

# Network and Information Security Management November 2021 B

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## « Collaborative Learning Discussion 3



[Pavendran Wimalendran](#)

### Initial Post

11 days ago

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### Summary of the case study:

The prosecution of AA Ireland Limited is the subject of this case study, which addresses the application of data protection law to unsolicited marketing communications. The DPC received a complaint in December 2017 from a person who had received unsolicited marketing text messages from AA Ireland Limited despite repeatedly requesting that he not be contacted for marketing purposes. AA Ireland admitted during the investigation that the complainant had requested that he not receive marketing messages, that his request should have been honoured, and that his personal information should not have been utilised for marketing reasons. The issue, according to the company, was caused by human error.

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

Privacy and Electronic Communications Regulations (PECR). Unsolicited communication refers to the use of personal information for marketing purposes without the consent of the subject. (IOC, n.d.a)

If two parties have an ongoing or recent relationship, contact from one to the other may not be considered unsolicited because some kind of consent may be present, but in this situation, the individual made it obvious during the phone call that he did not want to be contacted. As a result, any attempt to communicate will be considered unsolicited communication. (DPC(2), n.d.a)

### How was it resolved?

AA Ireland Limited entered a guilty plea to one offence. It also agreed to cover the prosecution costs incurred by the DPC. In lieu of a conviction and fine, the Court applied Section 1(1) of the Probation of Offenders Act. (DPC(1), n.d.a)

### Steps to stay GDPR Compliant:

It would be my responsibility as an information security manager to ensure that personnel (agents) who work with personal data are aware of their GDPR requirements. And then I'll take the following actions to archive it.

- Provide frequent training to agents to ensure that they are correctly doing their duties and are aware of the importance of data privacy and the implications of violating these requirements.

- Radom Monitoring will be implemented to ensure that agents follow the expected standard. Any flaws that are discovered will be used to improve the process.

References:

DPC(1): Data Protection Commission. (2020) Case Studies. Available from: <https://www.dataprotection.ie/en/pre-gdpr/case-studies#201802> [Accessed 25 January 2021].

DPC(2): Rules for Direct Electronic Marketing. Data Protection Commission: For Organizations. Available from: <https://www.dataprotection.ie/en/organisations/rules-electronic-and-direct-marketing> [Accessed 25 January 2021].

ICO. Marketing and consent. Available from: <https://ico.org.uk/for-organisations/sme-web-hub/frequently-asked-questions/marketing-and-consent/> [Accessed 25 January 2021].

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## 2 replies

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Post by [Hendrik Van Rooyen](#)

[9 days ago](#)

Peer Response

Hi Wimal,

I found your suggestions very good regarding how to keep the personnel up-to-date with GDPR compliance.

According to Article 22(2)(c) in the GDPR (2016), the data subject should give their explicit consent. In the case study you presented, it seemed that the agent wasn't even offering this question and that the complainant had to suggest it, and on multiple occasions. Furthermore, the fact that the reason was because of a human error makes me wonder that even though training could improve the situation, that perhaps there is a way for the organisation to eliminate or reduce the human part.

Do you think there is a way an organisation can have the processes automated? Examples can be to rather handle insurance quotes through a series of online questions, with an opt-out option for the data subject, instead of having to make a phone call or offer steps to be filled out before exposing the contact number? Thereby the data subject can already have the opt-out option selected before initiating further processing and the organisation has to rely less on an agent making the correct decisions and more on software being correctly implemented.

### References

EUR-Lex. (2016) GDPR: Available from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02016R0679-20160504> [Accessed 8 February 2022].

**Reply**

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Reply to

[Hendrik Van Rooyen](#) from [Pavendran Wimalendran](#) ↑[8 days ago](#)*Re: Peer Response*

Hi Hendrik,

Thank you for your feedback. I completely agree that automating the insurance quote process will eliminate the risk of human error, and I believe that the organisation already provides such a service. However, there will always be people who prefer to interact with humans rather than machines, and I am confident that AA Ireland wants to sell insurance through all available channels and does not want to lose these customers, even if they are a small number.

However, as you said, there is an alternative worth considering where at least the first portion of the process is automated in some way, allowing the consumer to choose an opt-out option and possibly specify a few other preferences before revealing their contact information. (For example, they may need to fill out a brief form and obtain a code/reference before contacting the agents, after which the agents should be permitted to continue working on the form that the client had started.)

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