



An Coimisiún um Chosaint Sonraí
Data Protection Commission

National Complaint handling in the DPC



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DPC Case volumes



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Overall case volumes

- Total cases received (These include queries, LED and GDPR complaints and data controller questions)

2022 - 9,406

As of 25 October 2023 – 9,301

- In 2022 48% of all complaint cases received by the DPC were concluded during assessment, often by providing information to the data subject

Overall case volumes

- Information Unit

- On average, the DPC Information Unit has between 1,500 and 2,000 cases on hand, though many of these are in effect concluded
- The number of cases awaiting initial substantive response is roughly 200, with the oldest case being received 8 working days ago
- In 2022, the DPC Information Unit concluded 7,089 cases.
- Up to end of September 2023, the Information Unit have concluded 5,177 cases.

Overall case volumes

- **CAERU/Assessment/Early Resolution**
 - On average, the DPC Complaint Assessment and Early Resolution Unit (CAERU) has roughly 750-800 cases on hand,
 - The number of cases awaiting initial assignment to a case officer is 145, with the oldest of these having been received by the DPC 52 working days ago, though in the vast majority of these cases there has already been a number of exchanges between the DPC Information team and the data subject
 - In 2022, the Assessment/Early Resolution Units concluded 1,283 cases.
 - Up to end of September 2023, CAERU have concluded 1,126 cases.

Overall case volumes

- **Access Request Complaint Handling Unit (ARCHU!)**
 - On average, ARCHU has 350-400 on hand, there is currently 372 with the Unit
 - The number of cases awaiting initial assessment to a case officer is 55
 - In 2022, ARCHU concluded 544 cases
 - Up to end of September 2023, ARCHU concluded 237 cases

Overall case volumes

- **National Complaint Handling Unit**
 - On average, NCHU has between 350 – 400 active complaints at any one time.
 - Each case officer examines on average 30 complaints at once.
 - The number of unassigned cases can be as little as 60 complaints.
 - In 2022, NCHU concluded 156 cases.
 - To date in 2023, NCHU have concluded 180 cases.



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Information Unit (Info) -



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What is Info?

- The Information Unit is the first point of contact for the general public and companies who wish to contact the DPC
- We receive contacts via our online webforms, direct emails, post and our telephone Helpdesk
- The Information Unit strives to educate stakeholders on their rights and responsibilities under GDPR
- Our staff man a telephone Helpdesk which operates from 9:30 – 5:30, 5 days a week

What we do with complaints received

- The Information team reviews each piece of correspondence received from data subjects.
 - This can be range from one email to multiple emails with 50 page PDFs attached to each email which have to be fully examined to identify the Data Protection issue or often issues.
 - If a new case needs to be created we will manually create a new case within Lotus Notes, input the relevant data subject and data controller information as well as identify the current Data Protection issue
 - This new case will have been created and an acknowledgement sent out typically within less that 24 hours
 - After acknowledgement of the new case we will conduct a full review of the case/correspondence and issue a reply

What we do with complaints received

- Initial contacts can include queries and complaints in relation to GDPR obligations and rights e.g.
 - What is personal data
 - What is processing of personal data
 - That consent is not the only thing needed to process data
 - How to make an access request for personal data
 - Queries about suspected data breaches
 - Domestic and commercial CCTV Queries
- We will generally issue an informative reply educating the data subject on their rights under the GDPR, advising what steps to take next and/or requesting the appropriate documentation needed to progress a case. This is where transparency from data controllers is key

What we do with complaints received

- Very often multiple exchanges with the data subject are required in order to obtain the supporting documentation which the assessment and complaint handling teams require.
- Before a case can be moved on to complaint handling we would request proof that the data subject has raised the complaint directly with the DC and copies of the correspondence
- Approx. 70% of contacts/cases are dealt with within the Information Unit and the file concluded, the remaining cases are sent on to CAERU for further assessment or early resolution.
- The remaining 30% of cases are dealt with by complaint handling teams with specific focus on matters such as access, erasure or rectification



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Complaint Assessment & Early Resolution Unit (CAERU) - an overview



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What is CAERU?

- The unit responsible for assessing data protection concerns lodged to the DPC by individuals or by representatives on their behalf
- Responsible for ensuring any necessary and relevant additional documentation is sought and logged to a file prior to transferring a file to another complaint handling unit e.g. Access Request CHU
- Identifies files appropriate for the early resolution process, and handles these with a view to facilitating an amicable resolution to the subject matter of the complaint in as short a time as possible

Caseloads and case volumes

- CAERU is a high-volume unit, with caseloads changing on a daily basis
- The total number of files with CAERU is over 800, though this can fluctuate due to a number of factors including: the complexity of files, input of files from the Information Unit, and amount of files either concluded within CAERU or transferred to another national Complaint Handling Unit
- Around 81.5% of files with CAERU (as of September) are assigned to a case officer, with most being worked on actively, the remainder are awaiting assignment in chronological order

Types of cases assessed

- The files we assess include:
 - processing concerns (e.g.s alleged disclosure, fair processing, fair obtaining, excessive data, retention issues)
 - concerns involving data subject rights (Articles 12-23 of the GDPR, noting that an estimated 40% of files involve the right of access pursuant to Article 15(1) of the GDPR)
 - Cases deemed appropriate for early resolution

Assessment of cases

- CAERU assesses files to establish whether there is sufficient evidence of a contravention of data protection legislation in order to transfer the file for examination pursuant to section 108(2)(a) of the Data Protection Act, 2018.
- This includes:
 - correctly identifying the data protection concerns
 - ensuring all necessary documentation is sought and logged to file
 - transferring the file to the appropriate CHU
- At assessment stage, the bulk of communication is between a case officer and the Data Subject, or their representative.
- Some files do not progress either to early resolution or to another DPC complaint handling unit. This occurs when a Data Subject no longer engages, or where information is provided to the Data Subject e.g. contact details for the appropriate regulatory body, such as the FSPO.

Early resolution process

- Where the DPC considers that there is a likelihood that a concern could be resolved amicably, having regard to section 109(2) of the 2018 Act, a complaint may be handled in order to facilitate same
- If a file cannot be resolved by encouraging both parties to the complaint to engage, the case officer will either draft an outcome letter pursuant to section 109(6) of the 2018 Act, or transfer the file to the appropriate complaint handling unit in order for a more thorough examination to be conducted



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Complaints received that relate to the Banking Sector



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Access Complaints

➤ Access complaints are the most common type received by the DPC, and the most common subset of these are where there is no response to an access request within one month of it being submitted to the data controller

Common issues

- Requests received
- Inability to locate data in a timely manner
- Poor communication
- Lack of transparency

Breach Complaints

➤ Breach complaints are more common within the banking sector than most others, and due to their nature these breaches can be most upsetting and damaging to data subjects.

Common issues

- Human Error
- Systems not being up to date
- Central Credit Register

Processing and other data protection rights

➤ Complaints relating to the processing of personal data and the exercising of other data protection rights make up the remainder of complaints

Common issues

- Receivership and loan sales
- Intermingled personal data
- Rectification
- Erasure