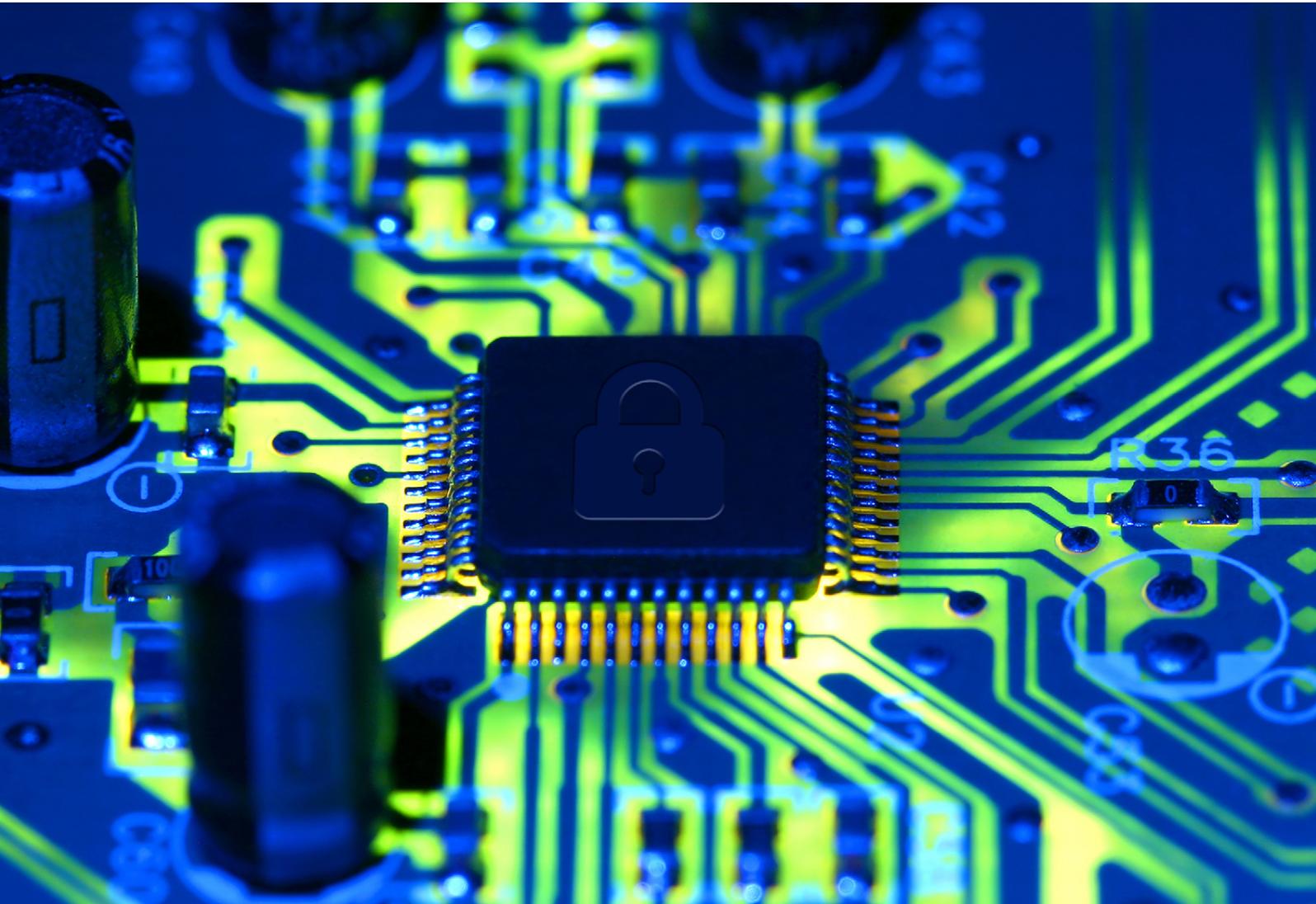
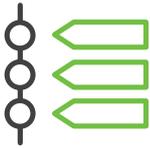


Issue 6 / January 2022

General Data Protection Regulation

A survey of the impact of GDPR and its effect on organisations in Ireland





Contents

Executive Summary	3
Overview of the Numbers	4
Results	5
Compliance with the GDPR	6
Attitudes to the GDPR	7-10
Aspects of Most Concern	11
Retention Policies and Practices	12
Personal Data Breaches	13-14
Activities Supporting Accountability Principle	15-20
Schrems II and Transfer of Personal Data	21-23
WhatsApp Decision and Cookies	24-25
Vaccine Status and Working From Home	26-29
Profile of Respondents	30-32
Key Contacts	33
Mazars and McCann FitzGerald LLP	34

About the Research

Behaviour & Attitudes (B&A) carried out a quantitative online survey of senior figures with responsibility for the compliance and data protection functions in Irish business during November and December 2021. The representative sample comprised a cross section of businesses by size (measured by number of employees) and business sector and industry.

Total sample size : N=102 Fieldwork dates: 24 November to 13 December 2021. We are very grateful to all the survey participants for their valuable time and insights.



Executive Summary

In recent years our survey has shown a gradual trend towards increasing comfort with the GDPR, and an appreciation of its benefits to individuals and organisations could be observed. However much of this positive outlook has slid backwards in this year's figures. Belief that the GDPR is beneficial for individuals has declined by 14 points year-on-year (83% to 69%); belief that compliance with the GDPR places an excessive administrative burden on organisations has grown by 16 points (53% to 69%); and belief that compliance with the GDPR will be beneficial for organisations' relations with their employees, customers and other stakeholders in the long term has fallen by 5 points (76% to 71%).

