



International Privacy Laws and Enforcement

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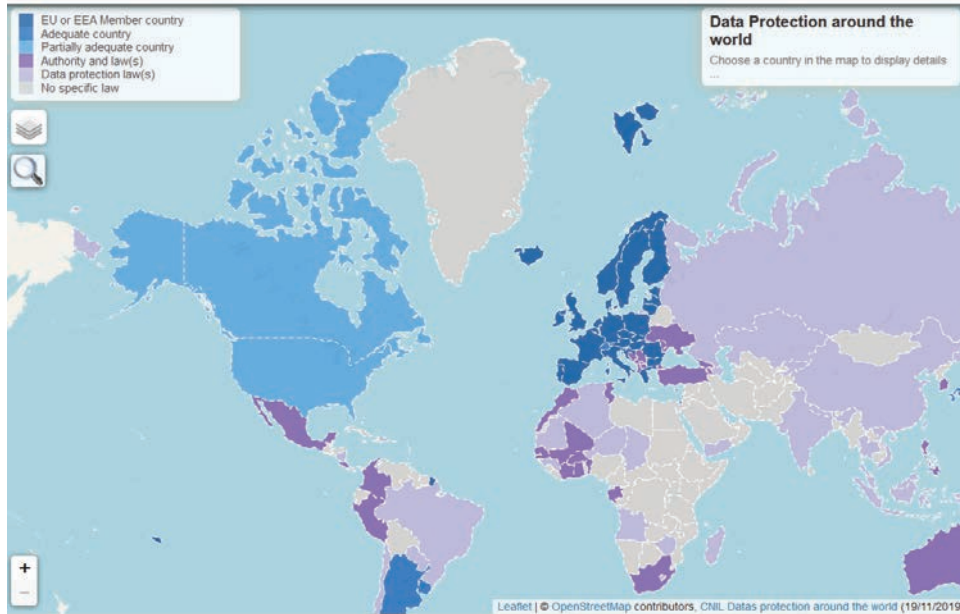
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Privacy Laws in the World



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Enforcement of privacy laws in the EU/UK – The Basics (I)

Supervisory Authorities (SAs) have a wide range of corrective powers under the GDPR:

- Lodge investigations into GDPR compliance
- Issue warnings and reprimands; order processing bans; restrict (international) data flows
- Impose administrative fines of up to €20 million or 4% of worldwide annual revenues (whichever is greater) both on data “controllers” and “processors”

= **game changer** + main reason why all companies
in scope of the GDPR should pay attention!

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Enforcement of privacy laws in the EU/UK – The Basics (I) (Continued)

Contrary to EU competition Law, no enforcement at EU level:

- Each SA can enforce in its own country
- BUT: European Data Protection Board (EDPB) is expected to coordinate enforcement action in cross-border cases
- If “One-Stop-Shop” (OSS) applies, companies can deal with one regulator only; all concerned SAs must cooperate



Enforcement of privacy laws in the EU/UK – The Basics (II)

Between 25 May 2018 and 30 November 2019, 22 SAs issued 785 fines across the EU/EEA = regulators had a slow start?

- SAs had to adapt to new enforcement powers
- Apparently many more in the pipeline!
- Main issues leading to enforcement action:
 - Insufficient legal grounds for data processing
 - Lack of data security

In terms of private action, individuals can:

- Lodge complaints before the SAs
- Mandate a consumer protection body to bring claims on their behalf ► opens the door to “class actions”?
- Have the right to receive compensation from the data controller or processor if they have suffered “material or non-material damage” as a result of a GDPR violation

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