

## **GDPR Case Study**

The Data Protection Commissioner (DPC) received complaints from three individuals about unsolicited marketing emails they received from Guerin Media Limited. The complainants received the marketing emails to their work email addresses, and none of them had any previous business relationship with Guerin Media Limited. The marketing emails did not provide the recipients with an unsubscribe function or any other means to opt out of receiving such communications. Some of the complainants replied to the sender requesting that their email address be removed from the company's marketing list, but these requests were not actioned, and the company continued to send the individuals further marketing emails. In one case, nine marketing emails were sent to an individual's work email address after he had sent an email request to Guerin Media Limited to remove his email address from its mailing list. The DPC's investigation into these complaints established that Guerin Media Limited did not have the consent of any of the complainants to send them unsolicited marketing emails and that it had failed in all cases to include an opt-out mechanism in its marketing emails. The DPC had previously received four similar complaints against Guerin Media Limited during 2013 and 2014 in which the company had also sent unsolicited marketing emails without having the consent of the recipients to receive such communications and where the emails in question did not contain an opt-out mechanism 1.

In another case, AA Ireland Limited was prosecuted by the DPC for sending unsolicited marketing messages to customers who had opted out of receiving such messages. The DPC found that AA Ireland Limited had breached Regulation 13 of Statutory Instrument 336 of 2011 by sending unsolicited marketing messages to customers who had opted out of receiving such messages 2.

The Dublin Mint Office Limited was also prosecuted by the DPC for sending unsolicited marketing messages to customers who had opted out of receiving such messages. The DPC found that The Dublin Mint Office Limited had breached Regulation 13 of Statutory Instrument 336 of 2011 by sending unsolicited marketing messages to customers who had opted out of receiving such messages 1.

In a separate case, a request was made to NAMA for access to CCTV footage from a direct provision center. NAMA refused access on the grounds that it was not a public body within the meaning of the Freedom of Information Act 2014 (FOI Act). The requester appealed NAMA's decision to this Office. During the course of this Office's review, NAMA agreed to release some information but maintained its refusal in relation to other information. This Office found that NAMA was not a public body within the meaning of section 6(1) of the FOI Act and affirmed NAMA's decision 1.

It is important for data controllers to have appropriate mechanisms in place to respond to access requests and document compliance. Failure to do so can result in legal action being taken against them