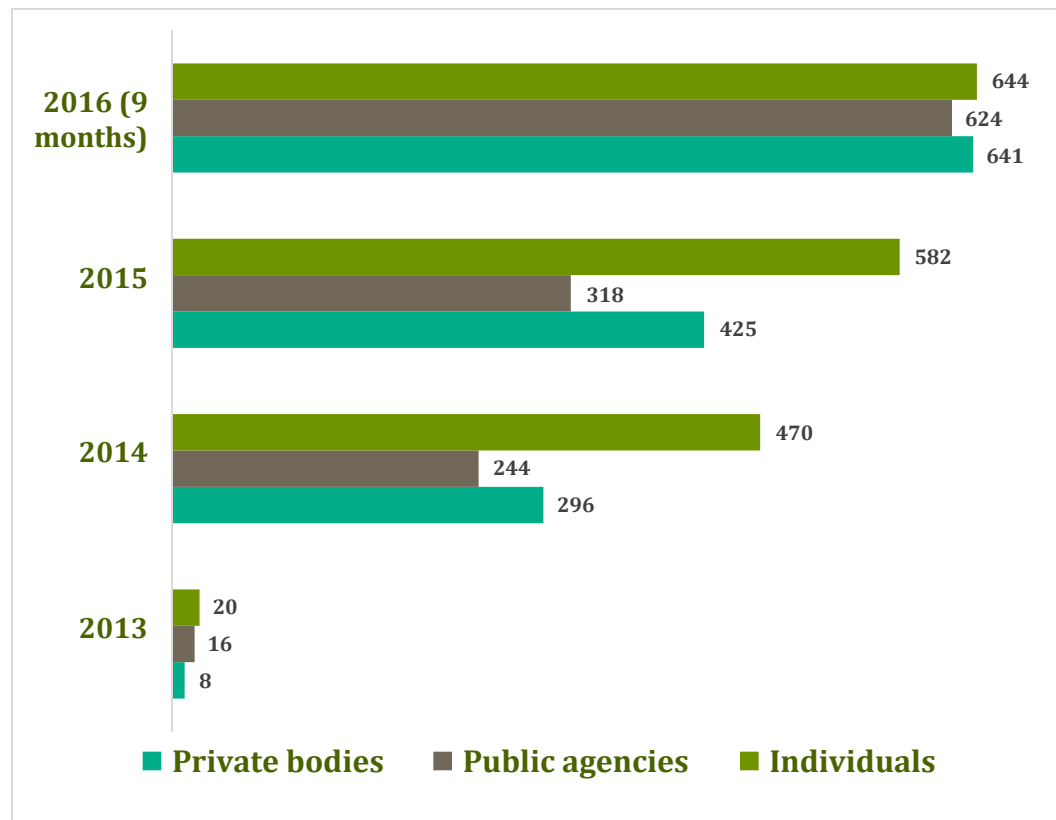
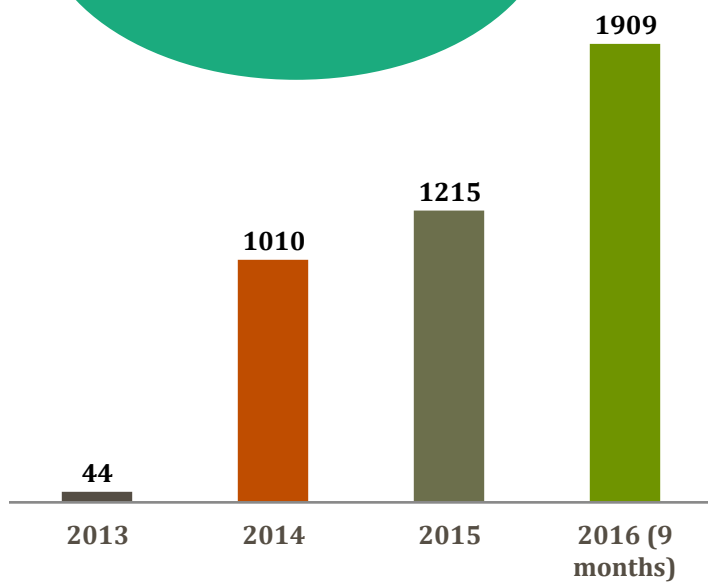
Topics:

- ✓ Direct marketing;
- ✓ Subject access requests;
- ✓ Data disclosure;
- ✓ Violation of data processing principles;
- ✓ Access to data;
- ✓ Audio/video monitoring;
- ✓ Data Processing by Law-enforcement



