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The case study “Cunniffe Electric Limited.” highlighted that the company violated the GDPR regulation. As someone compliant that he received unsolicited marketing text messages without giving the consent to add his phone number to the marketing database. After the first complaint, the company remove his number from the marketing database, however, he got another marketing message. The company said that happened because of an error because the service provider part went to a third-party company. The data protection commissioner decided that Cunniffe Electric Limited entered the guilty plea as they warned the first time. Instead of paying a fine, the court asked to make a 500 Euro as a contribution for court poor box, which is agreed by the company (Data Protection Commission, N.D.).

Phone numbers and email addresses which are collected for delivery purposes cannot be used for marketing purposes without the consent of their owners, whereas, obtaining a valid consent to send marketing text messages or emails to customers, otherwise, the companies breach the marketing regulation (DPC Annual Report, 2017).

Organisations or companies which have electronic marketing activities should check and test their marketing database to ensure that it has up-to-date and valid consent of all customers in their database, moreover, provide the opportunity to opt-out of receiving any kind of marketing communications (Hosford, 2017).

References

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Thanks, Haseeb, for highlighting how companies need to comply with GDPR ensuring they have up to date marketing databases, valid consent, and consumers have the opportunity to opt-out of marketing communications. Companies that collect or control data known as controllers or those who process data known have processors all responsible for ensuring rules for data protection are followed (GDPR.EU, 2022). This

relates to Articles 8, 11, 25-39 and 42-43 (Consulting., 2019), suggesting that even if Cunniffe Electrical Limited hired a third-party service provider, they still have a responsibility to ensure the GDPR rules are adhered to. Whilst the third party can be helpful as it may offer a more efficient service, the hirer is still the controller in this situation. Whilst human error may have been at fault; it is crucial to recognise that effective scrutiny of the service providers history, experience and reputation is checked before hiring them. Staff training can be helpful to support procurement departments in the outsourcing process. A company can be heavily fined for such breaches, as in the Vodafone case in Italy, costing 12 million euros for a similar case example (Bincoletto, 2020). Furthermore, the company should effectively opt out of a policy with time frames and the offering right to be forgotten as you have highlighted. To manage the marketing emails more effectively Lau (2022) suggests encryption of data is crucial whereby any email or marketing that contains personal information must be encrypted. The data controller or processor should utilise a communication system that leverages secure servers and links to keep private information out of publicly shared information (Lau, 2022).

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