

# Data Protection Ireland

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## Headlines

- Irish MEPs urged to back controversial passenger data legislation, p.17
- EU indicates it will back Ireland in data server issue, p.18
- Microsoft adopts international privacy standard for cloud services, p.19

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## Single regulator will trigger intervention of Board in privacy disputes

Ireland will not retain sole control over privacy disputes involving companies such as Facebook and Apple, according to the latest agreement reached by EU ministers debating the new data protection law.

Under the 'one-stop-shop' mechanism initially proposed, businesses operating across the 28-nation bloc would only have had to deal with the data protection authority in the country where they are headquartered or have their main European base (for many companies this being Ireland), even if the alleged

mishandling of data affects citizens in another country.

However, this generated opposition from some Member States, leading to the proposal being altered so that if a third of 'concerned' DPAs object to a specific action of a company, this would trigger the intervention of the European Data Protection Board.

It is understood that now a majority of Member States have agreed to scrap the option requiring at least a third of concerned authorities to object, giving a single

'concerned' authority the right to complain.

If the proposals are made law, it would take significant pressure off the ODPC which would otherwise have been faced with the task of regulating all of the large technology companies (which have based their headquarters in Ireland).

The latest leaked version of the latest DAPIX draft Regulation was released in early February 2015. It shows that national governments are continuing to push for a watering

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## Dublin property management firm fined €1,000 over spam text

A Dublin-based property management firm has been fined €1,000 after sending unsolicited marketing text messages offering a free cleaning service.

MTS Property Management Ltd used a third party service provider to send out bulk text messages that said: 'to all valued landlords, Easter special, free property cleaning'.

The messages did not include an 'opt out' function.

The ODPC pursued its investigation following a complaint from an individual that the company had had dealings with five years previously, and who had not consented to being contacted.

Assistant Commissioner at the ODPC, Tony Delaney, said that during

the investigation, the ODPC 'had to do a lot of digging behind the scenes'.

Under the European Communities (Electronic Communications Networks and Services) (Data Protection and Privacy) Regulations 2011, it is an offence to send an unsolicited communication (including SMS message) for the

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