



noyb – European Center for Digital Rights
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IRELAND

Facts:¹

- **Data Protection Authority (DPA):**
[Data Protection Commission](#) (DPC)
- **Budget of DPA in 2022:**
€23.200.000,--
- **Employees in 2022:**
257
- **Overview of complaints filed by noyb:** [link](#)

What doesn't work? – Practice vs. law:

1. ***Irish DPC became European ,enfant terrible'***: When the GDPR was introduced, the so-called “consistency mechanism” was introduced to ensure that the EU Data Protection Authorities (DPAs) pull into the same direction. The Irish Data Protection Commission (DPC) has notably undermined the system by not sharing documents,² delaying procedures³ and recently even filing a lawsuit against the European Data Protection Board⁴ – the forum that is meant to coordinate EU DPAs. Fights between the DPC and other EU regulatory became a common theme⁵ and votes that are Ireland versus 26 others are not uncommon.⁶
2. ***99% of all complaint do not lead to a decision:*** According to the DPC's Annual Reports there were between 1,928 and 6,904 GDPR complaints per year, for a total of 19,581 complaints since the GDPR entered into force⁷ – the vast majority from within Ireland. Nevertheless, the DPC only produced 37 formal decisions within five years.⁸ Only 8 of them were based on a complaint, meaning that only 0.04% of all complaints led to a formal decision of the DPC. While the DPC claims that many cases lead to an “amicable resolution” noyb consistently receives emails with evidence that complaints are simply closed without consent by the complainant.
3. ***Badly managed procedures:*** Over the past five years, the DPC developed a skill in complicating procedures further and further. It is not uncommon that the DPC produces a “draft report”, “final report”, “preliminary draft decisions” or a “draft decision” together with additional “schedules” and countless letters – just in the course of a single procedure. This approach can lead to files of more than 5.000 pages even for simple legal questions. The first three complaints filed after the GDPR came into force were not decided for more than 4.5 years, even when the EDPB issued its clear guidelines on the matter after eight months.
4. ***Selling tough European fines as Irish DPC's fines:*** While the track record of the DPC is far from ideal, the DPC has developed remarkable public relations skills. Most notable, it managed

¹ EDPB, *Overview on resources made available by Member States to the Data Protection Supervisory Authorities*, 5 September 2022 ([link](#)), p. 3 and 6.

² <https://noyb.eu/en/irish-dpc-removes-noyb-gdpr-procedure-criminal-report-filed>

³ <https://noyb.eu/en/judicial-review-against-dpc-over-slow-procedure-granted>

⁴ DPC press release of 4th January 2023, available [here](#).

⁵ Irish Times, 17th March 2021, available [here](#).

⁶ Politico EU, 5th December 2021, available [here](#).

⁷ DPC Annual Reports, available [here](#).

⁸ “Larger-scale Inquiries where Orders and Fines Considered and/or Imposed”, available [on the DPC's website](#).

to sell “blockbuster fines” as the DPC’s work, when they were in fact forced upon the DPC by the EDPB. Nevertheless, most media took up the “Irish DPC fined X” story.⁹

5. **Pure paper review:** Just like many other DPAs, the DPC does not typically investigate matters, but solely relies on representations by companies. No witnesses are called in, no on premises investigations made – making sure that companies can easily get away with GDPR violations.
6. **Costly litigation:** Over the past years, the DPC has burnt Millions of taxpayer money in often useless or unnecessary procedures.¹⁰
7. **Parliamentary report not implemented:** Already in 2021, the Joint Committee on Justice of the Irish Parliament has issued a [report with a number of recommendations](#) to improve the work of the DPC. So far most of the recommendations are not implemented.

⁹ For example BBC, 4th January 2023, available [here](#).

¹⁰ Irish Examiner, 30th October 2020, available [here](#).