Unit 8 – Collaborative Discussion 3 – Initial Post

**Case Study: Virgin Media Ireland Limited**

* What is the specific aspect of GDPR that your case study addresses?
* How was it resolved?
* If this was your organisation what steps would you take as an Information Security Manager to mitigate the issue?

The Data Protection Commission (DPC) received a complaint from an individual that was subjected to unsolicited marketing telephone calls from Virgin Media Ireland Limited. This occurred after the individual requested more than once that the company should remove her from their database and should not call her in future (DPC, N.D). An investigation was conducted by the DPC which resulted in the organisation accepting guilt pleading human error and consequently being fined.

In terms of the General Data Protection Regulation (GDPR) act, Virgin Media Ireland Limited was in breach of the following articles (Intersoft Consulting, N.D):

* Article 6: Lawfulness of processing – since the data subject has not given consent to the organisation to process her data.
* Article 7: Conditions for consent – since Virgin Media Ireland Limited was unable to demonstrate consent received from the complainant.
* Article 21: Right to Object – since the data subject has objected to the processing of her data for direct marketing purposes.

Human errors are inevitably going to be present in organisations however the priority should be to minimize this as much as possible by implementing foolproof policies and procedures. Strict policies should exist as well as mandatory GDPR specific training for all staff in the organisation. Furthermore, one of the mitigation techniques that could be used is a central communication system where all calls route through. Once a call is made, screening occurs to determine if calls have been made to a subscriber previously. In addition, the Information Commissioners Office (ICO, 2020) mentions that evidence of consent should be kept. Consent in terms of telemarketing can be achieved by calls being recorded (consent for call recording is also required).

References

DPC (N.D) Data Protection Commission Case Studies, Pre GDPR – 2017. Available from: <https://www.dataprotection.ie/en/pre-gdpr/case-studies#201712> [Accessed 22 January 2022].

Intersoft Consulting (N.D) General Data Protection Regulation. Available from: <https://gdpr-info.eu/art-95-gdpr/> [Accessed 22 January 2022].

ICO (2020) Guide to the General Data Protection Regulation (GDPR). Available from: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/consent/> [Accessed 22 January 2022].