The exact reasons for this cooling of sentiment towards the GDPR can only be speculated upon, but inferences may be drawn from data in this year's survey that point to a growing view that the application of the regulation in new areas, such as employee vaccine status, and the continued difficulties with the international transfer of data, have not been in the interest of employees or businesses, while anxiety about fines or civil actions for non-compliance with the regulation continues to increase.

Key findings from respondents include:

- Nearly two-thirds (64%) said that employers should be permitted access to vaccine status of their employees, while a majority (56%) said that the inability to process employees' vaccine status data had impacted on a return to the office;
- Nearly three-quarters (73%) have increased their cyber security measures in response to the increased number of staff working remotely;
- A quarter (25%) already possess, or are currently implementing, a policy permitting employees to work from overseas, however just over half (52%) of these have felt it necessary to update their policies and procedures to address transfer of data outside the European Economic Area (EEA) for those working abroad;
- 57% expressed concerns about fines for GDPR non-compliance, up from 46% last year;
- Over three-quarters (78%) agreed that the risks associated with GDPR non-compliance are increasing, while seven-in-ten (70%) said they were now more concerned about GDPR non-compliance than they had been in May 2018, when the GDPR was introduced;
- More than two-fifths (43%) said that they are concerned about civil actions from data subjects;

- While almost seven out of ten (68%) organisations surveyed stated that they were either materially or fully compliant with the requirements set out in the Schrems II case on international data transfers, fewer than half (47%) agreed that these additional requirements were beneficial for individuals whose data are transferred; and
- Two-thirds (66%) of organisations said that the additional compliance burden associated with international transfers and the use of SCCs would influence them to halt non-EEA transfers and/or host personal data within the EEA only.

Personal Data Breaches and the Accountability Principle

While reported data breaches were down this year, generally speaking, a slight increase in reporting activities supporting the accountability principle could be observed.

- Fewer respondents claimed to have reported a data breach to the Data Protection Commission this year, with this number falling from 69% to 61% in the last 12 months.
- There was a considerable drop in the number of those who have reported a personal data breach to the affected data subjects, with this shrinking from 66% in 2020 to just 50% this year.
- Periodic review of records of processing activity (74% to 81%), use of third party questionnaires attesting to compliance (36% to 48%), developing internal roles and responsibilities for data protection (76% to 90%), and data protection audits (53% to 67%) were all up substantially this year over 2020 figures.

WhatsApp Decision and Cookies

There appeared to be a mixed level of response to recent actions by the Data Protection Commission.

- Just under a quarter (24%) have reviewed their data protection notices in light of the Data Protection Commission's recent decision to fine WhatsApp over the inadequacy of its notices (amongst other matters), while a similar proportion (28%) believe there is no need to do so.
- The removal of pre-ticked boxes (67%), implementation of a cookies consent management tool (65%), and updating of cookies policy (64%), were the most popular steps taken by respondents following the Data Protection Commission's guidance on cookies and other tracking technologies.

Key Contributors



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Overview of the Numbers

COMPLIANCE



88%

say they are materially or fully compliant with the Regulation

VACCINE STATUS



64%

believe that employers should be permitted to seek vaccine status details of employees

COMPLIANCE



78%

say that the risks associated with GDPR non-compliance are increasing

COMPLIANCE



69%

believe that compliance with GDPR places an excessive administrative burden on organisations

WORKING FROM HOME



73%

have increased their cyber security measures given numbers working from home

WORKING FROM HOME

95%

are currently or considering operating a hybrid working model

VACCINE STATUS



56%

feel that the inability to process vaccine status data has impeded the return to office

Results





- 2021
- 2020
- 2019

Compliance with the GDPR

Thinking in Overview

To what extent do you feel your organisation is compliant with the GDPR?

2021

Fully Compliant
 18%

Materially Compliant
 70%

Somewhat Compliant
 12%

Not Very Compliant
 0%

Not at all Compliant
 0%

2020

Fully Compliant
 13%

Materially Compliant
 67%

Somewhat Compliant
 17%

Not Very Compliant
 3%

Not at all Compliant
 0%

2019

Fully Compliant
 8%

Materially Compliant
 68%

Somewhat Compliant
 24%

Not Very Compliant
 0%

Not at all Compliant
 0%

88% of organisations say they are materially or fully compliant with the Regulation, compared with 80% last year

