



PERSONAL DATA
PROTECTION SERVICE

ACTIVITY STATISTICS OF THE
PERSONAL DATA PROTECTION SERVICE
FOR 4 MONTH OF 2022



/March-June/



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CONTROL OF THE LEGALITY OF PERSONAL DATA PROCESSING

In order to control the legality of personal data processing, the Personal Data Protection Service implements preventive measures and deals with the facts of illegal data processing by public or private institutions. The Service consults interested parties on data protection-related topics, is willing to raise public awareness, investigates citizens' applications, and verifies the legality of personal data processing through inspections.

The Service has three independent departments (Public Sector Oversight Department, Private Sector Oversight Department, and Law Enforcement Sector Oversight Department) dealing with sectoral data protection issues.

CITIZENS' APPLICATIONS

The Service received 152 applications/notifications. 73 (48%) applications/notifications related to data processing in private institutions, 40 (26%) — in public institutions, and 39 (26%) — in law enforcement bodies.

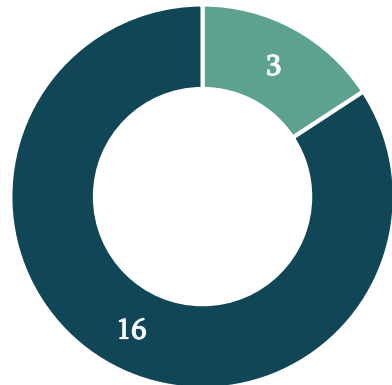


EXAMINATION OF THE LEGALITY OF DATA PROCESSING (INSPECTION)

The Service received 152 applications/notifications. 73 (48%) applications/notifications related to data processing in private institutions, 40 (26%) — in public institutions, and 39 (26%) — in law enforcement bodies. The Service inspects the legality of data processing by public and private institutions via planned and unplanned inspections. According to order №04, March 2, 2022, of the Head of the Personal Data Protection Service, “On the Approval of the Rules for Studying the Legality of Personal Data Processing”, the planned examination (inspection) of the legality of data processing is carried out in line with the annual plan of inspections approved by the individual legal act of the Head of the Service. Whereas the unplanned examinations (inspections) of the legality of data processing are conducted by the Service on its own initiative or based on the received notifications of the interested persons.

The Service conducted 38 investigations (inspections) of data processing legality, out of which 32% (12) were planned, whereas 68% (26) were unplanned inspections.

EXAMINATION (INSPECTION)



