
GDPR CASE STUDIES

PROSECUTION OF GUERIN MEDIA LIMITED

BACKGROUND

- **Unsolicited marketing emails from Guerin Media Limited**
- **Complainants had no previous business relationship with Guerin Media Limited.**
- **No provision for unsubscribe function or any other means to opt out in the e-mail.**
- **Some complainants replied requesting to be removed from the marketing list but not actioned.**
- **Emails were sent to an individual's work email address after he had requested to be removed.**

INVESTIGATION/FINDINGS

- **Guerin Media Limited did not have the consent of any of the complainants.**
- **Failed in all cases to include an opt-out mechanism in marketing emails.**
- **Data Protection Commission had previously received 4 similar complaints against Guerin Media Limited between 2013 and 2014 and was warned that it would likely face prosecution if there was a recurrence of such breaches of the E-Privacy Regulations.**

PROSECUTION

- **Guerin Media Limited was prosecuted for 42 separate breaches of the E-Privacy Regulations.**
- **Pleaded guilty to 3 charges related to breaches of Regulation 13(1) of the E-Privacy Regulations for sending unsolicited marketing emails to individuals without their consent.**
- **Also pleaded guilty to one charge related to a breach of Regulation 13(12)(c) of the E-Privacy Regulations for failure to include an opt-out mechanism in the marketing emails.**
- **Convicted on all four charges and imposed four fines each of €1,000**

MARKETING TO WORK EMAIL ADDRESSES

- **There is a common misconception that the sending of email communications to individuals at a work email address is a form of business-to-business communication where consent of the individual is not required.**

WHAT IS THE SPECIFIC ASPECT OF GDPR THAT YOUR CASE STUDY ADDRESSES?

HOW WAS IT RESOLVED?

IF THIS WAS YOUR ORGANISATION WHAT STEPS WOULD YOU TAKE AS AN INFORMATION SECURITY MANAGER TO MITIGATE THE ISSUE?

- It is about transparency and the right to be informed. There is no specific mention of business to business email marketing in the **GDPR** framework. However, it sets out rules around the use of personal data. Many email marketing activities use personal data as defined by **GDPR**, such as using individual email addresses. Even someone's work address is considered personal data by **GDPR**.
- It was resolved legally through fine.
- **Monitor internal and external regulation compliance.**



REFERENCE

Data Protection Commission (n.d.) Data protection case studies. Available from:
<https://dataprotection.ie/en/pre-gdpr/case-studies>. [Assessed 5 September 2022]