



Legal Update

TikTok Challenges €345 Million GDPR Fine

The Irish Data Protection Commissioner (the “DPC”) recently imposed a fine of €345 million on TikTok Technology Limited (“TikTok”). The fine was imposed following an investigation by the DPC which commenced in September 2021 into TikTok’s alleged violations of the General Data Protection Regulation (the “GDPR”) relating to children’s data. This is the latest of a number of large fines which the DPC has imposed on social media companies in Ireland.

The Decision

As part of its inquiry the DPC investigated TikTok’s age verification which is undertaken during its registration process and certain platform settings such as public by default and other settings associated with TikTok’s “family pairing” feature. The DPC also examined its transparency obligations and in particular, the extent of information provided to child users in relation to default settings.

The DPC adopted its final decision on 1 September 2023, and it was found that TikTok had infringed articles 5(1)(c), 5(1)(f), 24(1), 25(1), 25(2), 12(1), 13(1)(e) and 5(1)(a). As well as imposing a fine of €345 million, the DPC imposed a number of corrective measures including a reprimand and an order requiring TikTok to bring its processing into compliance by taking the action specified. TikTok had three months to comply with this measure starting from the date the decision was notified to them.

TikTok’s challenge of the Decision:

TikTok has now launched a challenge against the DPC’s decision in the High Court. It has launched Judicial Review proceedings seeking various orders and declarations against the DPC and the Attorney General and is claiming that the DPC’s decisions and findings are flawed and should be set aside. When the decision was published TikTok commented that the DPC’s criticisms focus on features and settings which were in place three years ago and that it had implemented changes to these features and settings prior to the commencement of their investigation.

How can Clerkin Lynch help?

The data protection team at Clerkin Lynch advise on all relevant legislation including GDPR and other privacy regulations. We also assist firms with specific queries as well as drafting related policies and procedures to ensure compliance. We will continue to monitor this case and publish updates in this regard.



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