



## Legal Update

# €91 million GDPR fine

At the end of September, the Irish Data Protection Commission (the "DPC") announced its final decision following an inquiry it launched in April 2019 concerning Meta Platform Ireland Limited's ("Meta") improper storage of passwords. In its decision the DPC fined Meta €91 million and issued a reprimand.

### Background:

The DPC launched its inquiry after it was notified by Meta that it had inadvertently stored some users' passwords in plaintext on its internal data storage systems. This issue was discovered during Meta's routine security review in January 2019 and affected a large number of Facebook and Instagram users. In a statement issued by Meta on its website in March 2019, Meta assured users that the passwords were never visible to anyone outside of Facebook and that they found no evidence that anyone internally abused or improperly accessed the passwords. The DPC was notified of this issue in March 2019 and an investigation was launched in April 2019.

### The DPC's findings:

As required by article 60 of the General Data Protection Regulation (the "GDPR"), the DPC submitted its draft decision to the other Concerned Supervisory Authorities (i.e. the national data

protection regulatory bodies in other EEA states). No objections were raised by these authorities. In its final decision, the DPC found that Meta had infringed articles 33(1) and 33(5) as Meta failed to notify the DPC of a personal data breach concerning storage of user passwords in plaintext and document the personal data breach. Meta was also found to have infringed articles Article 5(1)(f) and Article 32(1) for failure to use and implement appropriate technical or organisational measures.

The DPC issued a number of administrative fines totalling €91 million. A reprimand was also issued.

### How can Clerkin Lynch help?

This decision clearly highlights the need for data controllers to ensure that they are compliant with all GDPR obligations and in particular notifying the DPC of a data breach without undue delay and documenting any such data breaches. The data protection team at Clerkin Lynch will continue to monitor this area and will post relevant updates.



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