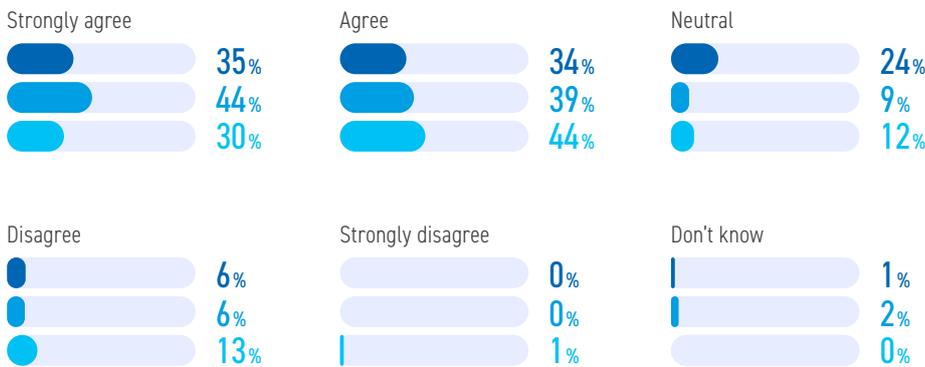


- 2021
- 2020
- 2019

Attitudes to the GDPR

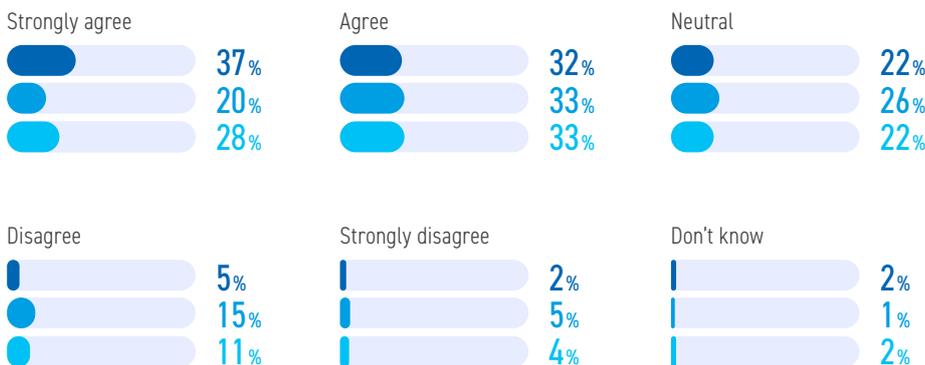
Beneficial for Individuals

GDPR is beneficial for individuals



Administrative Burden

Compliance with GDPR places an excessive administrative burden on organisations



Recognition of the benefits of GDPR has softened this year while feeling that GDPR places an excessive burden on organisations and concern about being fined has grown



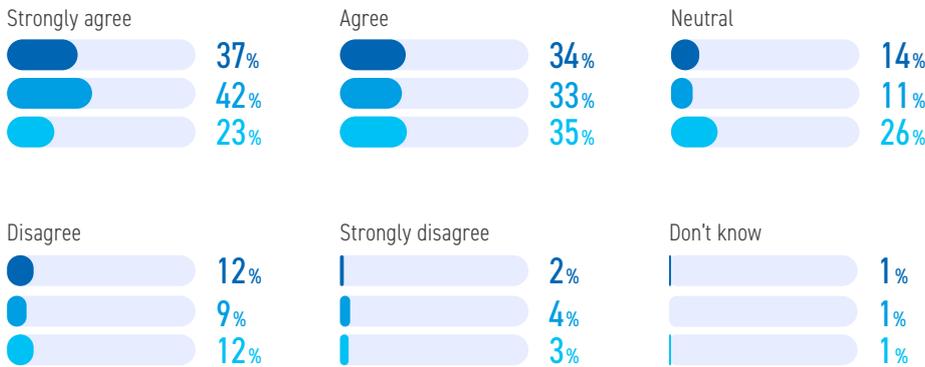
- 2021
- 2020
- 2019

Attitudes to the GDPR

(continued)

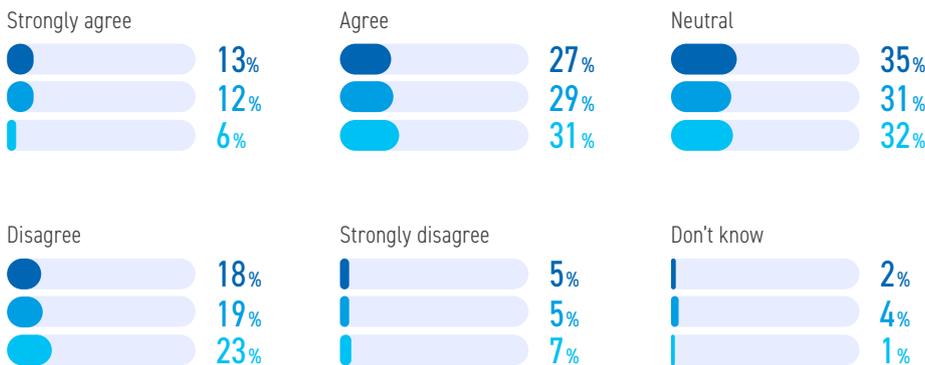
Beneficial in the long term

Compliance with GDPR will be beneficial for organisations' relations with their employees, customers and other stakeholders in the long term



Working to comply with GDPR

Working to comply with GDPR has delivered many benefits for our organisation





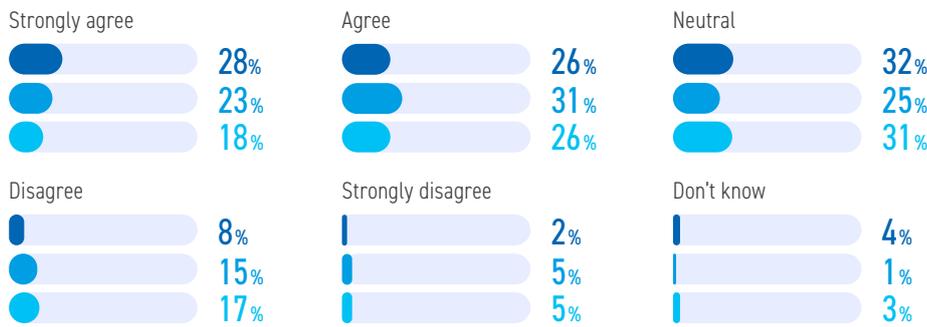
- 2021
- 2020
- 2019

Attitudes to the GDPR

(continued)

