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Keeping Tabs on GDPR Enforcement

Enforcement of the E.U.'s sweeping new privacy law has begun, surprising some who thought there would be a trial period before the fines came. Companies taking "a relaxed position or preferring to 'see how things develop' before they take GDPR compliance measures could find themselves unpleasantly surprised," Frank Fine, the director of EC Competition Law Advocates in Brussels, told me.

The largest fine to date was levied by the French Data Protection Authority (CNIL) against Google – €50 million for lack of transparency in its privacy policies and failure to properly obtain consent for personalized ads. Though this and the other penalties are not close to the maximum fine of 4 percent of annual turnover, the actions so far, which also require remediation, show that the law has some teeth. They also reveal how the authorities may interpret the laws' requirements.

Smaller cases, for example, have targeted a hospital in Portugal for allowing excessive access to its network, a social media site in Germany for storing passwords in plain text and a series of small businesses in Austria for using closed-circuit TV cameras too broadly. The U.K. has brought an action against a Canadian data aggregation company because of how it used data in political ads – a reminder that non-E.U. companies can certainly be affected. Further, companies may be facing multiple agencies if activities span jurisdictions, as it may not be clear when the GDPR's "one-stop-shopping" mechanism that allows companies to deal with one lead supervisory authority will apply. (It did not for Google, whose main establishment is in Ireland.)

For companies processing cross-border data during internal investigations, and those conducting [certain types of due diligence](#), the GDPR looms large. We have covered in-depth how [privacy laws affect global investigations](#), as well as how the U.S. authorities [may view](#) the obstacles these laws pose to obtaining the data requested – a [perennial problem](#) during anti-corruption internal investigations – and provided strategies for surmounting these challenges.

Look for our continuing insight on how to gather data from around the world, and my analysis of these GDPR cases with exclusive input from practitioners in the regions where the action is unfolding.

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