Private Institutions

Public Institutions



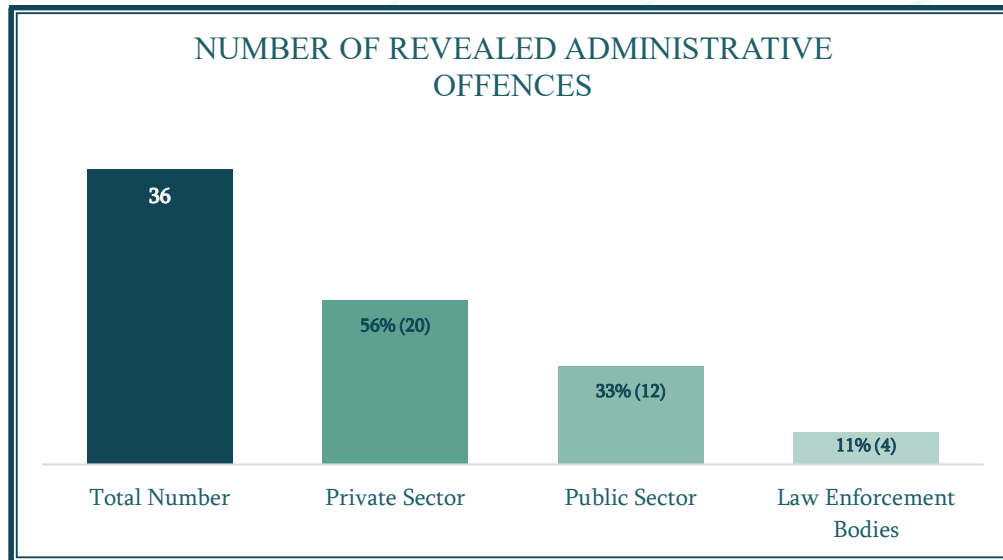
Law Enforcement Bodies



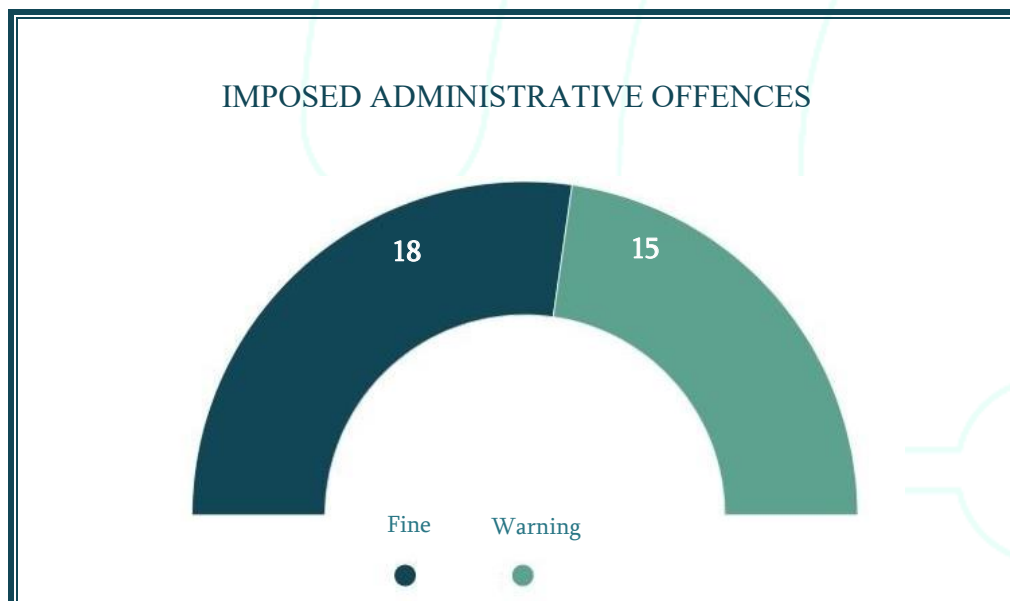
■ Planned ■ Unplanned

NUMBER OF REVEALED ADMINISTRATIVE OFFENCES

The Service identified 36 cases of unlawful processing of personal data. 56% (20) of administrative offences revealed by the Service related to unlawful data processing in the private sector, 33% (12) — in the public sector, and 11% (4) — in law enforcement bodies.

