

Data Protection Ireland

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Headlines

- Personal details of 37,000 Eir customers stolen in data breach, p.17
- Facebook fined in UK, p.18
- European Parliament calls for suspension of EU-US Privacy Shield unless US can comply fully, p19

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Commission clarifies its role in regulating Google

The Data Protection Commission has published an opinion in the *Irish Times* clarifying its role in regulating Google, after reports emerged of potentially illegal data gathering practices by the search engine giant.

The *Associated Press* recently reported that Google's smartphone services store users' locations even when privacy settings are adjusted to shut these features off. While the company asks permission for users to share location information on its applications, it

doesn't halt tracking services when users pause location history. Google maps, for instance, grabs information when a user opens the app, and automatic daily weather updates on Android phones give an approximation of user location.

Computer-science researchers at Princeton University confirmed the *Associated Press's* findings.

The reports have led to a lawsuit accusing the search engine of unlawfully invading users' privacy

and intentionally complicating the opt-out process. The suit is being brought by Californian resident Napoleon Patacsil.

Google admitted that its option to 'pause' the gathering of location data doesn't apply to its maps and search apps, which will continue to track users even when they specifically choose to halt such monitoring. The search engine defended the practice, saying "there are a number of different

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Supreme Court of Ireland to review Facebook privacy case

In a unanimous decision, the Irish Supreme Court has decided to hear Facebook's appeal in its long-running legal battle with privacy activist Max Schrems.

In a 28-page judgment, Justice Frank Clarke acknowledged the complexity of the case, as well as the arguments and case law against granting an appeal. However, he said it should go ahead on both legal and factual grounds.

"I am satisfied that this court should proceed on the basis that it is at least arguable that Facebook might be in a position to persuade this court that some or all of the facts under challenge should be reversed," he stated.

Justice Clarke emphasised that the facts of the case – which questions the validity of trans-Atlantic data transfer mechanisms – is of major national and international significance.

Moreover, given that the case has already been referred to the Court of Justice of the European Union ('CJEU'), Clarke said the court planned to hear the case by the end of the year.

The legal dispute began back in 2013, when privacy activist and then-PhD student Max Schrems made a complaint about Facebook to the Irish

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