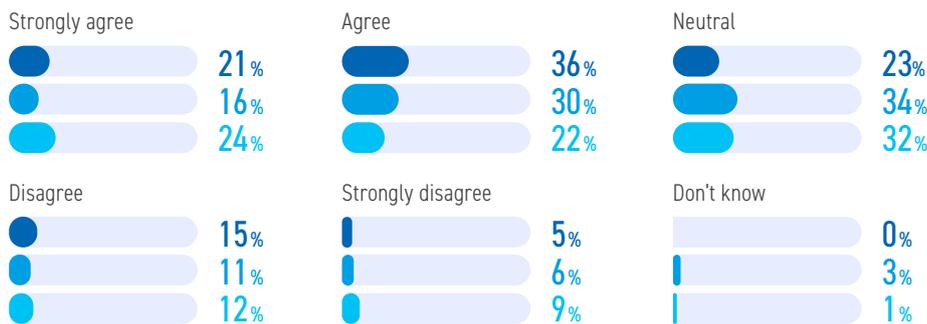
Our CEO is strongly engaged with GDPR

The CEO of our organisation is strongly engaged in GDPR compliance and data privacy



Being fined for non-compliance

In our organisation we are concerned about the prospect of being fined for GDPR non-compliance





● 2021

Attitudes to the GDPR

(continued)

Civil actions

We are concerned about civil actions from data subjects



Risks of non-compliance

The risks associated with GDPR non-compliance are increasing



Increased concern about GDPR non-compliance

More concerned about GDPR non-compliance than in May 2018



Majority report GDPR non-compliance is causing greater concern now than before



- 2021
- 2020
- 2019

Aspects of Most Concern

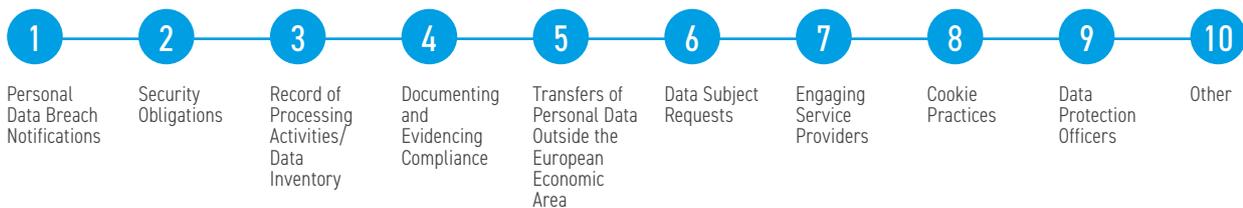
Which one of the following aspects are you most concerned might lead to a GDPR fine or other enforcement action for your organisation?

Ranked Highest to Lowest

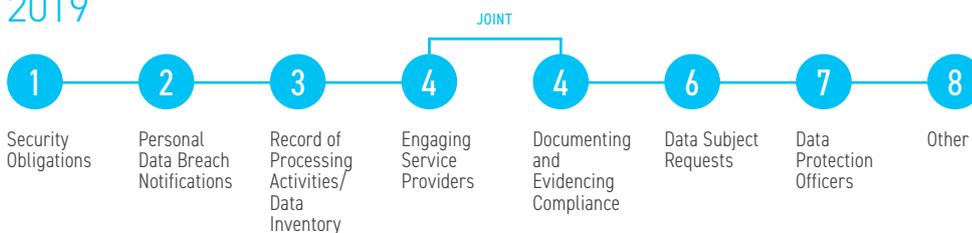
2021



2020



2019



The top three areas of concern that could lead to a GDPR fine or other enforcement actions have remained the same since 2019



● 2021

Retention Policies and Practices

Policies

To what extent are your organisation's retention policies compliant with GDPR?



Practices

To what extent are your organisation's retention practices compliant with GDPR?



Retention *policies* more popularly reported as compliant as compared with *practices*

