



## GPA Global Privacy and Data Protection Awards 2023

### Entry Form

To submit an entry to the GPA Global Privacy and Data Protection Awards please complete and email this form to [secretariat@globalprivacyassembly.org](mailto:secretariat@globalprivacyassembly.org) **no later than 9 June 2023**.

Note: GPA member authorities can submit as many entries as they wish, but a separate form should be used for each different entry, submitted by the deadline above.

Languages: The GPA documentation Rule 6.2<sup>1</sup> applies.

#### 1. CONTACT DETAILS FOR THIS ENTRY

Privacy/Data Protection Authority:	The Israeli Privacy Protection Authority				
Person completing this form:	Sharon Shemesh Azarya				
	<table><tr><td>First name</td><td>Last name</td></tr><tr><td colspan="2">Head of International Affairs</td></tr></table>	First name	Last name	Head of International Affairs	
First name	Last name				
Head of International Affairs					
Job title:					
Email address:	sharonaz@justice.gov.il				

#### 2. ELIGIBILITY

By submitting this entry, I confirm that (*please tick all boxes to confirm*):

- ☒ The Authority is a member of the Global Privacy Assembly
- ☒ The initiative described in this entry was undertaken since January 2022 (the verdict was given in 2023).
- ☒ I am aware that the information in the entry (other than the contact details in 1(a) above) will be publicised by the GPA Secretariat.

#### 3. CATEGORIES

Please indicate which category you wish to enter.

*Please tick **one**; please use a separate form for each category you wish to enter:*

- ☐ Education and Public Awareness
- ☐ Accountability
- ☒ Dispute Resolution and Enforcement
- ☐ Innovation

<sup>1</sup> [GPA Rules and Procedures](#), Rule 6.2 'Assembly documents':

Without prejudice to section 4.2, Assembly documents, including accreditation and observer applications may be submitted in English or in another language. In the latter case, the documents shall be accompanied by an English version. Members with the ability and the resources to do so are encouraged to translate proposed resolutions and other Assembly documents such as the Assembly Rules and Procedures.

#### 4. DESCRIPTION OF THE INITIATIVE

**a. Please provide a brief summary of the initiative (no more than 75 words)**

A unique criminal investigation conducted by the Israeli Privacy Protection Authority (PPA) focused on the sharing and use of medical data, one of the most sensitive cases that the Authority encountered: **the fact that a woman made an appointment at a clinic in order to have an abortion.**

**b. Please provide a full description of the initiative (no more than 350 words)**

A secretary at a medical clinic shared the names of women who made an appointment for an abortion, to the directors of a religious association. The motive was religious and the aim was to convince the women to avoid abortion. Following receipt of the information, the managers of the association contacted those women by phone to convince them not to perform the abortion and, if necessary, offered the women financial and emotional assistance.

An intense and fast investigation that combined searches, frontal investigation, computer investigation and analysis of communication movements led to the exposure of the three individual who were accused and charged with the offence of infringing the Privacy Protection Law, which led to a criminal trial.

The PPA is entrusted with a variety of enforcement powers, which include conducting a criminal investigation. These powers include the powers to carry out criminal investigations of suspects, to search the company's premises and residential premises (subject to acquiring a warrant), to seize computers and penetrate them, to obtain information from telecommunications companies (subject to a warrant), and more.

**The facts of the case:**

The complainant discovered that she was pregnant during her examination at a gynaecological clinic and expressed her wish for an abortion. An appointment was made for her to be examined in order to start the procedure. Shortly after leaving the clinic, the complainant received a phone call from a religious association. The caller identified herself and offered to support the woman emotionally and financially, and to do everything necessary to help her during pregnancy and childbirth. The shocked woman filled a complaint.

The PPA's investigation unit recognized the severity of the incident and opened a criminal investigation.

As part of the investigation, all the possible suspects who had access to the medical information were mapped. The mapping included the employees in two clinics, a cross-audit

of accesses to the medical information, the work assignments of the employees, outgoing and incoming calls to the clinic and calls from the association member to the complainant. The investigation pointed to an employee at the abortion clinic and two employees at the association in question.

Using search warrants and computer penetration warrants, raids were carried out on the association and the clinic, personal cell phones were seized, email files were copied, the computers in the association's specific department were scanned, and the recorded conversation servers operated by the association were copied.

As part of the balance between the interest of conducting an effective and productive investigation and the principles of minimising the invasion of privacy to only what is necessary, the computer searches were limited to the name of the complainant and the relevant dates. After preliminary evidence was collected, the searches were expanded according to the parameters that were revealed.

During the investigation, it was revealed that the association's computer files, included documentation for a woman who was called "the planter". The files also included recorded conversations with her. The investigation revealed 11 women whose privacy was violated in a similar way. The transfer of information to the association was terminated by the medical secretary only when she realized that an investigation was conducted.

Despite the denials of the suspects, forensic and circumstantial evidence was collected, which made it possible to file an indictment.

Recently, the court has ruled on this case, and **convicted the accused employees based on the complex and comprehensive investigation conducted by the PPA.**

In the sentencing decision, the court stated: "When it comes to such a personal and intimate medical issue, which has weighty effects, and is covered under medical confidentiality, there is no doubt that the actions of the accused severely breached the fortress of the privacy of the complainants, damaged privacy significantly and created the potential for extensive damage. ...in addition, the actions of the defendants also harmed a broad public interest of trust in the medical system and the confidentiality of the information provided during medical treatment. Eroding this trust in the medical system may lead to fear of providing information in order to receive medical treatment and even avoid receiving treatment."

The sentencing of the convicted employees will be given in a few week.

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- c. Please explain why you think the initiative deserves to be recognised by an award**  
*(no more than 200 words)*

The case is unique and important for a number of reasons: the sensitivity of the data, the emphasis on the obligations, which apply on those who have access to sensitive medical data, the fact that even in the absence of a personal or financial reward to the offender, a serious offense of sharing personal data can occur.

- d. Please include a photograph or image, if you wish** *(This will be published with your entry on the GPA website. The image can be pasted into the box below, be sent as an attachment or a link may be provided)*

- e. Please provide the most relevant link on the authority's website to the initiative, if applicable** *(The website content does not need to be in English)*

- f. Please provide any other relevant links that help explain the initiative or its impact or success** *(e.g. links to news reports or articles):*

