

Record GDPR fine for Meta

The Irish Data Protection Commissioner (the “DPC”) has recently issued a record fine of €405 million to Meta Platforms Ireland Limited for a number of infringements of the General Data Protection Regulation (the “GDPR”). It is the largest fine imposed by the DPC and is the second largest fine issued under the GDPR.

Background

The fine was imposed following an extensive inquiry into Meta Platforms Ireland Limited’s processing of personal data relating to child users of the Instagram social networking service. The inquiry commenced in September 2020 and focused on the public disclosure of children’s email addresses and phone numbers when using Instagram’s business account feature and the public by default setting for the personal Instagram accounts of child users.

The Decision

The DPC’s decision takes into account the provisions of the European Data Protection Board’s (the “EDPB”) binding decision which was adopted on 28 July 2022. One of the main findings of this decision was that Meta Platforms Ireland Limited was in breach of Article 6(1) of the GDPR in the context of the contact information processing and it directed that an administrative fine should be imposed. The EDPB also stated that the fines in this matter should be at the higher end of the range.

Meta Platforms Ireland Limited was found to be in breach of a number of its obligations under the GDPR in particular articles 6(1), 12(1) and 25 (1).

Ten administrative fines were imposed on Meta Platforms Ireland Limited totalling €405 million. Included in this figure is a fine of €70 million for a breach of Article 12(1) regarding the contact information processing and a fine of €20 million for a breach of article 6(1). The DPC also issued a number of corrective actions which include an order pursuant to Article 58(2)(d) to bring Meta Platforms Ireland Limited’s processing into

compliance with the GDPR in the manner set out in the DPC’S decision. These include providing child users with information in a clear and transparent form on the purposes of the public-by-default processing, implementing appropriate technical and organisational measures in relation to any ongoing contact information and public-by-default processing.

As part of its corrective measures the DPC also issued a reprimand pursuant to Article 58(2)(b) of the GDPR regarding the infringements identified in the DPC’s decision. In the view of the DPC, the reprimand was an appropriate measure to formally recognise the serious nature of the breaches and to dissuade any future infringements of the GDPR by other controllers and processors. The DPC also took into account the large number of children which use the Instagram social networking site.

Implications

This decision also highlights the fact that Supervisory Authorities are willing to issue significant fines to those who are found to be in breach of the GDPR in order to deter and prevent noncompliance and to protect the rights of data subjects.

How Clerkin Lynch can Help

The Data Protection team at Clerkin Lynch assist clients in drafting policies and procedures to ensure compliance with all applicable laws as well as interpretation of complex areas of the GDPR and related guidance for application in particular fact scenarios



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