

# Data Protection Ireland

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## Headlines

- WhatsApp updates its EU privacy policies after €225m fine from DPC, p.18
- TikTok children’s privacy lawsuit can proceed, says UK High Court, p.19

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## Helen Dixon asks to move beyond “superficial totting exercises”

The Data Protection Commission (‘DPC’) has published its 2021 Annual Report, setting out its activities and outcomes for last year ([www.pdp.ie/docs/11020](http://www.pdp.ie/docs/11020)) and addressing criticism against the DPC.

The 120 page Report begins with commentary from Helen Dixon on the ongoing narrative about her office and its efficiency in regulating the big techs headquartered in Ireland.

The DPC has been repeatedly attacked about its regulation of large technology companies.

Ms Dixon said “if the collective goal of all of us is to ensure better protection of people from misuses of their personal data and, indeed, to ensure they are not disadvantaged by ‘over-implementation of GDPR rules’, the types of quantitative and qualitative metrics that need to be assessed must be carefully laid out. Further, enforcement priorities must be set and the impact of different enforcement measures and sanctions must be tracked and analysed over time for impact and value for money.”

She added that “such metrics must, however, move past both superficial totting exercises and as-

sumptions to the effect that the bigger the fine, the greater the change of behaviour it heralds.”

Ms Dixon acknowledged that in some respects, the DPC needed to do better and that it would be beneficial for regulators to have a “shared understanding” of what measures they are tracking. However, she said that certain types of allegations “levelled against the DPC “serve only to obscure the true nature and extent of the challenges” presented by the EU regulatory framework.

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## EU Ombudsman opens inquiry into monitoring of GDPR in Ireland

EU Ombudsman Emily O’Reilly has opened an inquiry into how the European Commission has been monitoring the application of the GDPR in Ireland.

The opening of the inquiry follows a complaint to her office from Johnny Ryan, a senior fellow at the Irish Council for Civil Liberties. In a letter to European Commission President

Ursula von der Leyen, Ms O’Reilly wrote “the complainant expresses the concern that the Commission has not gathered sufficient information to monitor the application of the GDPR in Ireland. Public bodies, along with civil society organisations, report that the application of the GDPR in Ireland is inadequate, whereas the Commission’s recent

reply to the complainant in this case appears to suggest that there is no evidence of this.”

The Commission has been asked to provide a “detailed and comprehensive account” of the information that it has so far collected to inform itself as to whether the GDPR is being applied in all

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