

Case studies:

Tesco: Unsolicited email

Pure Telecom & Fairco Ltd : calling individuals listed on the NDD opt-out register

Unsolicited Text: Black Dog Communications Limited

Unsolicited Marketing Phonecalls: UPC prosecuted

Unlawful use of CCTV & biometrics at Boran Plastic Packaging

## Data Breaches

All telecommunications companies and internet service providers are now required to notify the Data Protection Commissioner of every data breach involving a subscriber. They are also required to notify customers in all cases where there is a risk their data may be accessed. Failure to do so can lead to prosecution by the Commissioner with a fine of up to €5,000 per instance. The Commissioner can also for the first time prosecute companies in this area for allowing a data breach with fines on indictment of up to €250,000.

## Cookies

Any company or website placing information, usually by way of what is known as a cookie, on user equipment (computer, smartphone etc) must provide appropriate information to the user and collect their consent except in limited circumstances where the cookie is strictly necessary for the provision of the service in question. In practice this means that websites placing cookies on user equipment that are not deleted when the user leaves their website must identify a means of obtaining user consent.

## Electronic Marketing & Phonecalls

In a strengthening of the laws in this area, it is now an offence for any company or entity to phone a person on their mobile phone for a marketing purpose without having obtained their prior consent for such contact. The requirements now extend to all forms of marketing carried out by means of a publicly available electronic communications service – including, for example, the soliciting of support for charitable organisations or political parties.

For more information, please contact:

Diarmuid Hallinan, Office of the Data Protection Commissioner at 057 868 4800