Personal data breaches

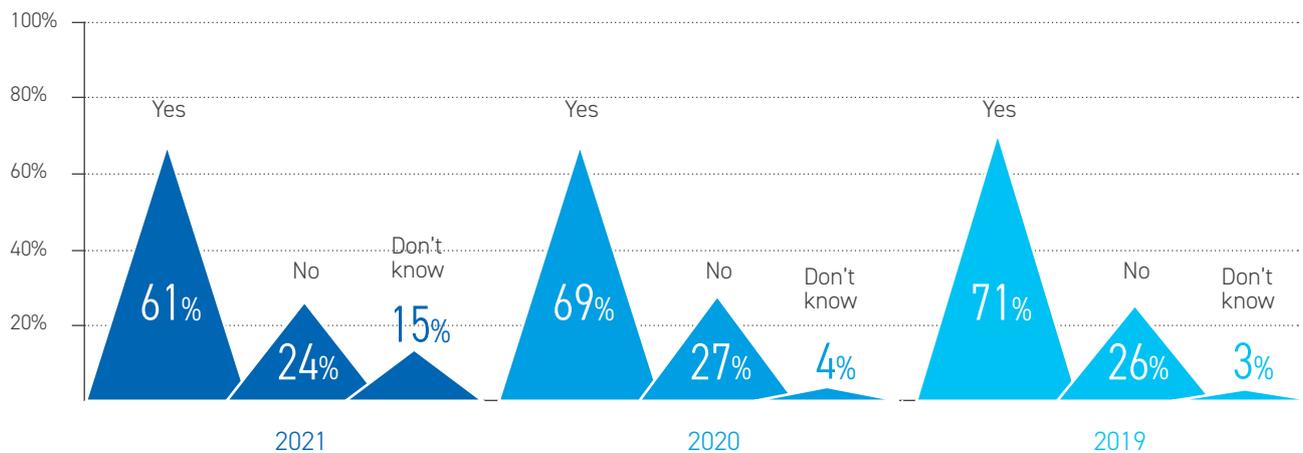


- 2021
- 2020
- 2019

Data Breach Reporting

Reported a personal data breach to authority

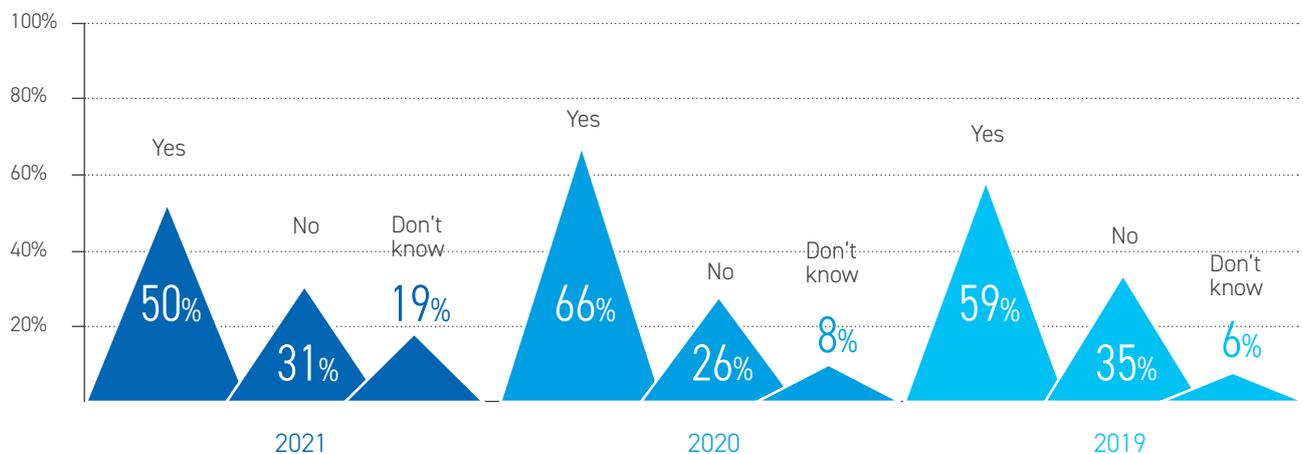
Has your organisation reported a personal data breach to the Data Protection Commission or any other supervisory authority?



Fewer claimed to have reported a data breach to the Data Protection Commissioner again this year

Reported a personal data breach to affected data subjects

Has your organisation reported a personal data breach to affected data subjects?



Half claim to have reported a personal data breach to the affected data subjects this year which is also down on last year

**Activities
supporting
accountability
principle**





- 2021
- 2020
- 2019

Incidence of undertaking activities supporting Accountability Principle

Development and Maintenance of Required Documentation

Please indicate all the activities that you undertake to meet the accountability principle as part of ongoing business as usual.

Periodic review of policies, procedures and privacy notice



Periodic review of records of processing activity



Maintain a repository for all documentation



Clear Roles and Responsibilities

Now thinking about the identification of clear roles and responsibilities and forums to support compliance

Staff training



Internal roles and responsibilities for Data Protection





- 2021
- 2020
- 2019

Incidence of undertaking activities supporting Accountability Principle (continued)

Clear Roles and Responsibilities (continued)

DPO appointment



Data protection part of the management /executive meeting agenda



Data protection champions appointed



Mock phishing



Data protection audits



Data protection forum





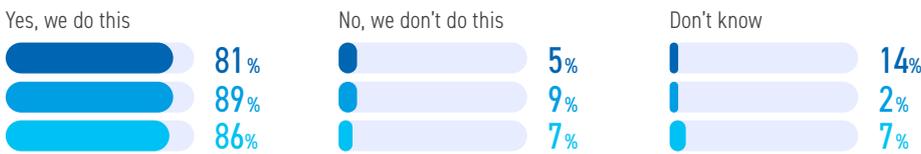
- 2021
- 2020
- 2019

Incidence of undertaking activities supporting Accountability Principle (continued)

Tracking Events and Decisions

And thinking about tracking events and decisions

Maintenance of a personal data breach log



Maintenance of data subject rights invoked log



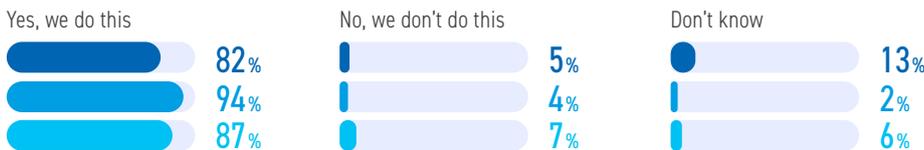
Creation and review of legitimate interest assessments



Third Parties in Managing Risks

Which of the following approaches to 3rd parties have you used to manage associated risk?

