Trinity College Dublin
Coláiste na Tríonóide, Baile Átha Cliath
The University of Dublin

Trinity Business School

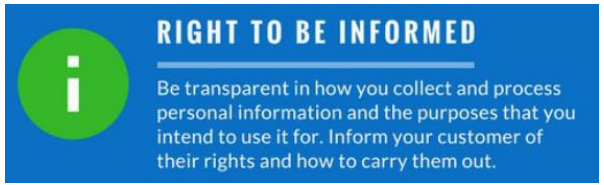
4. Policy

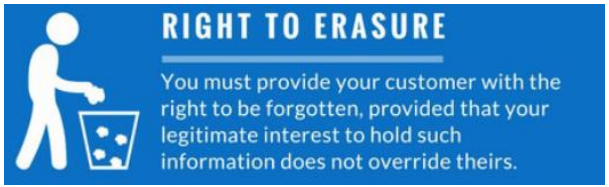
4.1 The Basics of GDPR

The 7 principles of data protection

Source: GDPR.EU, servelT.com

The 8 data privacy rights of customers





Source: GDPR.EU, servelT.com

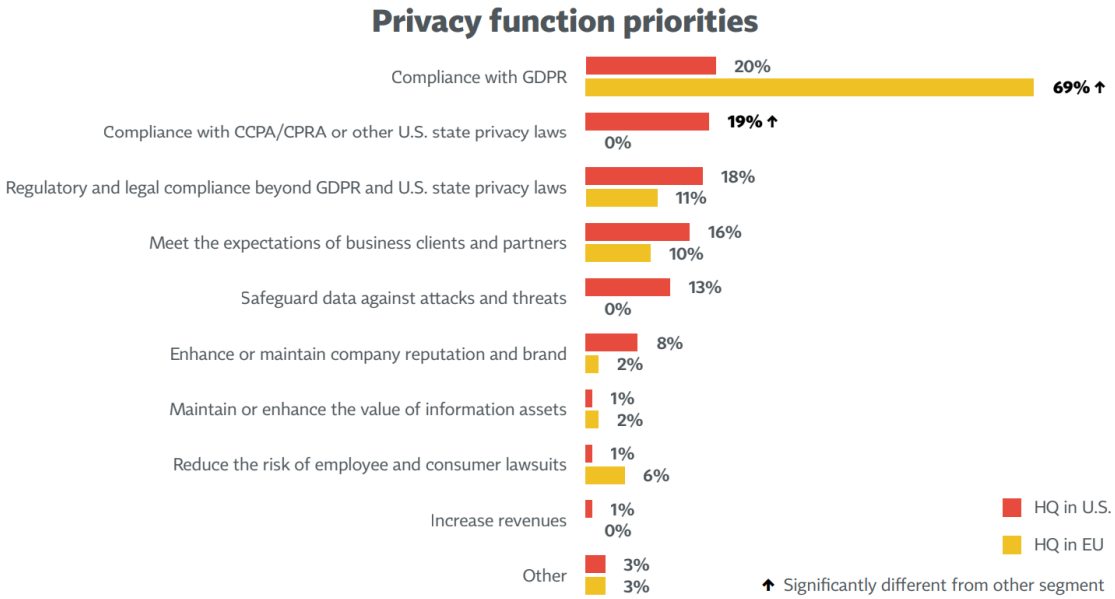
In-class discussion

Based on the reading of the text „Privacy Issues and Data Protection in Big Data" and your personal notes, how do you answer the following questions:

How did the GDPR impact the 2 research projects?

