

Data Protection Ireland

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Headlines

- Facebook discloses data breach affecting millions, p.19
- EDPB clarifies interplay between GDPR and e-Privacy rules, p.20

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DPC releases first report since GDPR

The Data Protection Commission has published its Annual Report covering the period 25th May-31st December 2018, and the statistics show how the office has become a hub for EU privacy complaints.

Among its highlights, the report lists the details of the DPC's live GDPR investigations. The 15 statutory inquiries, which the DPC intends to conclude in the coming months, relate to multinational technology companies Facebook and its affiliates (10), Twitter

(2), LinkedIn (1) and Apple (2). The DPC anticipates that the conclusion of the investigations will provide precedents for better implementation of the principles of the GDPR across key aspects of internet and ad tech services.

Commenting on this aspect, Helen Dixon said that "what's important to know is that where we do identify that there are infringements, I am obliged to apply a fine. So the real question is not are there going to be fines. The question is: are

there going to be infringements identified?"

The facts and figures regarding the DPC's activities over the first seven months under the GDPR are also of interest. 3,452 valid data security breaches were recorded during the reporting period, representing a 27% increase on the numbers reported in 2017.

The largest single category of data breach notifications was 'unauthorised disclosures', consisting of

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Advocate General gives Opinion in cookie consent case

Advocate General Szpunar has released his opinion in the Planet49 case, currently pending before the Court of Justice of the European Union. The case centres on the use of consent for the processing of personal data and consent for the use of cookies.

Planet49 GmbH, a German company, offered an online lottery service for which interested users had to register. The regis-

tration form asked users to tick a box allowing the company to share their data with commercial partners. Ticking this box was mandatory to participate in the lottery. A second pre-ticked box allowed users to opt-out from the use of cookies (by unticking the box). If they chose to opt-out, they could still participate in the lottery.

In the Advocate General's view, the

pre-ticked box for cookies did not provide a valid active consent under the GDPR nor under the e-Privacy Directive. Moreover, he considers that the e-Privacy Directive's consent requirement for cookies applies irrespective of whether the collected data qualify as personal data.

The AG said the consent

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