

# Cyber-Security, Data Protection and Privacy

## Israeli Privacy Protection Authority Issues New Guidance on Transparency Requirements



On May 2 ,2022, the Privacy Protection Authority (the "**Authority**") issued a draft opinion (the "**Draft Opinion**") on the obligation to provide notice to data subjects upon collection of personal information from them.

In the Draft Opinion, the Authority interpreted Section 11 of the Protection of Privacy Law, 1981 (the "**PPL**"). That section stipulates that a request from a data subject to provide his/her personal information must be accompanied by a notice stating:

- a. the reasons for which the information is requested;
- b. to whom the information will be transferred, and the purpose of such transfer; and
- c. if the data subject is obliged by law to provide the requested information or if the provision of such information is subject to his/her will and consent.

In the Draft Opinion, the Authority clarified that notices must be phrased in clear, simple and accessible language (among others, taking into account the age and country of origin of the data subject). The Authority further recommends that the notice contain details on the manner in which the personal information would be stored and on rights of data subjects regarding such information.

Where the collected information is particularly sensitive (for example, biometric information), the Authority recommends including additional details on the collection of information and the nature of the processing of such information.

Additionally, whenever information is collected using algorithm-based systems or artificial intelligence (AI), the notice must, to the extent possible, include clarifications on the way the relevant system operates, insofar as such information is relevant for establishing consent.

The Authority also recommends explaining to the subject the types of information that the system may process and the sources of such data.

The Authority clarified that the collection of personal information and its use without providing sufficient notice to the data subject impairs the validity of informed consent and may constitute a violation of the PPL.

The Draft Opinion demonstrates the Authority's broad interpretation of the notice requirement. It is therefore important that every organization takes appropriate steps to comply with that requirement.

The Draft Opinion is open for public comment until Sunday, June 5, 2022.

**Please feel free to contact us with any questions that you have on this matter.**

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