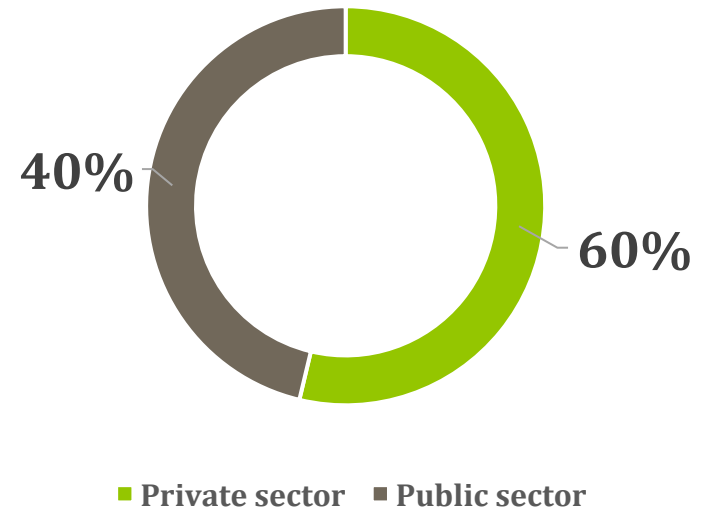
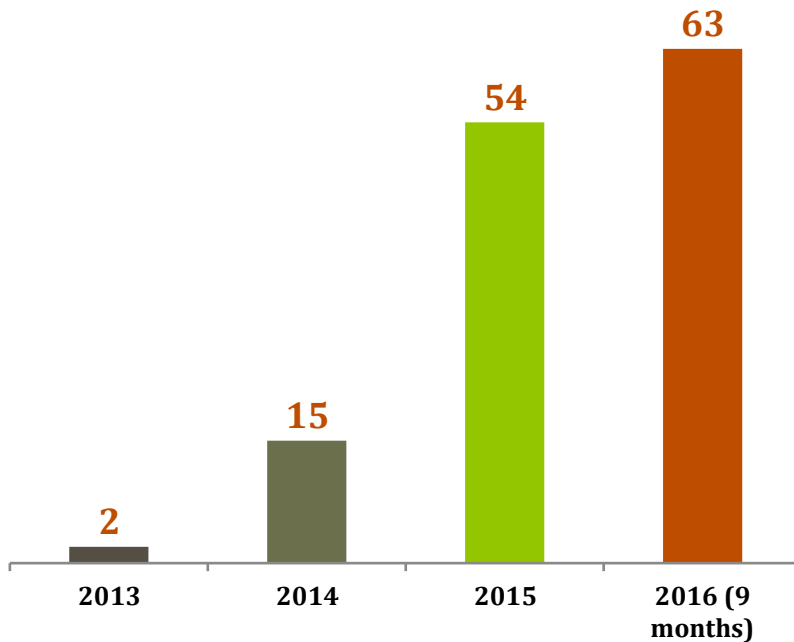
Consultations

Total number of consultations - 4178



Inspections

Total number of Inspections - **134**



197 administrative violations

Fines imposed on **100** cases



Mobile App Inspect 2

A tool for citizens to notify Inspector on data breaches

Notifications received through the application enable the Inspector to respond to data breaches effectively

Innovative

Easy to use

Accessible

Possibility to send **photo/video files** to justify notification

Citizens are able to track process of dealing with notification in real time and be updated on its consequences



Measures

The Inspector may request:

**Termination of
Processing**

**Elimination of
Discrepancies**

Blocking Data

**Instructions
Recommendations**

Fines



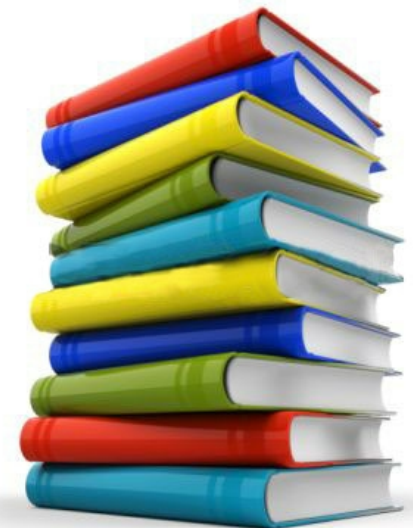
Educational Activities



Guidelines and Recommendations

Thematic and Sector Specific Guidelines and Recommendations

- Personal Data Protection in Labour Relations
- Data Processing for Direct Marketing Purposes
- Video Surveillance Systems
- Data Protection and Online Privacy
- Processing of Biometric Data
- Processing of Medical Data
- How to Request Deleting Information from Facebook and YouTube?
- Tips for Consumers for Safe Online Shopping
- Tips on Data Protection and Elections



Cooperation with International Organizations

CoE Consultative
Committee- T-PD

Ad hoc Committee -
CAHDATA

CEEDPA

GPEN

Spring Conference

International
Conference

Berlin Group

Article 29 Working
Party



International Obligations

EU-Georgia Visa Liberalization Action Plan

Legislative Phase

August 2014 - Legal Amendments

October 2014 - Fulfillment

Implementation Phase

February 2015 – Assessment Mission

May 2015 - Fulfillment

Association
Agreement

EUROJUST

EUROPOL



Strategy and Action Plan

Institutional Development Strategy 2017-2021 and Action Plan 2017-2018

Vision

Improvement of Main Operational Directions and Increase of Efficiency of the Office

Mission

Organizational Development

Enhancing Strategic Cooperation

Values

Raising Public Awareness



Results Achieved in 3 years

Public institutions adjusted their internal processes to data protection regulations

Improved practices in private sector

Awareness of general public increased, their interest is growing

Positive Assessment of international experts – Georgian DPA recognized as efficient body that achieved remarkable results in relatively short period of time

Challenges

Legislative Gaps

Evolution of Modern
Technologies

Lack of Court Case-Law

Public Awareness

Limited Human and
Financial Resources

THE CHALLENGE



Thank you for your attention



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