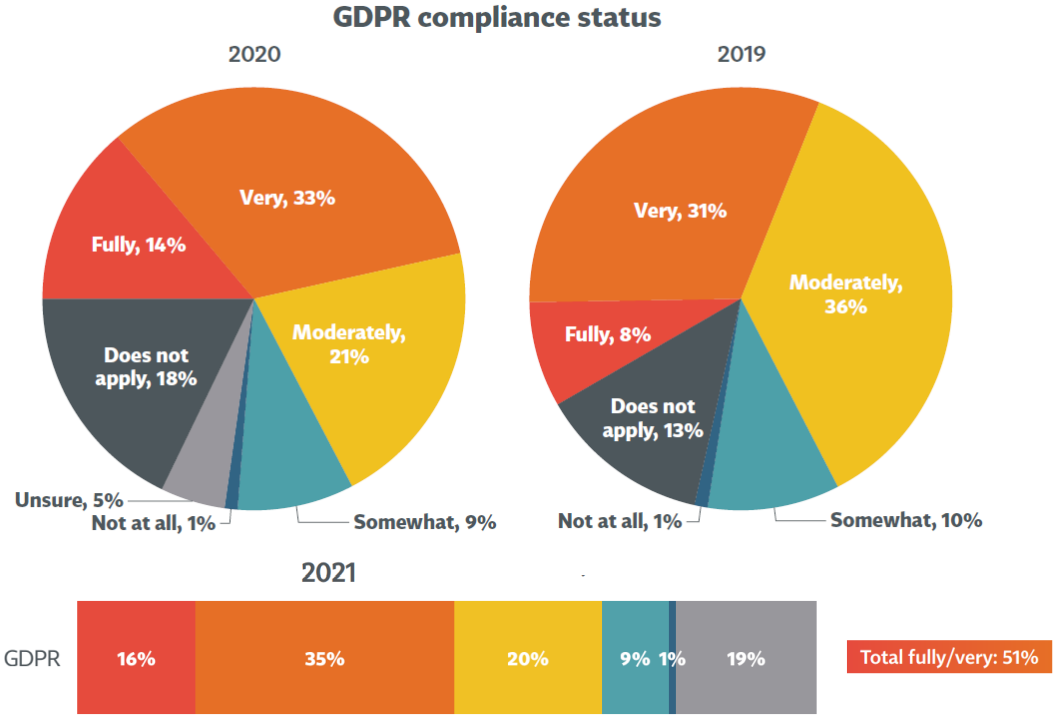
What are the key challenges associated with GDPR-compliant data processing and analysis?

GDPR has become a top priority for privacy professionals



Source: IAPP-FTI Consulting Privacy Governance Report 2021.

The current status of GDPR compliance



BY HQ LOCATION

	U.S.	EU
Level of GDPR compliance		
Fully compliant	16%	12%
Very compliant	29%	**45%**
Moderately compliant	19%	27%
Somewhat compliant	6%	15%
Not at all compliant	1%	0%
GDPR doesn't apply	**23%**	0%

Significantly different than other segment

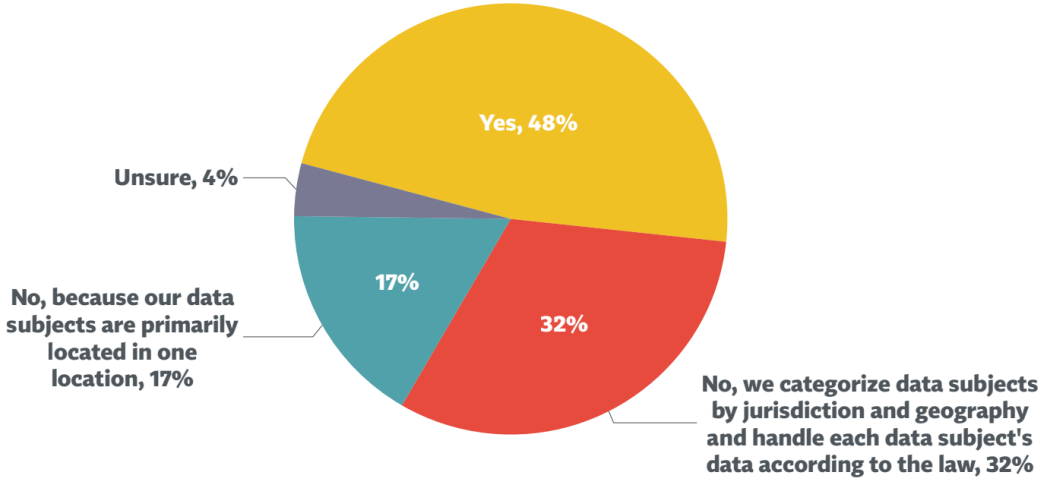
NET "FULLY/VERY" COMPLIENT

U.S.: 45%
EU: 57%

Source: IAPP-FTI Consulting Privacy Governance Report 2020+2021.

