

Collaborative Discussion 3 – Summary Post – Michael Geiger

Considering the discussion of the Data Protection Commission's case study (2018) on The Dublin Mint Office Limited, it can be seen that the consensus is that the company has breached a number of regulations.

Personal data should only be stored and processed with consent and to the extent necessary. This principle of "lawfulness, fairness and transparency" is anchored in Art. 5.1 and also clearly states that from the point of view of "data minimization" data should only be limited to what is necessary for the purposes of processing (GDPR (a), 2022).

In agreement of the discussion, The Dublin Mint Office Limited has committed an offense in relation to Art.5. In this context, the United States International Trade Commission notes that with 33 out of 73 violations between May 2018 and September 2019, almost half of the GDPR violations were due to non-compliance with Article 5 (Daigle & Khan, 2020). It is therefore evident that companies often pay too little attention to the article on the principles of processing of personal data, or do not sufficiently understand the regulations.

This is to be viewed particularly critically, since Art.24 regulates the responsibility of the controller and later in this chapter in Art. 37 - Art.40 the conditions and modalities for the designation of a data protection officer and the duties can be found (GDPR (b), 2022). In relation to the data collected by The Dublin Mint Office Limited, the company is required to designate a data protection officer as the company processes special category personal data pursuant to Art. 9 (GDPR (c), 2022).

It should also be noted that in correlation to the violations identified in the case study, the Privacy and Electronic Communications Regulations (PECR) were also affected, as they relate to the rules of marketing communications through the various media, storage of such information and security specifications of the communications services (ICO, 2014). These regulations are to be considered as a basis and as a supplement.

References:

Daigle, B. & Khan, M. (2020). The EU General Data Protection Regulation: An Analysis of Enforcement Trends by EU Data Protection Authorities. *Journal of International Commerce and Economics* 332(1): 13-14. Available from: https://www.usitc.gov/publications/332/journals/jice_gdpr_enforcement.pdf [Accessed: 01.02.2022].

Data Protection Commission (2018) Case Study 3: The Dublin Mint Office Limited. Available from: <https://www.dataprotection.ie/en/pre-gdpr/case-studies#201803> [Accessed: 01.02.2022]

GDPR (a) (2022) Principles relating to processing of personal data. Available from: <https://gdpr-info.eu/art-5-gdpr/> [Accessed: 02.02.2022]

GDPR (b) (2022) Controller and processor. Available from: <https://gdpr-info.eu/chapter-4/> [Accessed: 01.02.2022]

GDPR (c) (2022) Processing of special categories of personal data [Accessed: 01.02.2022]

ICO (2014) Audit: a guide to ICO privacy and electronic communications regulations audits. Available from: <https://ico.org.uk/media/for-organisations/documents/2784/guide-to-ico-pecr-audits.pdf> [Accessed: 02.02.2022]