

GDPR Case Study

Case: Case Study 3 of 2018

Company: The Dublin Mint Office Limited

Year: 2018

Issue: Unsolicited marketing telephone calls despite user opt-out

Question One

What is the specific aspect of GDPR (or data protection law) that your case study addresses?

This case primarily concerns direct marketing and consent, which, while rooted in pre-GDPR legislation, aligns closely with the GDPR's and ePrivacy Directive's focus on lawful processing and data subject rights.

Relevant legal principles:

- Consent for direct marketing: Marketing communications require prior and informed consent, including telesales.
- Transparency and clarity in processing.
- Right to object to direct marketing.

Question Two

How was it resolved?

The DPC investigated and confirmed that The Dublin Mint Office made marketing calls without valid consent, due to a systemic issue where users could opt-out of email and mail marketing but not telesales. Despite a warning for similar conduct, the company repeated the offence. As a result, the DPC prosecuted, and on 14 May 2018, the company pleaded guilty to two charges. It agreed to cover legal costs and was dealt with under the Probation of Offenders Act, meaning no conviction was recorded.

Question Three

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

Fix Consent Capture Mechanisms.

- Ensure clear, specific and separate consent options for: Email, SMS, Phone calls and Post.
- Enable opt-in, not opt-out by default.

Review and Redesign Customer Relationship Management (CRM) Systems.

- Audit all marketing databases and contact lists.
- Remove entries without valid consent.
- Ensure consent status is accurately recorded and segmented by communication channel.

Policy and Legal Review - Revise Privacy Policy and Terms & Conditions.

- Clear explanations of consent.
- How users can opt out or withdraw consent.
- Ensure alignment with GDPR and ePrivacy regulations.

Staff Training - Train all relevant staff, especially marketing and customer service.

- Legal requirements for consent
- Risks of non-compliance
- How to handle opt-out requests properly

Monitoring and Reporting

- Set up regular audits of outbound communications.