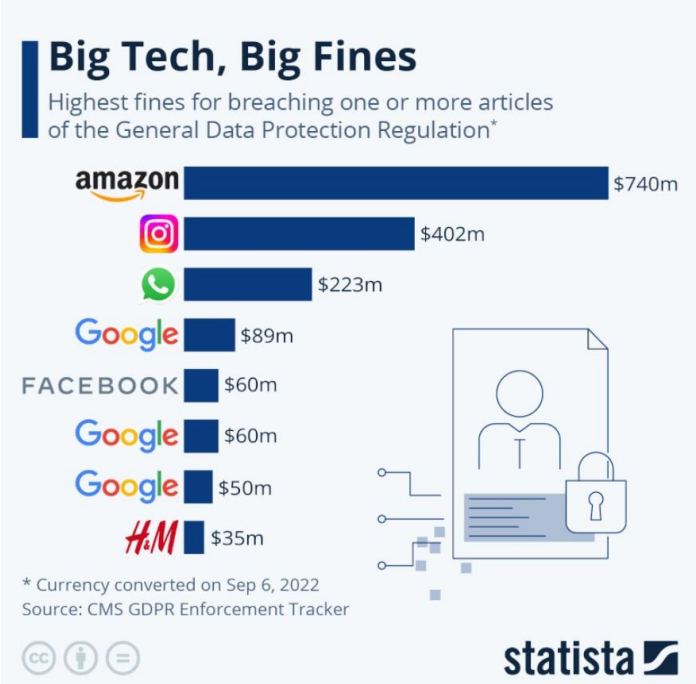
Trend towards global standardization

Does your organization have a single global data protection/privacy strategy for data subjects' rights?



Source: IAPP-FTI Consulting Privacy Governance Report 2021.

Overview of outcomes from enforcing GDPR in EU



Source: Statista, CMS GDPR Enforcement Tracker, 2022.

Enforcement I: The French GDPR fine for Google „Forced consent“

- Google received a 50 Mio. € fine by the French DPA for violating GDPR rules in 2019 in relation to transparency and consent when setting up a new Android device
- Google had not provided clear enough information for consent to be lawfully obtained
- For consent to be a valid legal basis for processing personal data it must be informed, specific and freely given

Enforcement II: The German GDPR fine for H&M

Hamburg
Der Hamburgische Beauftragte für Datenschutz und Informationsfreiheit

H&M

- H&M Germany received a €35.2 million fine in 2020 for the excessive monitoring of several hundred employees by one of the clothing retailer's German subsidiaries
- After employee absences, including vacations and sick leave, supervising team leaders would conduct so-called "Welcome Back Talks" with the employees, and then would record details of those conversations that included their holiday experiences, symptoms of illness, and diagnoses.
- In addition to a meticulous evaluation of individual work performance, the data collected in this way was used, among other things, to obtain a detailed profile of employees for measures and decisions regarding their employment.

Enforcement III: The Irish DPC and Meta

- Meta Platforms Inc. (Instagram) received a 405 Mio. € fine by the Irish DPC for violating GDPR rules in 2022 in relation to the processing of personal data of minors and their privacy
- WhatsApp Ireland Inc. received a fine of 225 Mio. € in 2021 for failing to sufficiently inform users about how their data is processed
- The GDPR's consistency mechanism (coined 'one-stop shop') requires that the supervisory authority in the Member State where a company has declared its main establishment takes the lead on all privacy related matters

Overview of important effects of the GDPR

- Changing the regulatory landscape of data protection on a global scale
- Increased staff in the privacy and data protection area
- Enforcement agencies are overwhelmed with scope and complexity of enforcing the GDPR
- High costs and lack of support for SMEs (EU offers useful GDPR checklist)