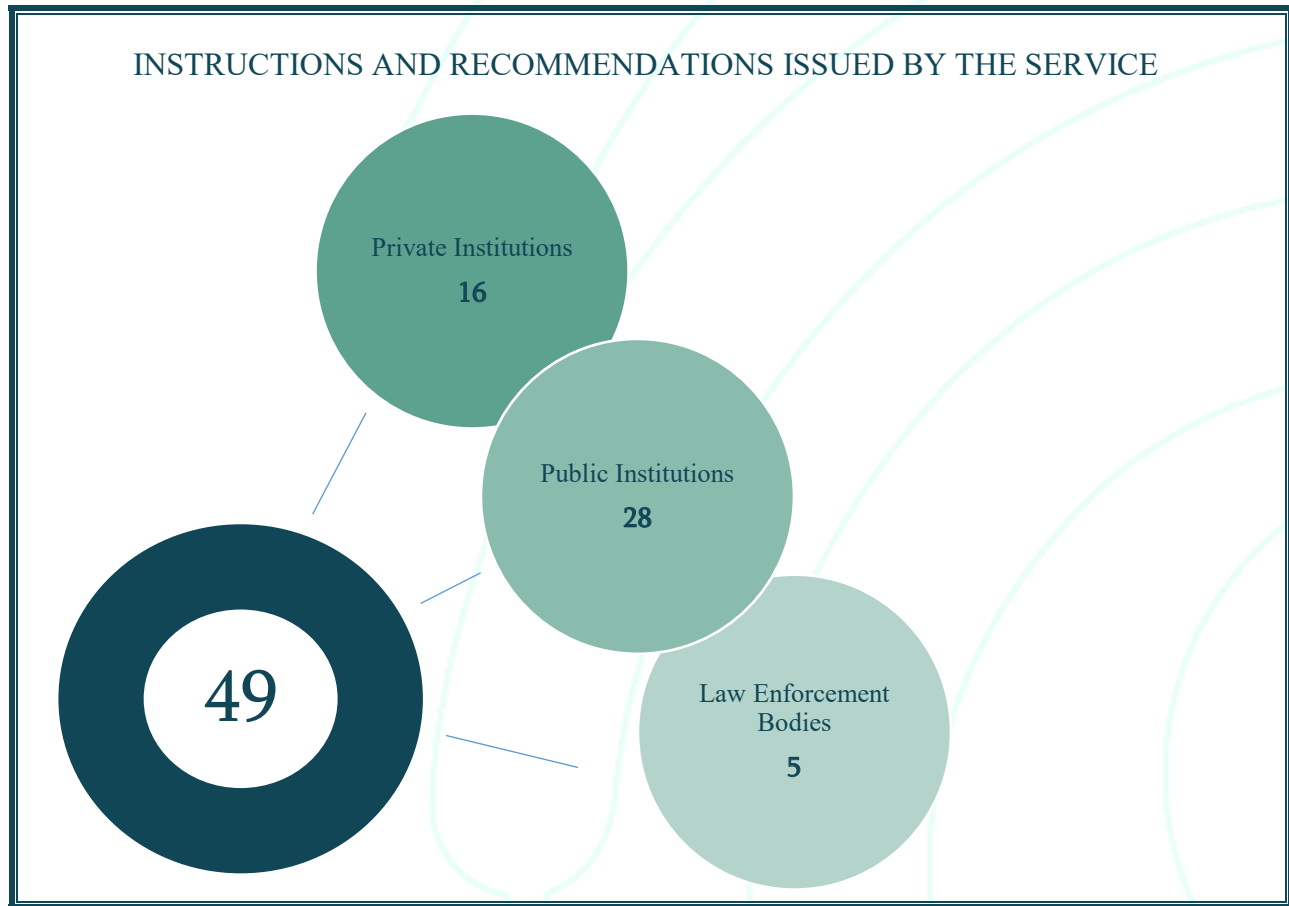


In 18 cases, fine was applied as an administrative offence, whereas in 15 cases warning was issued.



INSTRUCTIONS AND RECOMMENDATIONS ISSUED BY THE SERVICE

Except for the administrative penalties, to eliminate the shortcomings found in the institutions and rectify the revealed deficiencies, the Service has been issuing mandatory instructions¹ and recommendations.² The Service issued 49 instructions and recommendations, out of which 33% (16) related to the private institutions, 57% (28) — public institutions, while 10% (5) concerned to law enforcement bodies.



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.

CONSULTATIONS PROVIDED BY THE SERVICE

The Service provides consultations on issues of personal data processing. To that end, representatives of the private and public sectors and the citizens address the Service. Consultations are provided both orally (via telephone communications and in-person meetings) and in writing. The provided consultations concern the monitoring of the lawfulness of personal data protection (1074 consultations), as well as other legal issues (10 consultations).

TOTAL NUMBER OF CONSULTATIONS PROVIDED

1084

INFORMATIONAL MEETINGS AND TRAINING SESSIONS

The Service actively carries out educational activities on issues related to data processing and protection. In order to raise awareness regarding personal data protection, the Service systematically conducts public lectures, information meetings, and training sessions for representatives of the private and public sectors, including law enforcement bodies.

The Service held 13 meetings with 490 attendees, some of whom represented both data subjects and data controllers.

NUMBER OF MEETINGS/TRAINING SESSIONS AND PARTICIPANTS



13

Meetings



490

Participants

MONITORING OF THE COVERT INVESTIGATIVE ACTIONS AND THE ACTIVITIES CARRIED OUT AT THE CENTRAL DATABANK OF THE ELECTRONIC COMMUNICATION IDENTIFICATION DATA

