

# Data Protection Ireland

Volume 15, Issue 4

July / August 2022

## Headlines

- Data of Irish internet users shared 392 times a day, says report, p.17
- Complaint lodged against An Post data service, p.18
- PSNI investigated after sharing personal data with foreign police, p.19

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## EDPB adopts guidelines for GDPR fine calculation

The European Data Protection Board has adopted Guidelines ([www.pdp.ie/docs/11037](http://www.pdp.ie/docs/11037)) that establish a consistent methodology for European Supervisory Authorities to apply when calculating and imposing fines for violations of the GDPR.

The Guidelines set out a five-step process. The first step is 'evaluation', or identifying the processing operations in the case and evaluating the application of Article 83 (3). The Guidelines state that Supervisory Authorities must first consider the behaviour of the undertaking and the actual infringement with a view to establishing whether or

not the circumstances of the infringement are to be considered as one or multiple sanctionable conducts. If multiple sanctionable conducts are found, the undertaking can be subject to separate fines for each infringement. The general rule of proportionality will still apply, but the total administrative fine imposed may exceed the amount specified for the most serious infringement.

The second step is identifying the starting point for further calculation of the amount of the fine. This is done by evaluating the classification in Article 83(4)–(6); the seriousness of the infringe-

ment pursuant to Article 83(2)(a), (b) and (g); and the turnover of the undertaking. All of this is with the view to imposing an effective, dissuasive and proportionate fine, pursuant to Article 83(1) GDPR.

The third step is evaluating the presence of aggravating or mitigating circumstances related to past or present behaviour of the controller/processor and increasing or decreasing the fine accordingly (Article 83(2)(a)-(k)). The fourth step is identifying the relevant legal maximums for the different processing operations

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## DPC issues guidance on children's data protection rights

The Data Protection Commission has produced three short guides ([www.pdp.ie/docs/11036](http://www.pdp.ie/docs/11036)) for children on data protection and their rights under the GDPR.

The guides, although aimed mainly at children aged 13 and over, are useful for organisations responsible for children's safety and wellbeing online.

The first guide, 'Data protection — what's it all about?', introduces children to the idea of personal data, and why it's important for them to know about data protection.

The second guide, 'my data protection rights', introduces children to several different data protection rights and how to use them.

The third guide, 'top tips for keeping your data safe online', suggests 15 ways to help children keep their personal data safe when they go online.

The tips, which should be noted by organisations that handle children's data, are: (1) check your social media settings; (2) think before posting; (3)

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