

Data Protection Ireland

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Headlines

- EU Presidency issues amended proposal on EU e-Privacy Regulation, p.17
- Web browser accusing Google of trampling on the GDPR asks DPC to investigate, p.18

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Rights group brings ‘mass action’ over Public Services Card

Digital Rights Ireland is bringing a “mass action” against the State regarding alleged infringements of the General Data Protection Regulation in its administration of the Public Services Card.

Digital Rights Ireland launched its ‘#no2psc’ campaign on 25th September, which it says will back a complaint to the Data Protection Commission, to be made on behalf of citizens, that cardholders’ rights have been breached.

The legal basis for the action is in the GDPR (class action lawsuits can not be taken as part of the

Irish legal framework). Article 80 of the GDPR allows for multiple citizens to engage a not-for-profit organisation to represent their interests in the public interest for the first time. “It’s not correct to call it a class action, as we have not sought to be certified to represent a group; it’s more like a multiparty action,” explained DRI Director Antoin Ó Lachtnain. He added: “So if our case is closed that doesn’t mean that other people’s cases are closed. We would call it a mass action.”

In order to sign up for the action, people who either have or have had a Public

Services Card can give their details, including PSC number, via DRI’s campaign portal online.

The action follows the recent publication by the Data Protection Commissioner Helen Dixon of her long-awaited report into the PSC.

The DPC had been investigating the legal basis on which personal data were being processed in connection with the PSC, as well as whether the information provided to data subjects in relation to the pro-

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Landmark ruling limits right to be forgotten to EU

The Court of Justice of the EU has ruled that Google does not have to apply the right to be forgotten globally: the firm only needs to remove links from its search results in Europe, and not elsewhere, after receiving an appropriate request.

The Court’s ruling stems from a dispute between Google and the French privacy regulator. In 2015, a year after the Court established a ‘right to be

forgotten’ in Case C-131/12, the CNIL had ordered the firm to globally remove search result listings to pages containing damaging or false information about a person.

However Google resisted censoring search results for people outside of the EU, arguing that the obligation could be abused by authoritarian governments trying to cover up human rights

abuses were it to be applied outside of Europe.

“Since 2014, we’ve worked hard to implement the right to be forgotten in Europe, and to strike a sensible balance between people’s rights of access to information and privacy,” the firm said in a statement following the ruling. “It’s good to see that the court agreed with our arguments.”

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