



APDCM

Agencia de Protección de Datos
de la Comunidad de Madrid



The day after the audit. Enforcement and further action

**London Initiative
Workshop on Enforcement
Brussels - 24 April 2007**

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Types of Enforcement Actions



Reactive

- **Investigation**
 - Closing of the case if no breach detected
 - Starting of Infringement Proceedings
 - Eventual sanction to the controller
- **Kinds of files**
 - Complaint driven
 - Great variety of cases
 - Ex-officio investigations of specific possible breaches
 - One recent example:
 - Centralisation of Electronic Health Records in Primary Health Care
 - Protection of citizens rights
 - Special procedure provided by the Spanish legislation

Types of Enforcement Actions

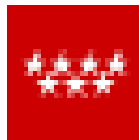
Proactive

- **Aims**
 - Seeks no sanction for breaches
 - Better knowledge of reality
 - Improving existing situation by different means
- **Ex-officio Sector Actions**
 - Scope limited to certain aspects of the data protection principles or specific types of personal data
 - Processing of Genetic Data in Public Hospitals
 - Breaks-in into city councils for stealing computers
 - Checking obligation of auditing some processing operations
- **Ex-officio Sector Inspection Plans**
 - Regulated by Regional Data Protection Legislation
 - Systematic compliance review
 - Social Services as the first and pilot project

Controllers Audited

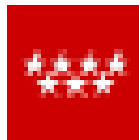
- **Regional Social Services**
 - Regional Social Welfare Service
 - Minimum insertion income
 - Benefits for handicapped people
 - Family counselling
 - Elderly Homes
 - Adoptions, guardianships and tutelage
- **Local Social Services**
 - Fuenlabrada Social Services Department
 - Coslada Social Welfare Department
 - Madrid Service for Abused Women
 - Madrid Service for attention to sub-Saharan immigrants

Social Services: A model plan



- **Steps**
 - **Study**
 - **Selection**
 - **Planning**
 - **Internal Consultation**
 - **Adoption of the Plan by Steering Committee**
 - **Sending of announcement letters to controllers**
 - **Press release and diffusion through datospersonales.org**
 - **Inspections on the spot**
 - **Checklist**
 - **Standard reporting**

Social Services: The day after



- **Drafting of Conclusions and Adequacy Instructions**
 - Adoption by DPA Director
 - Individual ones sent to audited controllers
 - General ones: Publication in the Regional Official Journal
 - Without identification of concrete controllers
- **Press release and diffusion through datospersonales.org**
- **Forwarding of results to**
 - Regional Parliament
 - Data Protection Advisory Council
- **Special mention in Annual Report**
 - Stress on the inspection during presentation
 - To the MPs
 - To the media

Social Services: The day after

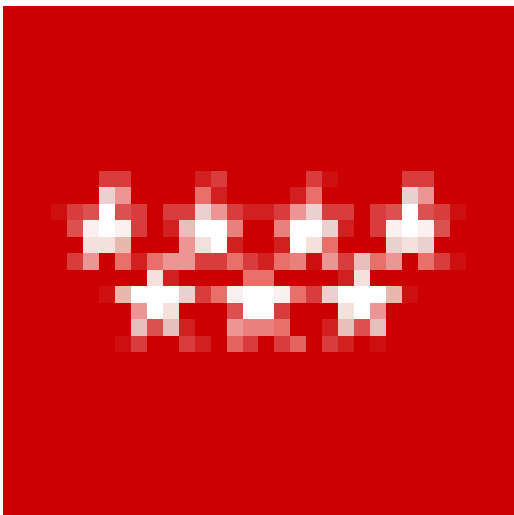
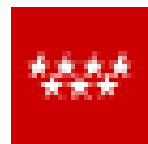


- **Specialised training sessions for small groups**
 - Stress on inspections results as an improvement tool
- **One day seminar focused on Social Services**
 - Presentation of results
 - Analysis of deficiencies
 - Recommendations for improvement
 - Q&A
- **Specialised leaflets**
 - Addressed to
 - Elderly people
 - Abused women
 - Minors
 - Users of Social Services
- **Updating of FAQs in website**



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