

DATA PRIVACY ROUND UP FOR 2022 SO FAR

1. OVERVIEW

This is another roundup of the interesting articles, events and guidance released by data protection regulators worldwide, which we have found interesting, informative and valuable as of August/September 2022.



2. WHAT HAS BEEN HAPPENING AT HOME ...

As it turns out, quite a lot ...

2.1. A PAIA JUDGMENT

- In July 2022, the Eastern Cape High Court (Makhanda) heard a case involving a PAIA application by the Landmark Foundation Trust to the Eastern Cape Department: Economic Development, Environmental Affairs and Tourism. The Eastern Cape High Court made some interesting comments about the interplay between PAIA and POPIA. The decision also provides more insight into a responsible party refusing to provide access to information because 'its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual'. You can read the judgment [here](#).

2.2. THE INFORMATION REGULATOR HAS BEEN BUSY

- The Enforcement Committee division of the Information Regulator has been established. You can read about it [here](#).
- The Information Regulator has held public hearings concerning the allegations of refusal of access to records relating to the licence fees and copyright royalties collected by Risa Audio Visual (RAV) Licensing NPC. You can read about it [here](#).
- The Information Regulator has also released new Guidelines on Completing the POPIA Section 22 Security Compromise Notification Form. You can find the Guidelines [here](#) and the form [here](#).

3. WHAT HAS BEEN HAPPENING ABROAD ...



3.1. GOOGLE IS IN THE SPOTLIGHT AGAIN

- In June 2022, the Italian Data Protection Authority declared that Google Analytics is not compliant with the GDPR because the tool transferred personal information to the USA without adequate safeguards. You can read about the decision [here](#).
- In July 2022, the Data Protection Authority banned a Danish municipality from using Google Chromebooks and Google Workspace (this includes Gmail, Google Docs, Calendar and Google Drive) because several areas do not comply with the GDPR. You can read about the decision [here](#).
- CNIL (the French Data Protection Authority) has issued a [Google Analytics Guideline](#) and [Q&A](#) on how to use this tool in a GDPR-compliant way.

3.2. TIKTOK AND PERSONALISED ADVERTS

- In July 2022, the Italian Data Protection Authority formally warned TikTok about changing its legal basis for showing TikTok users of 18 years and above personalised adverts. TikTok wanted to change the legal basis from 'consent' to 'legitimate interest'. The Italian Data Protection Authority held that this was inconsistent with the GDPR. You can read more about the decision [here](#), as well as the European Data Protection Board's statement on the matter [here](#).

4. WHAT NEXT?



Our newsletters will keep providing you with data privacy updates from home and abroad. If you are interested in reading extra insights on the POPIA Portal about the topics raised in this article, you can read about:

- PAIA requests and refusals in [Chapters 18 and 19](#)
- The Enforcement Committee's powers and responsibilities in [Chapter 19](#)
- Security Compromises in [Chapter 5](#)
- How to do to online behavioural advertising, ad-tracking and all things cookies in a POPIA-compliant way in Novation's white paper on these topics, 'Lifting the lid on POPIA: Answering your Adtech and Martech questions'.