



Legal Update

€310 million LinkedIn GDPR Fine

The Irish Data Protection Commission (the “DPC”) recently issued three administrative fines totalling €310 million to LinkedIn Ireland Unlimited Company (“LinkedIn”). The fines together with a reprimand and an order to bring its processing into compliance were imposed as a result of an inquiry into LinkedIn’s processing of personal data for the purposes of behavioural analysis and targeted advertising of users who have created LinkedIn profiles.

Background:

The DPC launched its inquiry following a complaint made to the French Data Protection Authority by a French non-profit organisation. As LinkedIn has its EU headquarters in Ireland it was the responsibility of the DPC as lead supervisory authority for LinkedIn to investigate the matter further. The DPC investigated LinkedIn’s processing of personal data for the purposes of behavioural analysis and targeted advertising of users who created accounts on the platform.

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. No objections were raised by these authorities. The decision concerned the lawfulness, fairness and transparency over how LinkedIn processed its users’ data and in its final

decision, the DPC found that LinkedIn had infringed the following articles of the GDPR:

- Article 6 – the decision records that LinkedIn did not validly rely on articles 6 (1) (a), 6 (1) (f), and 6 (1) (c).
- Articles 13(1)(c) and 14(1)(c) GDPR; and
- Article 5 (1) (a).

The DPC issued a number of administrative fines totalling €310 million. A reprimand was also issued and an order to bring its processing into compliance with the GDPR.

How can Clerkin Lynch help?

This decision highlights the importance of ensuring that processing of personal data is only carried out once an appropriate legal basis has been identified. The Data Protection team at Clerkin Lynch can assist with regard to ensuring compliance with the GDPR.



Mark Browne

Partner

Email:

markbrowne@clerkinlynch.com



Eileen Woods