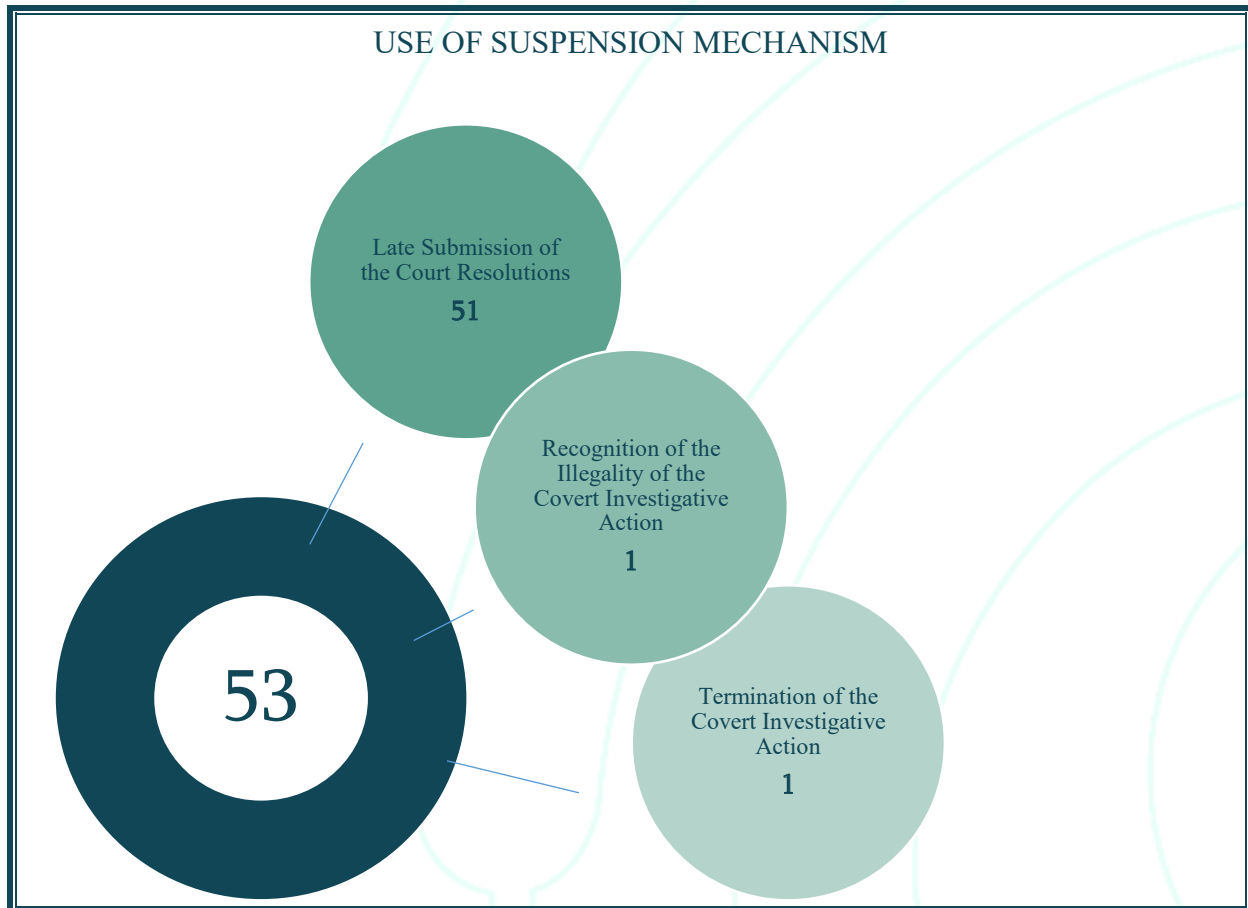
One of the functions of the Service is to monitor covert investigative actions and activities carried out at the Central Databank of Electronic Communications Identification Data. The Service supervises the covert investigative actions defined by the first part of Article 143¹ of the Criminal Procedure 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 documents 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

The Service used the suspension mechanism of covert wiretapping and recording of telephone communications (via electronic control system) in 53 cases, which was caused by the delayed submission of the court resolutions (51 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 it's 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 LEPL “Operative-Technical Agency of Georgia” (through electronic monitoring system) was informed 8 times about the ambiguity-inaccuracy in the permits issued by the court for the covert wiretapping and recording of telephone communications.



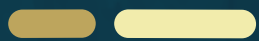
No incidents were detected (through electronic monitoring system) during the covert wiretapping and recording of telephone communications.



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 29 times.



No deficiencies or incidents have been revealed as the result of the monitoring the activities carried out at the Central Databank of the Electronic Communication Identification Data.



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