

Data Protection Ireland

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Headlines

- DPC intensifies two-pronged probe of Yahoo, p.17
- New class action mechanism for data protection in France, p.18
- Dara Murphy hosts event on smart city technologies and data privacy, p.20

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WhatsApp may not have acted unlawfully, says DPC

The Data Protection Commissioner Helen Dixon has said that WhatsApp may not have broken European data protection rules with its 'take it or leave it' approach to consent for data sharing with Facebook.

The Commissioner seemed wary of agreeing with the more dramatic conclusions vocalised by commentators at this stage of her investigations.

The WhatsApp/Facebook data sharing is currently under spotlight across Europe, with the Europe-

an data protection regulators comprising the Article 29 Working Party recently sending a letter to WhatsApp requesting information about the changes.

In its letter, the Article 29 Working Party outlined concerns that the company's Terms of Service and Privacy Policy failed to address the data sharing. The DPAs asked the company to 'communicate all relevant information to the Working Party as soon as possible', and to suspend the data sharing until data protection is assured.

Since the letter, individual regulators have taken their own actions.

In Hamburg, Johannes Caspar said user-data exchange between WhatsApp and Facebook infringed German data protection law. Mr Caspar made an order forbidding Facebook from collecting and storing data of German WhatsApp users and requiring the company to delete data it has already received. The Federation of German Consumer Organisations also sent WhatsApp a similar warning.

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ODPC issues first guidance on GDPR

The Office of the Data Protection Commissioner has issued guidance on implementing the General Data Protection Regulation in Ireland.

The introduction to the 11 page guidance document, the first piece of guidance to emerge from the ODPC regarding the GDPR, states that "the ODPC is aware that the increased obligations that the GDPR places on

companies might cause some anxieties for business planners.

The introduction states: "This document is the first in a series that will issue in the run-up to the 25th May 2018 implementation date. The aim is to try to alleviate some of those concerns, and facilitate a smooth transition to future data privacy standards for data controllers and data subjects alike."

Echoing comments that Commissioner Helen Dixon made in November 2016 at the 11th Annual Data Protection Practical Compliance Conference, the guidance urges organisations to "immediately start preparing for the implementation of GDPR by carrying out a review and enhance analysis of all current or envisaged processing in line with GDPR".

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