

# Data Protection Ireland

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## Headlines

- DPC investigating Central Bank data breach, p.17
- Proposal to exclude any sector not already governed by EU law from the scope of the EU GDPR, p.18

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## TikTok granted permission to appeal DPC fine

The High Court has granted TikTok permission to challenge the Data Protection Commission's decision to fine the company €345m for failing to protect children's privacy.

The DPC announced its decision on TikTok on 15th September 2023 following an inquiry which examined the extent to which the company complied with its GDPR obligations in relation to the processing of personal data relating to child users of the platform.

The DPC's decision recorded infringements of Articles 5(1)(c), 5(1)(f), 24(1), 25(1), 25(2), 12(1), 13(1)(e) and 5(1)(a)

of the GDPR. Specifically, the DPC's key findings of non-compliance were that the profile settings for child user accounts on the platform were set to 'public' by default, meaning anyone (on or off the platform) could view the content posted by the child user.

The 'Family Pairing' setting allowed an adult user (who could not be verified as the parent or guardian of the child) to pair their account to a child's account. This allowed the adult user to enable direct messages for children above the age of 16, which posed several possible risks to child users.

The 'public by default' setting on children's accounts posed several significant risks to children aged under 13 who gained access to the platform.

TikTok failed to provide sufficient transparency information to children who use the platform. Finally, TikTok implemented 'dark patterns' by nudging users towards choosing more privacy-intrusive options during the registration process, and when posting videos.

Alongside the €345 million fine — the fifth-largest penalty ever imposed

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## DPC publishes trove of case studies

The Data Protection Commission has released a [booklet](#) that contains 126 case studies from the first five years of the GDPR.

The DPC says that the case studies, which have been broken down by category and indexed, are a valuable reference tool when exploring how the DPC approaches complaints.

The case studies are organised into the following

topics: access request complaints (case studies 1-20); accuracy (case studies 21-24); cross-border complaints (case studies 25-35); data breach notification (case studies 36-55); disclosure/unauthorised disclosure (case studies 56-73); electronic direct marketing (case studies 74-87); erasure (case studies 88-101); the law enforcement directive (case studies 102-107); objection to processing

(case studies 108-120); purpose limitation (case studies 121-122); and transparency (case studies 123-126).

Among the case studies are well-publicised complaints against Airbnb, Facebook, TikTok, Groupon, Yahoo, Tinder, Google, WhatsApp, Vodafone, JustEat and Microsoft.

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