



Legal Update

Court Case Shows Marketing Compliance is Vital

The Data Protection Commission (“DPC”) of Ireland recently achieved a noteworthy prosecution in Cork District Court over breaches of marketing laws, reflecting increasing scrutiny on how businesses manage digital communications. The case underscores the importance of robust compliance practices, particularly in light of broader global efforts to tighten regulations on data usage in advertising.

Background

On 20 November 2024, a company pleaded guilty to multiple offences involving unsolicited marketing emails and failing to provide customers with a valid opt-out option. These infractions occurred despite prior warnings from the DPC. The court, acknowledging remedial actions taken, applied the Probation Act and imposed modest costs.

A Broader Context: Regulatory Shifts

The prosecution coincides with heightened supervisory activity across Europe. Notably, the European Data Protection Board (“EDPB”) recently mandated changes to Meta’s targeted advertising model, underscoring the GDPR’s stringent consent requirements. Meta’s subsequent shift to a subscription model for ad-free platforms reflects the intensifying regulatory push for compliance in digital advertising practices.

Additionally, discussions at the IAPP (“International Association of Privacy Professionals”) Global

Privacy Summit highlighted growing complexities in digital governance, with regulators and privacy professionals emphasizing integrated approaches to data management, AI oversight, and cybersecurity. These evolving dynamics suggest companies must adapt to maintain compliance while fostering consumer trust.

Response and Next Steps

This latest enforcement action illustrates the DPC’s commitment to ensuring compliance with GDPR and related regulations. Companies are advised to review their marketing practices, consent frameworks, and opt-out mechanisms to avoid penalties.

How Clerkin Lynch Can Help

At Clerkin Lynch, we specialize in GDPR and digital compliance advisory. Our team can assist in conducting risk assessments, implementing compliant marketing strategies, and navigating regulatory investigations. Contact us for expert guidance tailored to your business needs.



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