

GDPR Case Study – Guerin Media Limited

What is the specific aspect of GDPR that your case study addresses?

The case study of Guerin Media Limited (GML) contains two violations of GDPR.

- Article 6 – 1a: Processing is only lawful if the data subject has given consent.
- Article 7 – 3: The data subject can withdraw consent at any time.
- Article 21 -1-3: Data subjects can object to processing of their data at any time, and after objection the data will not continue to be processed.

(European Union, 2016).

GML sent marketing emails to 3 people without prior consent, gave no obvious way to opt out, and ignored eventual requests to cease communications (Data Protection Commission (DPC), no date).

How was it resolved?

GML was prosecuted by Naas District Court and convicted of 4 charges. The resulting fine was €4,000 (DPC, no date). This case was from Ireland pre-GDPR. Under GDPR the potential for larger fines has increased. We Buy Any Car were fined £200,000 for emails sent without consent (BBC, 2021).

If this was your organisation, what steps would you take as an Information Security Manager to mitigate the issue?

To prevent these issues from re-occurring I would set up processes with compliance as the basis:

- Require clear opt-in for marketing emails.
- Have an explicit opt-out option in the email.
- Have an automated process that occurs when people do opt-out that adds them to a database of people not to contact.
- Make sure this database complies with regulations about storing data.
- Have a clear privacy policy, and terms policy explaining what will happen if they do opt-out.
- Have an option for people to request the company to completely remove their data from the company system.
- Train staff on compliance and have a clear process for opt-out through non-automated channels.

I would also consider hiring a compliance officer, whose role would be to focus solely on these issues. This would depend on the size of the company and its resources.

References

BBC. (2021) *Firms fined over 'frustrating' nuisance messages*. Available at: <https://www.bbc.co.uk/news/business-58564072> (Accessed 30 September 2025).

Data Protection Commission. (no date) *pre-GDPR*. Available at: <https://dataprotection.ie/en/pre-gdpr/case-studies> (Accessed 29 September 2025).

European Union. (2016) 'Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation', *Official Journal of the European Union*, L119. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679> (Accessed 29 September 2025).