Processor agreements



Controller to Controller agreements



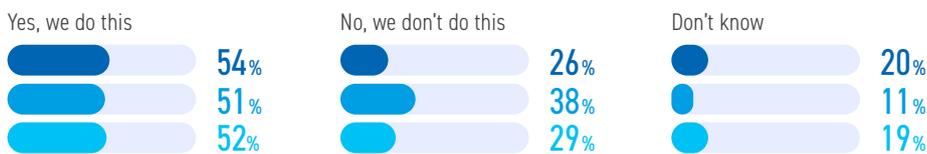


- 2021
- 2020
- 2019

Incidence of undertaking activities supporting Accountability Principle (continued)

Third Parties in Managing Risks (continued)

3rd party risk assessment process



Joint controller agreements



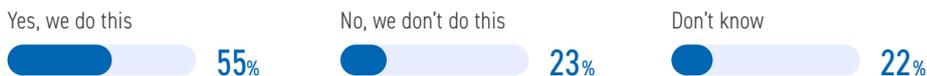
3rd party questionnaires attesting to compliance



3rd party audits or independent reviews



Data Transfer Impact Assessment





- 2021
- 2020
- 2019

Incidence of undertaking activities supporting Accountability Principle (continued)

Tools to Manage Changes in Organisations

Which of the following tools are you using to manage changes in the organisation?

Data Protection Impact Assessment (DPIA)



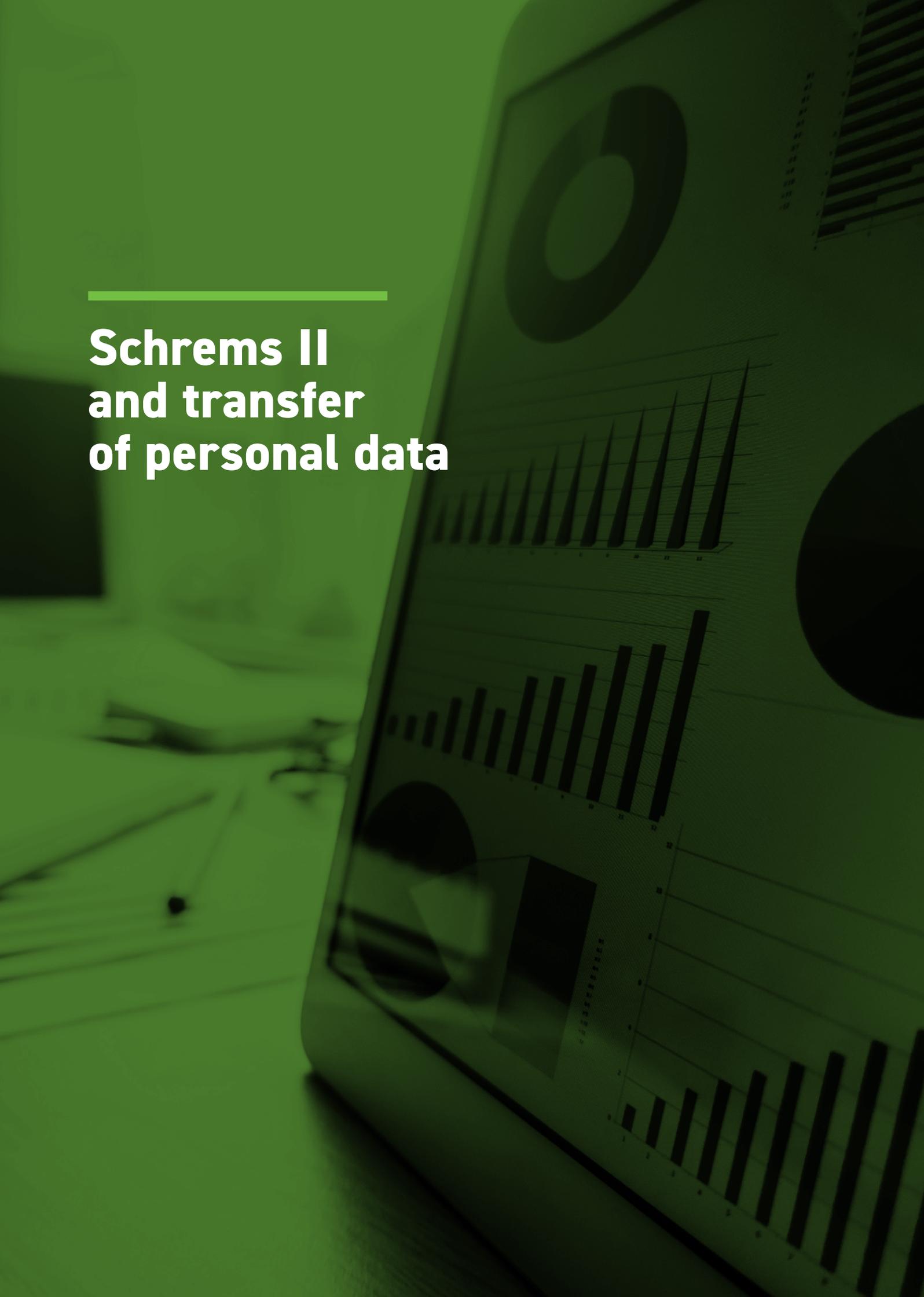
Security audits or reviews



Data protection built into change processes



Schrems II and transfer of personal data





● 2021

Schrems II

Compliance with the requirements of Schrems II

To the extent that your organisation transfers personal data to any third country outside the European Economic Area that is not covered by an adequacy decision, please indicate your organisations' compliance with the requirements set out in the Schrems II case (e.g. documented assessments, supplementary measures, etc.)?

