

GDPR Case Studies:

My Case Study:

Case Study 3: The Dublin Mint Office Limited

The DPC received a complaint on 13 October 2017 from an individual who had received two marketing telephone calls that same day, one targeted at him and one at his son, from The Dublin Mint Office Limited. The caller in each case had attempted to sell commemorative coins. In his complaint, the complainant explained that he had registered online a few months earlier with the company for an online offer on his own behalf and on behalf of his son, providing the same telephone contact number for both during the online registration process. The complainant stated that he ticked the marketing opt-out box during that online registration process.

During the course of the DPC's investigation, The Dublin Mint Office Limited admitted that it had made the marketing telephone calls. It explained that when the complainant supplied his telephone number during the online application process in May 2017 the order form had only offered an opt-in option to receive marketing mails and emails. The company confirmed that the complainant had not selected the opt-in option and he was therefore marked as opt-out for marketing mails and emails only. The company explained that a gap in the system in place at the time only allowed for an opt-in to marketing mails and emails but that it was not an opt-out for telesales. As a result, the complainant's details were included in a list for a follow-up telesales call. The company informed the DPC that it had written to the complainant to apologise for the inconvenience caused to him and to his son by its inadvertent mistake.

The DPC had previously issued a warning to The Dublin Mint Office Limited in September 2017 concerning other complaints which had been made to the DPC concerning unsolicited marketing communications by the company. The DPC therefore decided to prosecute The Dublin Mint Office Limited. At Dublin Metropolitan District Court on 14 May 2018 the company pleaded guilty to two charges in relation to both marketing telephone calls. It also agreed to cover the DPC's prosecution costs. In lieu of a conviction and fine, the Court applied Section 1(1) of the Probation of Offenders Act.

The case study illustrates the continued usage of personal data even after an individual has expressly declined to receive promotional mailings. Here, the

company manipulated the lack of a clearly defined "opt out" option for telesales calls to their benefit. This is an example of intentionally misleading a user. After receiving several reports and concerns from users, the DPC conducted a thorough preliminary investigation and determined that the company had illegally handled the personal data of millions of users for telemarketing purposes. The DPA discovered, among other things, that individuals had received promotional calls from The Dublin Mint Office Limited that were not requested and were sometimes recorded. Even after asking The Dublin Mint Office Limited to remove their information, some data subjects continued to receive marketing calls.