

Collaborative Discussion 3 – Received Response 4 – Zihaad Khan

Hi Michael

Thank you for your well-articulated post on the Dublin Mint Office Limited case study. It is clear that the company did not comply with Article 5 which states that “Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject” (Intersoft Consulting, N.D.). According to Daigle & Khan (2020) companies most frequently violate Article 5 of the GDPR as these are not clearly understood.

In addition, Dublin Mint Office Limited mentioned that the complainant had not chosen the opt-in option and was marked as opt-out for marketing e-mails only, this did not include telesales (DPC, N.D.). Organisations must clearly present these options and explanations of these if possible. Furthermore, Dublin Mint Office Limited is also in violation of the Privacy and Electronic Communications Regulations (PECR) which sits alongside the GDPR (ICO, N.D.). PECR dictates specific rules around marketing calls and customers not opting in.

Another point to note about compliance of the GDPR is the fines imposed by the GDPR authority on organisations. These can be hefty with a possibility of causing reputational damage, financial loss and loss of customer confidence. All these factors can be detrimental to an organisation’s success.

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 30 January 2022].

DPC (N.D.) Data Protection Commission Case Studies, Pre GDPR – 2017. Available from: <https://www.dataprotection.ie/en/pre-gdpr/case-studies#201803> [Accessed 30 January 2022].

ICO (N.D.) Information Commissioners Office – What are PECR. Available from: <https://ico.org.uk/for-organisations/guide-to-pecr/what-are-pecr/> [Accessed 30 January 2022].

Intersoft Consulting (N.D.) General Data Protection Regulation. Available from: <https://gdpr-info.eu/art-95-gdpr/> [Accessed 30 January 2022].