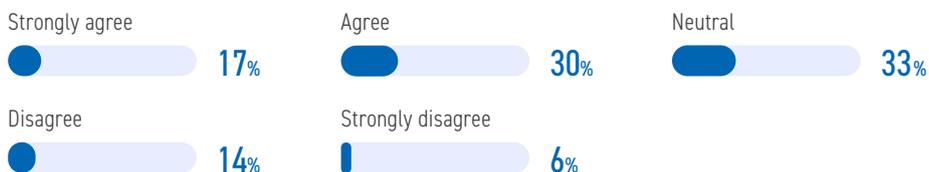


All those who transfer data outside the EEA N=75

Almost seven in 10 organisations report they are fully or materially compliant with the requirements set out in the Schrems II case

Schrems II additional requirements – beneficial?

The additional requirements for transfers of personal data under Article 46 GDPR set out in the Schrems II case are beneficial for individuals whose data are transferred



Nearly 50% agree that the additional requirements for transfers of personal data under Article 46 GDPR set out in the Schrems II case are beneficial for individuals whose data are transferred



● 2021

Schrems II

(continued)

Additional compliance burden

Would the additional compliance burden associated with international transfers and the use of SCCs influence your organisation to halt non-EEA transfers and/or host personal data within the EEA only?



All those who international transfers are relevant N=74

Additional compliance burden associated with international transfers and the use of SCCs would influence two thirds of organisations to halt non-EEA transfers and/or host personal data within the EEA only

WhatsApp decision and cookies





● 2021
● 2020

Review of data protection notices

WhatsApp decision

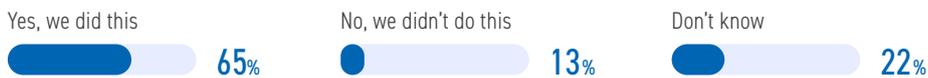
Have you reviewed your data protection notices in light of the Data Protection Commission's recent decision regarding WhatsApp?



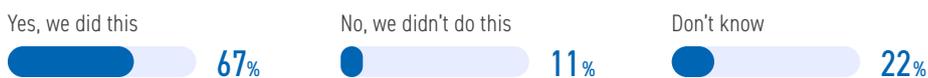
Almost half of respondents plan to review their data protection notices in light of the Data Protection Commission's recent decision regarding WhatsApp, while almost a quarter have already done so

Steps taken to ensure use of cookies in compliance

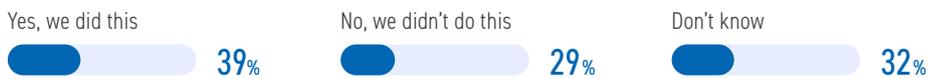
Implemented a cookies consent management tool



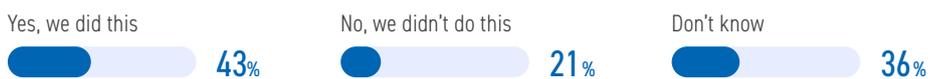
Removed the use of pre-ticked boxes



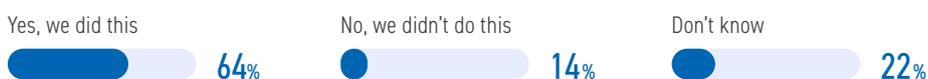
Implemented "Accept All" button as default option, and further click to change granular settings



Stopped using certain cookies



Updated our cookies policy



Changed the wording on our cookies consent banner



Vaccine status and working from home





● 2021

Vaccine Status

Employers should be permitted access to vaccine status

Do you think that employers should generally be permitted to seek details of the vaccine status of employees for workplace health and safety purposes?



Inability to process vaccine status data - impact on return to office

What impact do you feel the limitations on an employer's ability to process data relating to the vaccine status of employees has had on the return to office?



Two thirds believe that employers should be permitted to seek vaccine status details of employees for workplace health and safety purposes and more than half claim the inability to do so has impeded the return to office



● 2021

Working from Home

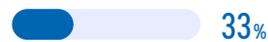
Considering hybrid working model

Has your organisation implemented, or is it considering implementing, a longer term hybrid working model (working part-time from the office, part-time from home)?

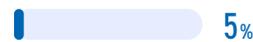
Yes, our organisation is currently operating a hybrid model



Yes, our organisation is considering operating a hybrid model in the future



No, our organisation is not operating, nor considering, a hybrid model.



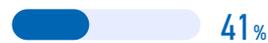
Update of policies/procedures to address risk

Have you updated policies and procedures concerning data protection to address risks posed by hybrid working?

Yes



No



Nearly two thirds are currently operating a hybrid model while a third are considering it for the future. Six in 10 of those operating or considering a hybrid model have updated their policies and procedures concerning data protection to address risks



● 2021

Working from Home (continued)

Implementing a policy permitting employees to work from overseas

Has your organisation implemented, or is it considering implementing, a policy which permits employees to work from overseas for all or part of the year?



