



GDPR infringement cases

Yuli Stremovsky





Google has been fined €100 mln

1. Company was depositing user cookie before getting user consent without being given an opportunity to refuse.
2. Upon their visit to a website, users should be shown a cookie banner setting out the explicit purposes for which cookies are used, and mentioning the possibility of disabling or opposing these cookies and change parameters by way of a link included in the banner;

<https://privacyinternational.org/news-analysis/4347/cnil-fines-google-and-amazon-unlawful-use-cookies>



Twitter has been fined €450,000

1. Due to late breach notification.
2. **GDPR Article 33** - organizations have 72 hours for breach notification.
3. Twitter was not fined for the data breach itself.

<https://www.pinsentmasons.com/out-law/news/twitter-gdpr-dispute-resolved-by-edpb>

My customers have templates of the breach notification documents.



1&1 has been fined €9.55 mln

1. Failing to put “**sufficient technical and organizational measures**” in place to protect customer data in its call centers.
2. Callers to its call center could obtain customer information by simply providing their name and date of birth which meant that its customer's personal information was not properly safeguarded.
3. **GDPR Article 32** - companies are obliged to take appropriate technical and organizational measures to systematically protect the processing of personal data."

<https://www.techradar.com/news/1and1-hit-with-million-euro-gdpr-fine>





Marriott has been fined £18.4 mln

1. Marriott estimates that 339 million guest records worldwide were affected following a cyber-attack in 2014 on Starwood Hotels and Resorts Worldwide Inc.
2. The attack, from an unknown source, remained undetected until September 2018, by which time the company had been acquired by Marriott.
3. “Personal data is precious and businesses have to look after it”.

<https://www.techradar.com/news/marriott-owner-facing-huge-gdpr-breach-fine>





British Airways has been fined £183 mln

1. 380,000 customer accounts being compromised.
2. Exposed names, addresses, emails, credit card numbers and expiry dates, cc security codes
3. “That’s why the law is clear – when you are entrusted with personal data you must look after it.”

<https://www.techradar.com/news/british-airways-gets-hammered-with-a-record-pound183m-fine-for-data-breach>





Google has been fined £44 mln

1. Google had not obtained clear consent to process user data (for ads personalization).
2. Option to personalise ads was "pre-ticked" when creating an account, which did not respect the GDPR rules.

<https://www.bbc.com/news/technology-46944696>



TIM - Italian Telecom has been fined €27.8 mln

1. Telecommunications company made promotional phone calls without customer consent.
2. Complainants either had their numbers on the Public Register **do-not-call list** or previously **opted out of receiving phone calls** from the company.

<https://dataprivacymanager.net/e278-million-gdpr-fine-for-italian-telecom-tim/>





H&M has been fined €35 mln

1. Due to technical error, the data on the company's' network drive was accessible to everyone in the company for a few hours.
2. Company collected sensitive personal data of their employees through whispering campaigns, gossip, and other sources to create profiles of employees and used that data in the employment process.

<https://www.jdsupra.com/legalnews/h-m-fined-35-million-euros-for-gdpr-59194/>





Austrian Postal Service has been fined €18 mln

1. The Austrian Post used collected personal data to offer marketing services to various political parties for advertising.
2. 2.2 million data sets were used to determine or outline the political affinity of Austrian citizens.


<https://dataprivacymanager.net/will-austrian-post-pay-e18-million-gdpr-fine/>



Deutsche Wohnen SE has been fined €14.5 mln

1. Over retention of personal data.
2. Data Controller did not have a legal ground to store personal data longer than was necessary;
3. Second, this was considered an infringement of the data protection by design requirements under Article 25 (1) GDPR;
4. Finally, it was an infringement of the general processing principles set out in Article 5 GDPR.

<https://www.dataprotectionreport.com/2019/11/first-multi-million-gdpr-fine-in-germany-e14-5-million-for-not-having-a-proper-data-retention-schedule-in-place/>





Rapidata has been fined €10,000

1. Failure to appoint a Data Protection Officer

<https://www.robin-data.io/en/data-protection-academy/news/data-protection-fine-germany-telecommunication-service-provider-rapidata>



Finish Posti Oy has been fined €100,000

1. Failure to process personal data in a transparent manner (the 'Transparency Case').
2. Individuals who had recently submitted a change of address were commercially contacted by various companies.
3. Data subjects were not properly provided with information in connection with the change of address, most notably information on the right to object to the disclosures

<https://www.dataguidance.com/news/finland-deputy-ombudsman-fines-posti-%E2%82%AC100000-gdpr-transparency-violations>

