

# Data Protection Ireland

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## Headlines

- New investigation into Public Services Card, p.17
- China's GDPR passed, p.18
- Vodafone and Three Ireland admit to sending unlawful marketing messages, p.20

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## DPC fines WhatsApp €225m; company to appeal

The Data Protection Commission has concluded its GDPR investigation into WhatsApp, issuing a fine of €225m — four times the amount that it originally proposed.

The DPC has been investigating WhatsApp's potential GDPR violations since December 2018. The investigation looked at whether WhatsApp discharged its transparency obligations with regard to the provision of information and the transparency of that information to both users and non-users of WhatsApp's service.

In December 2020, the DPC submitted a draft

decision to all Concerned Supervisory Authorities under Article 60 of the GDPR. The DPC subsequently received objections from eight SAs. The regulator was unable to reach consensus with the CSAs on the subject matter of the objections and triggered the dispute resolution process (Article 65 GDPR) in June 2021.

On 28th July, the European Data Protection Board ('EDPB') adopted a binding decision instructing the DPC to reassess and increase its proposed fine on the basis of a number of factors.

The EDPB was of the opinion following its

assessment that the DPC should amend its draft decision regarding infringements of transparency, the calculation of the fine, and the period for the order to comply.

Regarding transparency, the DPC's draft decision already identified a severe breach of Articles 12, 13 and 14 of the GDPR (which all deal with transparency). The EDPB identified additional shortcomings with the information provided, impacting users' ability to understand the legitimate interests being pursued. Therefore, the EDPB requested that the

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## Report recommends wide ranging review of DPC and functions

Members of the Oireachtas Justice Committee have made a number of sweeping recommendations regarding reforming the Data Protection Commission, following "serious concerns" raised about the DPC's progress in concluding GDPR investigations.

The Justice Committee, chaired by TD James Lawless, made its

recommendations after a hearing in April 2021 with the Commissioner, Helen Dixon, and members of her staff, as well as privacy campaigner Max Schrems, solicitor Dr Fred Logue and Dr Johnny Ryan of the Irish Council for Civil Liberties. The hearing was arranged because the Committee feared that "citizens' fundamental rights (to privacy) are in

peril" due to the effectiveness of GDPR implementation and monitoring by the DPC.

Referring to reports of the particularly slow progress of some cases being handled by the DPC, the report states that the DPC should urgently move from emphasising guidance

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