Updated policies & procedures for data protection to address transfer of data outside the European Economic Area

If YES to the previous question, have you updated policies and procedures concerning data protection to address the transfer of personal data outside of the European Economic Area?



A quarter have implemented or are considering implementing a policy permitting employees to work from overseas for all or part of the year. Out of those that have or are planning to, half have updated policies and procedures concerning data protection to address the transfer of personal data outside of the European Economic Area

Increase in cyber security measures

Given the increase in people working remotely, has your company increased its cyber security measures?



Profile of respondents



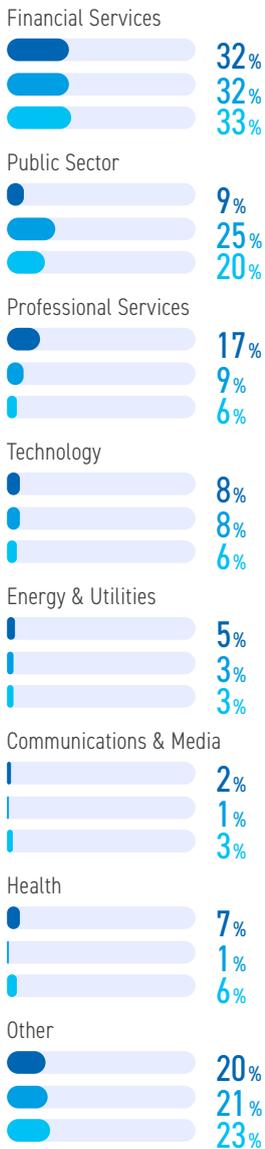


- 2021
- 2020
- 2019

Profile of Respondents

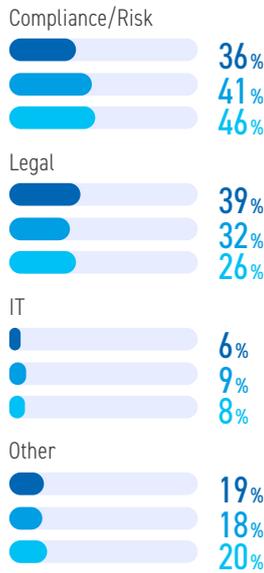
Industry

For analysis purposes, can you indicate the industry sector you operate in?



Function

Which of the following best describes your function in the organisation?



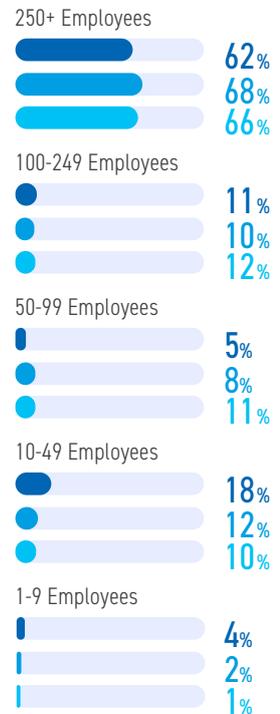
Number of Employees (Ireland)

How many people are employed in your organisation in Ireland?

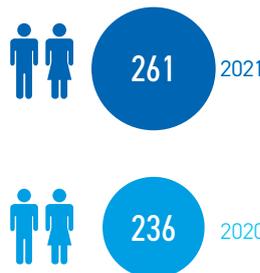


Number of Employees (Worldwide)

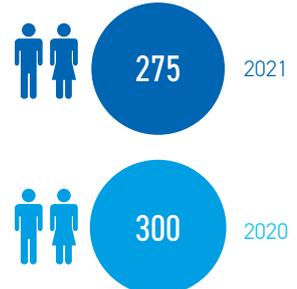
How many people are employed in your organisation worldwide?



Average number of Employees



Average number of Employees



Other: Pharma, Retail, Not for Profit, Food, Education, Aviation, Real Estate, Construction.



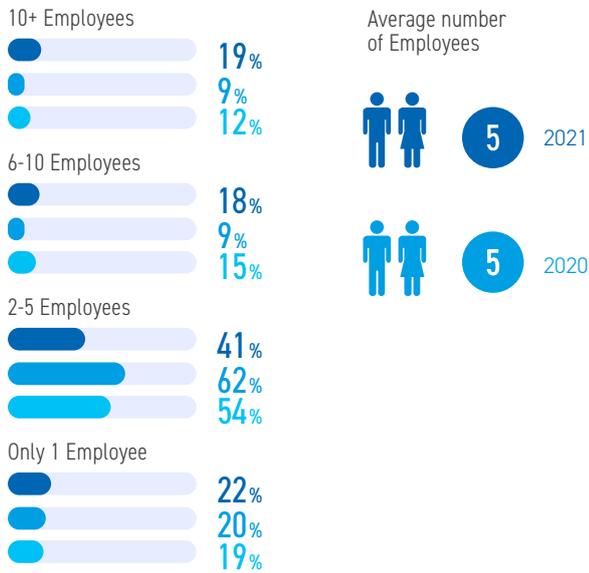
- 2021
- 2020
- 2019

Profile of Respondents

(continued)

Number of Employees with GDPR Function

How many people in your organisation are directly involved in GDPR compliance work on an ongoing basis?





Key Contacts

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